



PARLIAMENT
OF THE
COMMONWEALTH
OF AUSTRALIA

The Second Chamber

Enhancing the Main Committee

House of Representatives

Standing Committee on Procedure

July 2000

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The Parliament of the Commonwealth of Australia

The Second Chamber

Enhancing the Main Committee

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Contents

Membership of the Committee.....	vii
Terms of reference of the committee.....	ix
Reference guide	xi
List of recommendations.....	xiii

Part I: History

1 The Main Committee: 1994-2000	3
Introduction.....	3
Birth	3
Conception.....	4
Matters of practice and procedure	6
Controversy and contention	7
Character development	9
Coming of age.....	10

Part II: Evaluation

2 Expectations	15
Introduction.....	15
The Procedure Committee's expectations.....	15
The Government's expectations.....	17
Members' expectations.....	18
The media's expectations.....	18
Conclusion.....	19

3	Achievements	21
	Introduction.....	21
	First review.....	21
	The current review.....	23
	Quantitative performance indicators.....	23
	A model for Westminster	25
	Qualitative performance indicators	26
	Conclusion.....	27

Part III: Proposals for change

4	Recognition.....	31
	Introduction.....	31
	Image	31
	Name.....	33
	Location.....	34
	Improvement of debate—Interventions.....	36
5	Operation.....	39
	Introduction.....	39
	Hours and duration of meetings	39
	Management of business	43
	Control of meetings.....	43
	Facilities	46
6	Business.....	49
	Introduction.....	49
	Types of business	49
	Problems	50
	Solution	52
	Proposed standing orders.....	54
	Interpretation of standing order.....	54
	Conclusion.....	56

Appendices

Appendix A: Conduct of the review	59
Round table discussion	60
Survey of Members	61
Briefing by Sir Alastair Goodlad	62
Evidence.....	62
Appendix B: General statistics.....	63
Figure 1: Number of bills guillotined 1985-2000.....	63
Figure 2: Number of bills referred to the MC 1994-2000.....	64
Figure 3: Pctg of bills introduced referred to the MC 1994-2000	64
Figure 4: Hours of sitting time per Act 1991-2000.....	65
Table 1: Items of business debated in the MC 1994-2000.....	65
Table 2: Members' statements & adjournment debate in the MC 1998-2000.....	66
Figure 5: Pctg of MC time spent on different categories of business 1994-2000	67
Figure 6: Hours of sitting of the House and the MC 1994-2000.....	68
Appendix C: Meetings of the Main Committee.....	69
<i>Annual</i>	
Figure 1: Hours of meeting in the MC in 1994.....	69
Figure 2: Hours of meeting in the MC in 1995.....	70
Figure 3: Hours of meeting in the MC in 1996.....	70
Figure 4: Hours of meeting in the MC in 1997.....	71
Figure 5: Hours of meeting in the MC in 1998.....	71
Figure 6: Hours of meeting in the MC in 1999.....	72
Figure 7: Hours of meeting in the MC in 2000.....	72
<i>By day of sitting week</i>	
Figure 8: Hours the MC met on Mondays 1994-2000	73
Figure 9: Hours the MC met on Tuesdays 1994-2000	73
Figure 10: Hours the MC met on Wednesdays 1994-2000.....	74
Figure 11: Hours the MC met on Thursdays 1994-2000.....	74

Appendix D: Interventions in the UK House of Commons	75
Extract 1	76
Extract 2	77
Extract 3	78
Extract 4	78
Extract 5	78



Membership of the Committee

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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



Reference guide

<i>About time</i>	Standing Committee on Procedure, <i>About Time: Bills, questions and working hours</i> , October 1993
H. C. Deb.	(UK) House of Commons Debates (<i>Hansard</i>). References are to Session, volume and column, e.g. H. C. Deb. (1998-99) 332, c98*
H. R. Deb.	House of Representatives Debates (<i>Hansard</i>). References are to Date and page, e.g. H. R. Deb (31.5.2000) 1234
<i>H. R. Practice</i>	L. M. Barlin (ed), <i>House of Representatives Practice</i> , 3rd edition, AGPS Canberra, 1997
<i>It's your House</i>	Standing Committee on Procedure, <i>It's your House: Community involvement in the procedures and practices of the House of Representatives and its committees</i> , October 1999
<i>Parliamentary calendar</i>	House of Commons Select Committee on Modernisation of the House of Commons, Session 1998-99, First report, <i>The parliamentary calendar: Initial proposals</i> , 2 December 1998*
<i>Reid and Forrest</i>	G. S. Reid and Martyn Forrest, <i>Australia's Commonwealth Parliament 1901-1988: Ten perspectives</i> , Melbourne University Press, 1989
<i>Short speeches</i>	Standing Committee on Procedure, <i>Provision for Members to make short speeches in the Main Committee</i> , September 1997
SO	House of Representatives standing order

<i>Time for review</i>	Standing Committee on Procedure, <i>Time for review: Bills, questions and working hours: Review of procedural changes operating since 21 February 1994</i> , June 1995
VP	House of Representatives <i>Votes and Proceedings</i> . References are to Session and page, e.g. VP 1998-1999-2000/1454
<i>Westminster Hall</i>	House of Commons Select Committee on Modernisation of the House of Commons, Session 1998-99, Second report, <i>Sittings of the House in Westminster Hall</i> , 24 March 1999*

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List of recommendations

4—Recognition

Recommendation 1

The committee recommends that the title ‘Main Committee’ be changed to ‘Second Chamber’.

Recommendation 2

The committee recommends that, subject to feasibility, the Main Committee be relocated to a position adjacent to the Chamber and immediately accessible to the public.

Recommendation 3

The committee recommends that the following sessional order be adopted for the remainder of the 39th Parliament:

Interventions in the Main Committee

84A During consideration of any order of the day in the Main Committee a Member may rise and, if given the call, ask the Chair whether the Member speaking is willing to give way. The Member speaking will either indicate his or her:

- (a) refusal and continue speaking, or
- (b) acceptance and allow the other Member to ask a short question immediately relevant to the Member’s speech—

Provided that, if, in the opinion of the Chair, it is an abuse of the orders or forms of the House, the intervention may be denied or curtailed.

5—Operation

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.'

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.

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.

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.

6—Business

Recommendation 8

The committee recommends that the following provision be added to standing order 331 (Selection Committee):

(h) The committee may select orders of the day, committee and delegation reports, and private Members' business, for debate in the Main Committee and report its determinations to the House. If it does so the following provisions will apply:

- (i) Upon presentation of a report of the committee nominating items for debate in the Main Committee, the report will be deemed adopted by the House and the items shall be deemed to be referred to the Committee.
- (ii) The business so referred will have priority in the Main Committee after 4.30 p.m. on the sitting Wednesday immediately following the presentation of the report of the Selection Committee until the adjournment of the committee on that day.
- (iii) Any items referred to the Main Committee under these provisions will be deemed to be returned to the House for further consideration at the adjournment of the Main Committee on the relevant Wednesday.

Some minor alterations would also be required to other standing orders including 104A, 104B and 270.

Part I: History

Chapter 1—The Main Committee: 1994-2000

The Main Committee: 1994-2000

Introduction

- 1.1 This chapter outlines the history of the Main Committee and concentrates on key stages in its formation and development. The next chapter discusses in more detail the motivation for its establishment and the expectations which were held of it. The third chapter assesses the extent to which it has met those expectations.

Birth

- 1.2 When the House of Representatives adjourned at 4.40 p.m. on 9 May 1901 it had concluded its first day of sitting with a dispute over rules of procedure and the first attempt at dissent from a Speaker's ruling. Indeed the House had met without its own standing orders and continued to operate for some time with what Edmund Barton described as a 'compilation which endeavoured to interweave what were thought to be the best of those of the various Parliaments'.¹ There were no similar problems when the Main Committee met for the first time on 8 June 1994.
- 1.3 Proceedings started with a statement from the Chair:

Before the Clerk of the Committee calls on the first item of business for consideration, it might be appropriate if I outline some matters of practice and procedure relating to the Main

1 H. R. Deb. (9.5.1901) 25. The Prime Minister may have exaggerated the inclusiveness of the compilation; see *Reid and Forrest*, p 134 ff

Committee deliberations. The proceedings of the Main Committee are very much proceedings of the parliament and, as such, warrant the same respect as those conducted in the House of Representatives chamber. As a general rule, the practice and procedure observed in the chamber will apply in the Main Committee unless the standing orders specifically provide otherwise. ...²

- 1.4 Deputy Speaker Jenkins went on to outline the more important features of the Main Committee in action—rules of behaviour, seating, quorum, suspension for divisions in the House, decision of questions, official records and facilities—and concluded by remarking:

I am sure that, with the cooperation of all members, the Main Committee will make the positive contribution to the workings of the House of Representatives envisaged by the Standing Committee on Procedure.³

- 1.5 The then Leader of the House and Minister for Finance, Mr Beazley, moved that the first piece of legislation to be considered by the Main Committee—the Superannuation Legislation Amendment Bill 1994—be read a second time. The then Manager of Opposition Business, Mr Howard, spoke by indulgence in support of the Main Committee. And the then, and current, Member for Banks made the first interjection.
- 1.6 The first three hours of the Main Committee passed without controversy. That they did so reflected both its modest ambitions and the careful attention paid to its design.

Conception

- 1.7 The Standing Committee on Procedure met on 13 May 1993 for the first time in the newly opened 37th Parliament. It resolved to review a wide range of issues which it believed were causing concern, not least in the general community. By the end of the review those issues had crystallised into three main areas for action: handling legislation, the structure and conduct of question time and the fortnightly sitting program.
- 1.8 The committee delivered a majority report to the House on 28 October 1993. Among the recommendations of *About time*, also known as the ‘Blewett report’, was its key proposal to improve the handling of
-

2 H. R. Deb. (8.6.1994) 1725

3 id.

legislation: the establishment of the Main Committee. The Procedure Committee envisaged a standing committee of the whole which would deal with the second reading and consideration in detail stages of selected bills and would 'thus constitute a second legislative stream'.⁴ This parallel stream would divert some of the flow which at times stretched the capacity of the House itself. A dissenting report by 2 of the 8 members of the committee opposed the establishment of the Main Committee and suggested that an extended range of alternative means of increasing the amount of House debating time should be investigated.

- 1.9 The Procedure Committee was at pains to stress that its recommendations were not 'radical', 'original' or 'overly ambitious'. Rather it recognised that 'institutional change must be evolutionary'.⁵ Nevertheless there was an element of understatement in its advocacy which was recognised both in the dissenting report and also in debate a little over three months later when the motion to implement the recommendations came before the House.
- 1.10 The Government's response to the committee's recommendations was foreshadowed in a ministerial statement to the House by Prime Minister Keating on 8 February 1994. He indicated that the Government intended 'to accept, in whole or in part, the great majority of the committee's recommendations'.⁶ The size of that majority was later questioned by some and the Government's motives were appraised in a discussion of a matter of public importance the next day.⁷
- 1.11 The Government presented its formal response to *About time* on 10 February 1994⁸ and later that day the House adopted new and amended standing orders essentially giving effect to the committee's proposals. Though some Members disputed this point, the changes to the standing orders reflected a broad acceptance of the package contained in *About time*, a consummation which the committee had desired.⁹
- 1.12 More disquiet centred on the Government's implementation of the rostering of Ministers at question time, a separate issue from the handling of legislation.¹⁰ On the Main Committee itself, the Opposition indicated a

4 *About time*, p 8

5 *ibid.*, p 2

6 H. R. Deb. (8.2.1994) 537

7 H. R. Deb. (9.2.1994) 626

8 VP 1993-94-95-96/752

9 *About time*, p 3

10 The committee itself later expressed its dissatisfaction on this score. See *Time for review*, pp 20-1

willingness to 'give it a go'.¹¹ However some aspects of the formation of the Main Committee attracted unfavourable comment, including its venue, status and the size of its quorum. Nonetheless the three motions which implemented the broad package were each agreed to without division.

Matters of practice and procedure

- 1.13 It was recognised at the outset that proceedings in the Main Committee would be less formal. This was a reflection both of experience gained during experiments with legislation committees between 1978 and 1980 and the spirit of cooperation which would need to be fostered were it to operate successfully. The committee decided not to recommend the resurrection of legislation committees principally because their use in the period 1978-80 did not seem to have saved time for the House. However it wished to retain the more bipartisan atmosphere which had prevailed.
- 1.14 The changes to the standing orders which ultimately gave birth to the Main Committee were crafted on a foundation of indivisible cooperation and due deference to the priority of the House. When the Procedure Committee reviewed the changes wrought from *About time* it saw no need to alter that foundation.¹²
- 1.15 As with any of the House's committees, it was a creature of the House and must remain subordinate to it. Thus it could only consider matters which had been referred to it. It could meet only while the House was sitting. It could not resolve to suspend standing and sessional orders. Any decision it made on the business referred to it must later be confirmed by a decision of the House.
- 1.16 While it was a general rule that the practice and procedure of the chamber applied in the Main Committee, other important exceptions included seats not being allocated to specific members; a quorum comprising the Chair, a government Member and a non-government Member; suspension of proceedings for a division in the House; the ability to continue proceedings if an unresolved question did not prevent them; and the ability of a single Member to bring proceedings to a halt.
- 1.17 The final exception was the keystone. No decisions which were not unanimous could be taken in the Main Committee. In the absence of
-

11 H. R. Deb. (10.2.1994) 815

12 *Time for review*, p 17

unanimity, a question would remain unresolved and would be referred back to the House.

Controversy and contention

- 1.18 The first unresolved question in the Main Committee occurred at its second meeting on 9 June 1994. An Opposition Member moved an amendment to the Corporations Legislation Amendment Bill 1994. The Minister present indicated that the Government could not agree and after some initial confusion a modus operandi was established and in accordance with standing order 276 consideration in detail continued notwithstanding the unresolved question. The bill was subsequently returned to the House with amendments and an unresolved question. The question was negatived by the House on the voices.¹³
- 1.19 Thus from the outset it was evident that not every bill referred to the Main Committee went there with pre-existing bipartisan support. In some cases that support may have been general but not all-encompassing; the principles of a bill might be supported but not every detail. Of course not every bill that encountered hurdles was necessarily contentious.
- 1.20 Bills have been referred to the Main Committee and have been returned without being considered at all. The first occasion involved the Aboriginal and Torres Strait Islander Commission Amendment Bill 1994. It had been among the first set of bills referred to the Main Committee but when it was called on at the second meeting on 9 June 1994, a motion was immediately agreed to that further proceedings be conducted in the House. It was explained that the time required to consider two other bills would not allow sufficient time for this bill to be debated and that if it were to be passed according to the Government's timetable, it would need to be returned to the House to allow debate to proceed.¹⁴ Particularly in the early days, while managers of business were still improvising the rhythm and tempo of the Main Committee, it was not unusual for bills to be returned and subsequently referred again.
- 1.21 On 17 June 1997 the Main Committee returned the Appropriation Bill (No. 1) 1997-98 with an unresolved question on a second reading amendment. The amendment was negatived on division in the House, the second reading was agreed to and the bill was immediately re-referred to

13 H. R. Deb. (9.6.1994) 1890-4, 1867-8

14 H. R. Deb. (9.6.1994) 1875

the Main Committee for the consideration in detail stage.¹⁵ A similar procedure was followed a year later and continuation of the Budget debate in the Main Committee became an established practice.¹⁶

- 1.22 Over time a more sophisticated approach to referring legislation developed: rather than restricting bills to those upon which there was no disagreement, bills could be referred even if they were controversial but so long as it was agreed that it was appropriate to consider them in the Main Committee.
- 1.23 The first, and to date only, item of private Members' business referred to the Main Committee was the Euthanasia Laws Bill 1996. The reference of this bill was unusual in a number of respects.
- 1.24 First was the fact that it was private Members' business. The ordering of private Members' business is usually the responsibility of the Selection Committee.¹⁷ However the standing orders did not, and do not, prohibit the reference of private Members' bills to the Main Committee inasmuch as standing order 270 does not distinguish them from Government bills.
- 1.25 Another unusual aspect of the reference was the fact that the bill was undoubtedly controversial. Of course, as noted above, the original assumption that only non-controversial legislation would be referred had given way to a more sophisticated approach: relatively controversial legislation would be considered in the Main Committee as long as there was consensus that it was appropriate to consider it there. The reference of the Euthanasia Laws Bill went beyond this.
- 1.26 The third unusual aspect was the machinery employed to refer the bill. On 8 October 1996, the Leader of the House moved, pursuant to notice, the suspension of standing and sessional orders to enable the bill to be called on for debate in the House for a specified period before being referred to the Main Committee. Further, debate in the Main Committee would terminate before any questions were put, Members speaking in the Main Committee would be limited to 10 minutes each, a quorum of the Main Committee would comprise the chair and two other Members (rather than specifically one government Member and one non-government Member¹⁸) and debate would continue regardless of unresolved questions.

15 VP 1996-97-98/1667

16 VP 1996-97-98/3081

17 SO 331

18 SO 272

Character development

- 1.27 At its conception, the Main Committee was envisaged as a parallel legislative stream. By the time it was delivered, it had taken on an additional character as a forum to debate motions on government papers and committee and delegation reports. The Main Committee exercised to some extent, then, the House's legislative and accountability functions.¹⁹ However, to this point it was still constrained totally by the dictates of the House.
- 1.28 In early 1997 the Procedure Committee examined ways to increase the opportunities for Members to raise matters of concern to them and their constituents. It recommended in its subsequent report that provision be made for Members' 90-second statements and adjournment debate in the Main Committee.²⁰ For once, the Procedure Committee received more than it had asked for and on 4 December 1997 the House adopted sessional orders to enable a trial during the sittings in early 1998 of Members' 3-minute statements for approximately 20 minutes at the start of, and a 30-minute adjournment debate at the end of, each Thursday meeting of the Main Committee.²¹
- 1.29 The Main Committee thereby took on a third function of the House, ventilation of grievances and matters of interest or concern. Further, for the first time proceedings in the Main Committee ranged beyond the confines of business referred to it by the House. The Procedure Committee had noted that 'such an extension would result in some change in the Main Committee's nature'²² but the trial period passed 'without compromising the functions of the Main Committee' and on 30 June 1998 the House formalised the arrangement by adopting the changes into the standing orders.²³ The Main Committee had ceased to be merely a parallel legislative stream and had made the first tentative steps to becoming a parallel Chamber for the full range of proceedings.

19 See *H. R. Practice*, pp 38-42 for a detailed description of the functions of the House

20 *Short speeches*, pp 5-7

21 VP 1996-97-98/2641ff

22 *Short speeches*, p 1

23 VP 1996-97-98/3170-1

Coming of age

- 1.30 Having existed for five years and having met on over 200 occasions, the Main Committee can be said to have outlived its infancy. Its progenitor, the House of Representatives, is about to enter its second century. It is timely to evaluate the extent to which the Main Committee has met the expectations of it and to consider whether it should be allowed additional responsibilities in the day-to-day life of the Parliament.
- 1.31 Significant events in the formulation and development of the Main Committee are listed in Table 1.1.

Table 1.1: Main Committee milestones

28 October 1993	Procedure Committee presented <i>About time</i> report which recommended establishment of the Main Committee
8 February 1994	Prime Minister made a ministerial statement foreshadowing the Government's response to <i>About time</i>
10 February 1994	Government presented its response to <i>About time</i> House adopted new standing orders to establish the Main Committee
12 May 1994	House amended standing orders to enable motions to take note of papers to be considered in the Main Committee [in addition to bills and motions to take note of committee and delegation reports]
8 June 1994	Main Committee met for the first time
9 November 1994	House amended standing orders to fine tune operation of the Main Committee
1 June 1995	House referred Appropriation Bill (No. 1) 1995-96 to the Main Committee
19 June 1995	Procedure Committee presented <i>Time for review</i> report which reviewed the outcome of <i>About time</i> , including the establishment of the Main Committee
8 October 1996	House referred Euthanasia Laws Bill 1996 to the Main Committee
20 October 1997	Procedure Committee presented <i>Short speeches</i> report which recommended that Thursday meetings of the Main Committee start with a 15-minute period of 90-second statements and conclude with a 30-minute adjournment debate
4 December 1997	House adopted sessional orders for 1998 autumn and winter sittings to allow: <ul style="list-style-type: none"> • Members' 3-minute statements at the start, and • an adjournment debate at the conclusion— of Thursday meetings of the Main Committee
30 June 1998	House adopted as standing orders, sessional orders allowing Members' 3-minute statements and adjournment debate on Thursdays
31 March 1999	House amended standing orders to allow Parliamentary Secretaries to make 3-minute statements in the Main Committee and 3-minute statements to be made on each day the Main Committee met before 10 a.m., effectively Wednesday and Thursday

Part II: Evaluation

Chapter 2—Expectations

Chapter 3—Achievements

Expectations

Introduction

- 2.1 This chapter sets a broad basis from which to evaluate the operation of the Main Committee by examining expectations of it, principally on the part of those who proposed its establishment and those who put the proposal into effect. For practical purposes the latter comprise the Government of the day, as the final proponents, and individual Members as the endorsers.

The Procedure Committee's expectations

- 2.2 The Procedure Committee's professed intention not 'to be radical, nor original, nor overly ambitious' in advocating the establishment of the Main Committee, did not mean that it lacked clear objectives then and for each of the subsequent changes it proposed.
- 2.3 When he presented the Procedure Committee's *About time* report to the House on 28 October 1993, the committee chair, Dr Blewett, noted that the Main Committee 'would handle mostly non-controversial legislation'. With two 'parallel and coincident' streams of legislation Members would have a greater opportunity to 'register personal and constituency views on uncontested measures in the Main Committee and extended opportunities for debate on controversial legislation in the House'.¹

¹ H. R. Deb. (28.10.1993) 2709-10

- 2.4 The report contained a summary of the proposals' benefits:²
- allowing Members to use their time more productively;
 - minimising the need for closures and the use of the guillotine;
 - giving the House more time; that is, allowing (i) more legislation to be dealt with in a given number of days, (ii) additional time to be spent on individual bills or (iii) fuller opportunities for debate in the House on the major and controversial items on the Government's legislative agenda;
 - providing more opportunities for backbenchers to make speeches for the record on routine bills; and
 - allowing flexibility in the use of the parallel stream.
- 2.5 In reviewing the operation of the Main Committee almost a year after its establishment, the committee reiterated its vision, acknowledging that the Main Committee had become more than a parallel legislative stream:
- The chief reason for recommending the establishment of the Main Committee was to make more time available for the consideration of legislation and allow increased opportunities for Members to contribute to debate on bills. With the addition of the ability to consider papers and committee and delegation reports it has also expanded opportunities for debate on these matters.³
- 2.6 The committee noted comments by Members that there was a distinctly different atmosphere developing from that in the Chamber. There was 'better interplay in debate' and the more intimate environment encouraged 'true debate and response to others' contributions'. The committee expressed the hope 'that this trend will continue and any sterility in the atmosphere will dissipate in time'.⁴
- 2.7 As was noted in the previous chapter,⁵ a major change in the character of the Main Committee occurred as a result of the adoption of the Procedure Committee's recommendations to allow Members' statements and adjournment debate in the Main Committee. In presenting the committee's *Short speeches* report to the House, a committee member summarised the objectives of the recommendations:

2 *About time*, pp 11-2

3 *Time for review*, pp 12-3

4 *ibid.*, p 13

5 See para 1.33

Despite the risk of introducing this different style of procedure into the Main Committee, the committee saw a number of possible benefits apart from increasing the opportunities for members to raise issues of concern to them and relieving the pressure on the adjournment debate in the House. This step would help to mitigate the perception that the Main Committee is of lower status than the House. It might also encourage livelier, more spontaneous debate, especially given the smaller, more intimate nature of the Main Committee seating arrangements. The more members who participate in the proceedings of the Main Committee and the more people who watch or listen to it, the greater its level of effectiveness and acceptance will be.⁶

The Government's expectations

- 2.8 The Government approached the establishment of the Main Committee with apparent reservations. When foreshadowing the implementation of the 'broad package' Prime Minister Keating noted that the Government had already made significant changes to improve the flow of legislation, especially by moving to three periods of sittings with legislation being introduced in one period for passage in the next; 'nonetheless' the Government had agreed to a 'trial of the procedure committee's recommendations'.⁷
- 2.9 Two days later the Leader of the House, Mr Beazley, when introducing the changes to the standing orders, claimed that the new body was 'highly experimental' and would be 'difficult to organise'. He also emphasised an intention that the 'informal mode of operation should not extend to ready tolerance of disorder'. There seemed no explicit expectation of the benefits argued by the Procedure Committee and an implicit expectation that the Main Committee might be more trouble than it was worth.⁸
- 2.10 Nevertheless, the lack of clearly stated expectations perhaps reflected a cautious optimism which sought not to culminate in dashed expectations. There was no sense of the Government disowning the Main Committee before it had even begun:

If the main committee is to work as envisaged by the Blewett committee and by the government, it ought to have before it

6 H. R. Deb. (20.10.1997) 9178

7 H. R. Deb. (8.2.1994) 541

8 H. R. Deb. (10.2.1994) 810-2

legislation which is effectively non-controversial but which does require a bit of detailed attention from the House, in the spirit of bipartisan cooperation.⁹

- 2.11 The Government's willingness to support the new venture is perhaps illustrated by the fact that the first debate in the Main Committee was led by the Leader of the House and Minister for Finance, and the second, on the same day, by the Attorney-General.

Members' expectations

- 2.12 One of the Members who contributed to the dissenting report in *About time* anticipated that the introduction of the second chamber would be 'at the expense of the relative importance of the contributions to debate by private members'. Their contributions would be devalued by legislation being shunted off to the 'backwater of the main committee' and it was unlikely that there would be 'any improvement in the quality of the debate or any lessening of the point scoring or partisan nature of the discussions'.¹⁰
- 2.13 As noted in the first chapter, the Opposition did not oppose the establishment of the Main Committee, indicating that it was prepared to 'give it a go'. However it did express reservations about the detail. In particular the minimal quorum could lead to ineffective debate and the prospect of it not meeting in the main committee room but in a less grand setting would demean the standing of debate. Other backbenchers generally endorsed the committee's expectations.¹¹

The media's expectations

- 2.14 Not surprisingly the focus of media attention was on the committee's recommendations about rostering Ministers for question time and on the Government's implementation of a somewhat different system. The *Canberra Times* editorial, noting 'that the House's time could be saved' and 'the present heavy use of the guillotine avoided' judged the Main Committee to be 'a sensible reform, one hard to argue against'.¹² The

9 H. R. Deb. (10.2.1994) 812

10 H. R. Deb. (28.10.1993) 2713

11 H. R. Deb. (10.2.1994) 810 ff

12 *Canberra Times, Parliamentary reform a mixed political bag*, 30 October 1993

editorial in the *Australian* concluded that the ‘new legislation committee ... should allow proper scrutiny and debate of more Bills, whether controversial or uncontested’.¹³

Conclusion

2.15 Two groups stood to benefit in the first instance from the establishment of a parallel stream of business: those charged with husbanding the business of the House and those whose opportunities to participate were curtailed because of the limited time available in the House. Their expectations could be summarised as follows:

- minimal use of the guillotine;
- more time available for debate on each bill, controversial or not;
- more debate on committee and delegation reports and government papers; and
- more opportunity for private Members to participate.

13 *Australian, The trouble with our Parliament*, 29 October 1993

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
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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.

Part III: Proposals for change

Chapter 4—Recognition

Chapter 5—Operation

Chapter 6—Business

4

Recognition

Introduction

- 4.1 This chapter examines how the Main Committee is perceived within and outside the House, whether there are problems and, if so, what steps might be taken to remedy those problems. How the Main Committee is perceived invites contemplation of its image, name, location and culture.

Image

- 4.2 There is a careful balance to be struck in according appropriate recognition to the Main Committee. On the one hand, it is a subordinate body of the House; on the other, it is a part of the House itself. To extend the 'parallel stream' metaphor, it is a sidestream which branches from and later rejoins the main stream. By its existence and actions it should not detract from the House, neither should it be discounted.
- 4.3 There are two sides to the image coin: the side seen by insiders and that seen by others. It may be inferred from the survey of Members, the round table discussion and debate generally recorded in Hansard, that most Members see the Main Committee as having a lesser but nonetheless unique status. As a Member noted during debate on the committee's report of its first review of the Main Committee:

Whether we like it or not, I think this Main Committee will always be something of a poor cousin to the House of Representatives. ...¹

1 H. R. Deb. (22.6.1995) 2214

- 4.4 As would be expected, Members' opinions varied when proffered during the current review. One respondent to the survey described the Main Committee as a 'tin-pot chamber' which 'should be abolished'. To the best of the committee's knowledge this is patently a minority view. Another advocated changing 'the image from "sideshow alley"'.² The committee notes that that perception belongs to a different time and doubts that any such action is necessary. The general view seems to be that development of a distinct identity is largely a matter of time and that there is no particular need for dramatic gestures at this stage of the Main Committee's development.
- 4.5 One measure that the committee did consider was to make new Members better aware of the role and function of the Main Committee at the outset of their parliamentary careers. This can be easily effected by highlighting this component of the work of the House in the seminars for new Members conducted at the beginning of each Parliament.
- 4.6 The view of those who do not participate directly in the Main Committee is harder to evaluate. The Main Committee struggles for any level of recognition in the media and it can be reasonably assumed that it is practically invisible to the public. Because of the paucity of attention, there cannot be said to be a 'typical' media perception. On the rare occasions the Main Committee is referred to, the tone is usually cynical:
- Fahey's speech was the only speech heard in either main chamber of the Parliament concerning the Lawrence bill. It was immediately adjourned last week, and when debate resumed three days ago the Government shunted it off to the second 11 of the House main committee.³
- 4.7 However, cynicism afflicts perceptions of the whole institution of Parliament and there is a more fundamental problem which casts a broad and deep shadow over any proposal to raise the profile of the Main Committee itself. This committee noted in another report the lack of understanding of the Parliament in the community at large:
- For many, their only knowledge of Parliament is confined to television excerpts of question time and media reports of political contests.⁴
- 4.8 Defenders of the institution see clearly enough that the widely held hazy, naïve and idealised comprehension of Parliament should give way to a
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2 Survey of Members

3 Alan Ramsey, *No encore likely for Carmen*, Sydney Morning Herald, 15 April 2000

4 *It's your House*, p 43

broader vision of the institution meshing beneficially with the other elements of Australian government. The challenge is to transmit that broader vision, to convey the essence of a modern parliament. For the sake of countering cynicism it is a message best formed by impartial observers. In a paper prepared by Dr John Uhr and Professor John Wanna and made available to the committee before publication, the authors observe:

In this wider sense, parliament is understood as a theatre of action involving an assembly of political actors, who interact and ‘caucus’ in groups, hold their party leaders to account, propose and defend partisan policy positions often to their own side, contribute in adversarial ways to public debate, make representations to the media, exercise scrutiny and interrogate officials. Viewed in this light parliament is an exciting, seething throng of activity, shadowed by uncertainty, out of which political possibilities are continually being framed and reframed. In this sense, parliament remains a key political institution within the polity. What is done through the parliament, how and why has enormous significance for other institutions involved in governance.⁵

- 4.9 The Parliament and the House itself have increasingly undertaken an educative role in recent years. The committee proposed a number of initiatives in *It’s your House* by which parliamentary committees could better promote their work and encourage more input from the community.⁶ Some of the proposed initiatives have been implemented and are bearing fruit. Some may be similarly applied to the Main Committee. However, until the more general problem of improving public understanding of the House and the Parliament has been mitigated it would be premature to concentrate the House’s efforts on a lack of recognition of the Main Committee by itself.

Name

- 4.10 According to the results of the survey Members are evenly divided on whether they like the title of the Main Committee. However it is clear from an examination of a wider range of comments that there is a general feeling that the title is unsatisfactory, inadequate or misleading. A former

5 Dr John Uhr and Professor John Wanna, *The future roles of parliament*; received as an exhibit. See Appendix A

6 *It’s your House*, p 3 and ch 6

chair of the Procedure Committee, when speaking in debate on *Time for review*, observed that:

There probably would have been value in having this place referred to not as the Main Committee but as the Second Chamber.
...⁷

- 4.11 When the UK House of Commons Select Committee on Modernisation of the House of Commons recommended the establishment of a similar body it opined that it did not think ‘Main Committee’ was a suitable term as it did not ‘convey any precise meaning’. Indeed one committee member was moved to remark during a hearing that he preferred ‘Principal Committee rather than Main Committee because I think it does not sound quite so Australian, which must be an advantage’.⁸ The modernisation committee recommended the title ‘Westminster Hall’, a reflection of its proposed physical location.
- 4.12 One respondent to this committee’s survey of Members recalled that in choosing the title when proposing its establishment, the Procedure Committee had assumed that the ‘parallel stream’ would meet in the room known as the Main Committee Room. This is of course a facility shared with the Senate and could not be set aside strictly for the use of a subordinate body of one House. A number of Members noted that the resulting separation of the Main Committee from the Main Committee Room has resulted in confusion between the two.
- 4.13 The favoured alternative is ‘Second Chamber’. It is also a term which is already commonly used by Members. Perhaps with the respect due to its age and some additional responsibilities, the erstwhile Main Committee could wear the new title easily.

Recommendation 1

The committee recommends that the title ‘Main Committee’ be changed to ‘Second Chamber’.

Location

- 4.14 The Main Committee convenes in a refurbished House of Representatives committee room on the second floor of Parliament House. There seemed

⁷ H. R. Deb. (22.6.1995) 2185-6

⁸ *Westminster Hall*, p 28

an implicit assumption at the Main Committee's inception that its continued existence was not guaranteed:

Generally, I would like to make the comment that all of the changes we are putting in are basically on trial. Although we are making changes to the standing orders in some places and introducing sessional orders in other places, I do not think by any stretch of the imagination that, if the things we are changing in the standing orders are totally unworkable or fail to achieve what they set out to achieve, they are locked in concrete and will not be able to be changed.⁹

- 4.15 There was perhaps, then, a sense of provisional arrangements being made when resources were allocated for the new body. The location chosen is remote from both the Chamber and the public areas of the building. Now that the Main Committee's continued existence is assured, there is a strong case for seeking a less provisional location. Greater convenience for those attending and supporting meetings would result. A modest improvement in the Main Committee's profile might also be achieved. Finally, freeing up what was a more generally available facility would reduce the competition for committee rooms, particularly on sitting days.
- 4.16 The committee is aware that relocation of the Main Committee is a matter that has been considered independently of this review. Indeed, House officials showed members of the committee a number of possible locations. An especially attractive location was one which would enable:
- Members in either venue to observe that proceedings were under way in the other;
 - Members to move rapidly between venues; and
 - members of the public to attend meetings more easily.

Recommendation 2

The committee recommends that, subject to feasibility, the Main Committee be relocated to a position adjacent to the Chamber and immediately accessible to the public.

Improvement of debate—Interventions

- 4.17 Members have noted the different atmosphere in the Main Committee and, as some believe, the often more interactive debate than occurs in the Chamber. This is attributed as much to the smaller dimensions of the second chamber as to the lesser formality cultivated by the standing orders. Further, there is a belief that the Main Committee is an appropriate laboratory for experiments which, if successful, might be extended to the Chamber.
- 4.18 The committee believes that if the Main Committee is to improve its stature, then steps should be taken to make a qualitative improvement in its culture. One area in which there is room for improvement in both the Main Committee and the Chamber itself is the quality of debate. One explanation for a tendency in both places for Members to deliver set-piece speeches is the inhibition of interactivity.
- 4.19 The principal form of interactivity in debate in the House of Representatives is by way of interjection. Strictly speaking, however, no Member may interrupt another Member whilst speaking except in certain specific circumstances.¹⁰ In practice, interjections play a vital role in all forms of parliamentary discourse and it has been observed that ‘as the House is a place of thrust and parry, the Chair need not necessarily intervene in the ordinary course of debate when an interjection is made’.¹¹
- 4.20 The committee was aware of conventions in other legislatures which allow formalised interplay in debate. One such convention is the intervention procedure followed in the UK House of Commons. The committee invited His Excellency Sir Alastair Goodlad—the British High Commissioner and a former Member of the House of Commons, Whip and Minister—to describe to it how the procedure worked in practice and whether it made a positive contribution to debate in the House of Commons.
- 4.21 In short, the convention allows a Member to stand and request the Member speaking if he or she is willing to ‘give way’. The latter may refuse or accede. If the request is acceded to, the intervention must be brief, to the point and in the form of a question. Instances of interventions are illustrated in Appendix D which contains extracts from the second reading debate in the House of Commons on the House of Lords Reform Bill on 1 February 1999. A number of observations can be made:

10 SO 84

11 *H. R. Practice*, p 486

- interventions can be frequent;
- the Member speaking may anticipate an intervention and give way before being asked to do so;
- it is entirely up to the Member speaking whether to give way;
- interventions may stimulate greater involvement by Members on both sides of debate; and
- the Chair may become involved, for example, when allocating the call between a number of Members requesting to intervene or when curtailing an excessively lengthy intervention.

- 4.22 The only slightly similar form of interactivity which is valid under the House of Representatives' standing orders sometimes occurs in the consideration in detail stage of legislation. Members are allowed to speak for 'an unspecified number of periods each not exceeding 5 minutes'.¹² This provision enables Members to ask brief questions 'on the run' and Ministers briefly to answer them. However the interaction is not entirely impromptu as each side must successively obtain the call from the Chair.
- 4.23 The committee believes that the proposition that the second chamber may serve an additional useful function as a proving ground for innovation should itself be tested. Testing the intervention procedure would serve this end.
- 4.24 The intention would be to encourage interactivity and spontaneity in debate. However the committee would not like the intervention process to degenerate into point scoring or disruption. It has in mind that the Chair would play an active role in ensuring that the procedure was not abused and that interventions were courteous, orderly, brief and in the form of a question. In this way it is hoped that Members would be encouraged to accept and respond to interventions.
- 4.25 The House of Commons procedure is a convention: it is not a product of its standing orders. However, given that the procedure would not have evolved in the Australian parliamentary environment but have sprung fully formed from the earth, so to speak, it is proposed that such a trial in the Main Committee proceed by way of sessional order. The committee believes a 12 month trial would be appropriate with the procedure to be reviewed at the end of that time.

Recommendation 3

The committee recommends that the following sessional order be adopted for the remainder of the 39th Parliament:

Interventions in the Main Committee

84A During consideration of any order of the day in the Main Committee a Member may rise and, if given the call, ask the Chair whether the Member speaking is willing to give way. The Member speaking will either indicate his or her:

- (a) refusal and continue speaking, or**
- (b) acceptance and allow the other Member to ask a short question immediately relevant to the Member's speech—**

Provided that, if, in the opinion of the Chair, it is an abuse of the orders or forms of the House, the intervention may be denied or curtailed.

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'.¹ While 10 a.m. to 1 p.m. on Wednesdays and Thursdays remained the conventional meeting pattern, an illustration of just how variable meeting

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.

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'.² The standing orders provide that the Deputy Speaker shall preside³ 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.

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 withdraw⁴ 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'.⁵
- 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,⁶ the Deputy Speaker dealt with the matter by suspending the sitting.⁷
- 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—
-

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.⁸ 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.⁹ 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
-

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.**

6

Business

Introduction

- 6.1 This chapter examines the range of business dealt with in the Main Committee and whether the range should be extended.

Types of business

- 6.2 The business transacted by the House is broadly categorised within its agenda—that is, the Notice Paper, formally, and the Daily Program, informally—as:
- government business (notices and orders of the day);
 - committee and delegation reports;
 - private Members' business (notices and orders of the day);
 - business of the House, and
 - privilege matters.
- 6.3 The most important categories in programming the daily routine of business are government business, committee and delegation reports and private Members' business. The first includes almost all the legislation which the House deals with but also includes motions to take note of documents presented to the House by the Government. Government business is managed by the Leader of the House. The second and third categories—comprising motions to take note of reports presented by parliamentary committees and parliamentary delegations; and private

Members motions and bills, respectively—are usually programmed for consideration on sitting Mondays, a process managed by the Selection Committee.

- 6.4 The Main Committee was conceived as a parallel legislative stream but even before it met for the first time its ambit had been extended to include, in addition to bills, first the consideration of government business motions to take note of papers and then motions moved in connection with committee and delegation reports.

Problems

- 6.5 The fact that control of the meeting hours and business of the Main Committee has been exercised in effect by the whips, particularly the Chief Government Whip, has several implications including:
- the consideration of Government legislation remains the core business of the Main Committee;
 - facilitating debate on committee and delegation reports is subsidiary to arranging government business;
 - hours and duration of meeting are flexible; and
 - orders of the day involving committee and delegation reports, once referred to the Main Committee, no longer remain within the jurisdiction of the Selection Committee.
- 6.6 There should be no dispute with the first implication. The Main Committee was created to ease the legislative burden of the House and obviously this continues to be its chief function. Nevertheless the ability of the Main Committee to provide time to debate other business of particular interest to private Members has been, arguably, one of the reasons for its success. Whether further demands can be successfully accommodated needs to be considered. Two categories about which the committee has received suggestions are: committee and delegation reports and private Members' bills.
- 6.7 Despite the efforts of the House over many years to accord adequate opportunity for the consideration of committee and delegation reports, some Members still feel that the time allocated in the House for the consideration of committee reports does not reflect the work that has gone into their production. There are particular reasons why this problem is unlikely ever to be resolved entirely satisfactorily. Chief among them is

the rhythm of the inquiry process. There is a tendency to synchronise inquiries with periods of sittings and often a rush to present reports before the House adjourns for a lengthy period. This inevitably leads to competition for scarce time often when the pressure of government business is also high. Members who have served on a committee usually agree that unless a report is debated in the afterglow of presentation it soon loses public attention.

- 6.8 A similar dissatisfaction is evident with the fate of private Members' bills. Again the House has taken measures to ameliorate the situation but complaints persist. In the late 1980s the House radically restructured general business into a private Members' business regime which accorded priority to the initiation of private Members' bills over other private Members' business. More recently, a sessional order was adopted to increase the time allowed from 5 to 15 minutes for a private Member when presenting a bill to make a statement. However, following presentation, private Members' bills are rarely accorded further time for debate.
- 6.9 While there are opposing views on the effectiveness of referring committee and delegation reports to the Main Committee—especially on the responsiveness of existing arrangements to the perceived requirement for timely debate—there is an undisputed anomaly which is an outcome of the act of referral.
- 6.10 One of the innovations of the reforms effected in March 1988 was to apply a 'shelf life' to private Members' business items. Hitherto, items remained on the Notice Paper indefinitely unless disposed of and quickly lost public interest. Under the reformed arrangements an item would be automatically removed from the Notice Paper if it was not accorded priority by the Selection Committee within 8 sitting weeks of its first appearance. The 'shelf life' provision also applies to motions relating to committee and delegation reports.
- 6.11 When a committee or delegation report is referred to the Main Committee, management of the item transfers from the Selection Committee to the Chief Government Whip. In practice this means it is no longer appropriate to apply a 'shelf life' because the Selection Committee is in no position to accord it priority. Once referred, such an item can remain on the Main Committee agenda indefinitely, escaping the 'shelf life' provision.

Solution

- 6.12 A solution to the problem of providing more time for considering committee reports and orders of the day for debate on private Members' bills and motions would be to refer them to the Main Committee. This would require careful adjustments to existing arrangements to ensure that neither the core function nor control of the Main Committee were impaired.
- 6.13 The ideal solution would ensure that:
- the Chief Government Whip continued to control the flow of government business, including scheduling additional meetings as required;
 - the Selection Committee did not lose control of the business normally within its jurisdiction; and
 - time would be allocated regularly for the consideration of private Members' bills, other private Members' orders of the day and committee and delegation reports.
- 6.14 The crucial element is time. Notwithstanding the flexibility of meeting hours and duration, a *de facto* weekly meeting pattern for the Main Committee has emerged. The pattern can be observed in the charts of meeting hours and duration, by day of the week, in Appendix C. Table 1 illustrates an approximation of the pattern.

Table 1: *De facto* Main Committee meeting pattern

MONDAY	TUESDAY	WEDNESDAY	THURSDAY
<i>As required</i>	<i>As required</i>	<i>As required</i>	
Meet: 4:30 p.m. Business Suspend: 6:30 p.m.	Meet: 4:30 p.m. Business Suspend: 6:30 p.m.	Meet: 4:30 p.m. Business Adjourn: 7:30 p.m.	
Resume: 8:00 p.m. Business Adjourn: 10:00 p.m.	Resume: 8:00 p.m. Business Adjourn: 10:00 p.m.		
		Meet: 9:40 a.m. Statements (18 mins) Business Adjourn: 1:00 p.m.	Meet: 9:40 a.m. Statements (18 mins) Business Adj deb (30 mins) Adjourn: 1:00 p.m.

- 6.15 The committee proposes that a period on Wednesday afternoon be available specifically for the consideration of private Members' orders of the day—including debate on private Members' bills—and committee and delegation reports. This period has been used on a few occasions for Main Committee consideration of government business. The committee believes that the period from 4.30 p.m. to 7.30 p.m. each sitting Wednesday afternoon could be made available.
- 6.16 The Selection Committee would manage the allocation of business to the Main Committee for consideration during this period. The process could be subsumed within the existing procedure by which the House ratifies the determinations of the Selection Committee on committee and delegation reports and private Members' business. It would of course be open to the House to override the determinations of the Selection Committee, whenever necessary, by resolution according priority to government business during that period.
- 6.17 The Selection Committee typically meets during the afternoon of each sitting Monday to select items for the next sitting Monday. Its report is presented to, and adopted by, the House usually at the next sitting. Under the proposed procedure the report could contain a supplement: "Business accorded priority in the Main Committee from 4.30 p.m. on Wednesday, etc". The Wednesday in question would be the immediately following Wednesday, that is, if the report were adopted on a Tuesday, the very next sitting day. This would provide an opportunity to bring on for debate in the same week reports presented on the Monday.
- 6.18 The Main Committee is a subordinate body of the House and has always operated under the principle that business is not initiated or finally decided there. This principle received some support at the round table discussion conducted by the committee. For this reason the committee proposes that the Selection Committee would only be able to select orders of the day for debate in the Main Committee during the new Wednesday afternoon period. The orders of the day could be for the resumption of debate on committee or delegation reports or on private Members' bills or motions. Notices for the presentation of bills or the moving of motions and initial presentation of committee and delegation reports would remain the prerogative of the House itself.
- 6.19 The committee sees some value in allowing further debate on private Members' bills without necessarily taking them to a vote. Under the present arrangements private Members' bills are rarely debated after their introduction. The availability of this extra time in the Main Committee would allow some bills to receive substantial debate.

Proposed standing orders

Recommendation 8

The committee recommends that the following provision be added to standing order 331 (Selection Committee):

(h) The committee may select orders of the day, committee and delegation reports, and private Members' business, for debate in the Main Committee and report its determinations to the House. If it does so the following provisions will apply:

- (i) Upon presentation of a report of the committee nominating items for debate in the Main Committee, the report will be deemed adopted by the House and the items shall be deemed to be referred to the Committee.
- (ii) The business so referred will have priority in the Main Committee after 4.30 p.m. on the sitting Wednesday immediately following the presentation of the report of the Selection Committee until the adjournment of the committee on that day.
- (iii) Any items referred to the Main Committee under these provisions will be deemed to be returned to the House for further consideration at the adjournment of the Main Committee on the relevant Wednesday.

Some minor alterations would also be required to other standing orders including 104A, 104B and 270.

Interpretation of standing order

- 6.20 In the interests of flexibility these standing orders have been kept as non-prescriptive as possible leaving details of practice to be determined by consensus and convention. For example, the standing order provides that business nominated by the Selection Committee would have priority after 4.30 p.m. on a Wednesday but this is merely to provide for an earliest possible starting time which might be desired on any one day. A standard starting time of, say, 5 p.m. could be established by agreement in a similar way to that in which the Main Committee originally developed its regular

10 a.m. to 1 p.m. sittings. A Wednesday afternoon meeting need not take place at all if the pressure of business did not warrant it.

- 6.21 The deliberations of the Main Committee are conducted in accordance with general principles which are presented to, and adopted by, the House early in the life of each Parliament. Some adjustment to the general principles will be necessary. If it was considered desirable more closely to define some of the parameters of the Wednesday afternoon meeting of the Main Committee, they could also be used to prescribe matters of detail.
- 6.22 For example, the augmented general principles could provide:
- for the period for consideration to be conventionally established but to be adjusted with the agreement of the Chief Government Whip;
 - relative priorities for private Members' bills, motions and committee and delegation reports; or
 - for particular speaking times, for example standard times, to be allocated to Members in the Main Committee. Without specification the Selection Committee would be free to allocate speaking times as they do for business on Mondays.
- 6.23 The provision of this extra time which may be used to debate committee or delegation reports would not preclude them being referred in the normal manner to the Main Committee for consideration during other sittings of the Committee. It would be open to the Selection Committee to select, for consideration on a Wednesday evening, debate on a committee report which had been referred to the Main Committee via the normal mechanism and which was still on the Main Committee Notice Paper. Allowing the Selection Committee to access committee and delegation reports from either the House or the Main Committee sections of the Notice Paper would mean that the 'shelf life' provision could logically be applied to all committee and delegation reports listed on the Notice Paper.

Provision for Members' statements

- 6.24 In recommending the extended sitting on Wednesdays, the committee envisages that, by convention, a period of Members' 3-minute statements would occur in the last half hour of the sitting. If the flexible arrangement proposed in recommendation 4 were not adopted, then it would be necessary to make explicit provision in the standing orders for statements.
- 6.25 It is noted that Members' 3-minute statements are one of the few opportunities for Parliamentary Secretaries to raise issues relevant to their constituencies or other personal concerns. The provision of an extra 30

minutes per week for statements would provide them and other Members with more opportunities to utilise this useful procedure.

Conclusion

- 6.26 This report might be seen as the third instalment of a trilogy—the successor to *About time* and *Time for review*. As was the case in *About time* the committee ‘has not sought to be radical, nor original, nor overly ambitious’. Further, the committee continues to recognise ‘that institutional change must be evolutionary’. Unlike *About time*, however, this report does not contain recommendations which are presented as a package to be broadly accepted or rejected. Some proposals, like the change of name, might be implemented almost immediately; others, like the relocation of the venue, might require time.

CHRISTOPHER PYNE MP

Chair

19 July 2000

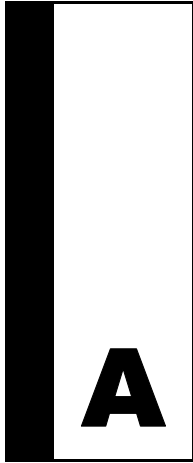
Appendices

Appendix A—Conduct of the review

Appendix B—General statistics

**Appendix C—Meetings of the Main
Committee**

**Appendix D—Interventions in the UK
House of Commons**



Appendix A

Conduct of the review

The committee resolved at its meeting on 24 November 1999 to review the operation of the Main Committee. The committee sent a questionnaire to all Members in December 1999 and sought submissions from a range of potentially interested parties. It held a round table discussion with selected office holders and staff on 6 March 2000. Principal sources of information used in this report are identified in the following pages of this appendix.

Round table discussion

During the evening of 6 March 2000, the committee held a round table discussion about various aspects of the Main Committee with the following office holders and staff:

The Hon. Dick Adams MP, *Member of the Speaker's Panel*

Ms Cate Clunies-Ross, *Adviser to the Leader of the House*

Mrs Kay Elson MP, *Government Whip*

Mr Ian Harris, *Clerk of the House of Representatives*

Mr David Hawker MP, *Member of the Speaker's Panel*

Mr Harry Jenkins MP, *Second Deputy Speaker*

Mr Leo McLeay MP, *Chief Opposition Whip*

Mr Matt Minogue, *Parliamentary Liaison Officer (H of R)*

Mr Kerry Morcombe, *Parliamentary Liaison Officer (Main Committee)*

Mr Frank Mossfield AM MP, *Member of the Speaker's Panel*

Mr Garry Nehl MP, *Deputy Speaker; Chair of the Selection Committee*

Mr Michael Ronaldson MP, *Chief Government Whip*

Mr Bernard Wright, *Deputy Clerk of the House of Representatives*

Survey of Members

All Members of the House of Representatives were invited to respond to a questionnaire. Forty-three members, or 29 per cent, responded. A summary of the responses follows:

Respondents' participation in the Main Committee				
Total responses	Often	Occasionally	Rarely	Never
43	4	30	7	0

Responses to propositions in questionnaire						
Proposition	Agree		Disagree		Unsure/No answer	
	No.	%	No.	%	No.	%
Main Committee has been a success	36	84	3	7	4	9
Should meet more often	19	44	16	37	8	19
Provide more time for debating committee reports	28	65	9	21	6	14
Allow an adjournment debate each sitting	28	65	7	16	8	19
Provide more time for 3 minute statements	25	58	8	19	10	23
Deal with other types of business	22	51	11	26	10	23
Have concerns about the rules	3	7	31	72	9	21
Like the title	18	42	18	42	7	16
Like the atmosphere/style of debate	28	65	8	19	7	16

Alternative titles			
Second Chamber	13	Alternative Chamber	1
House of Representatives Chamber 2	1	Supplementary Chamber	1
Deputy Chamber	1	It doesn't matter	1
Parliamentary Annex	1		

Briefing by Sir Alastair Goodlad

On 10 May 2000, His Excellency Sir Alastair Goodlad KCMG, British High Commissioner and a former Member of the UK House of Commons, briefed the committee on aspects of House of Commons practice in debate.

Evidence

The committee received the following evidence:

Submissions

- 1 Clerk of the House of Representatives
- 2 Parliamentary Liaison Officer, House of Representatives
- 3 Attorney-General's Department

Exhibits

- 1 Dr John Uhr and Professor John Wanna, *The future roles of Parliament*, chapter prepared for forthcoming publication: Michael Keating and Patrick Weller (eds), *Institutions on the edge? Capacity for Governance*, Sydney: Allen and Unwin, 2000.

Correspondence

- 1 Ms Ann Stewart, Office of the Chief Opposition Whip
- 2 Ms Cay McVeigh, Office of the Government Whip
- 3 Mrs Geraldine Rath, Office of the Chief Government Whip



Appendix B

General statistics

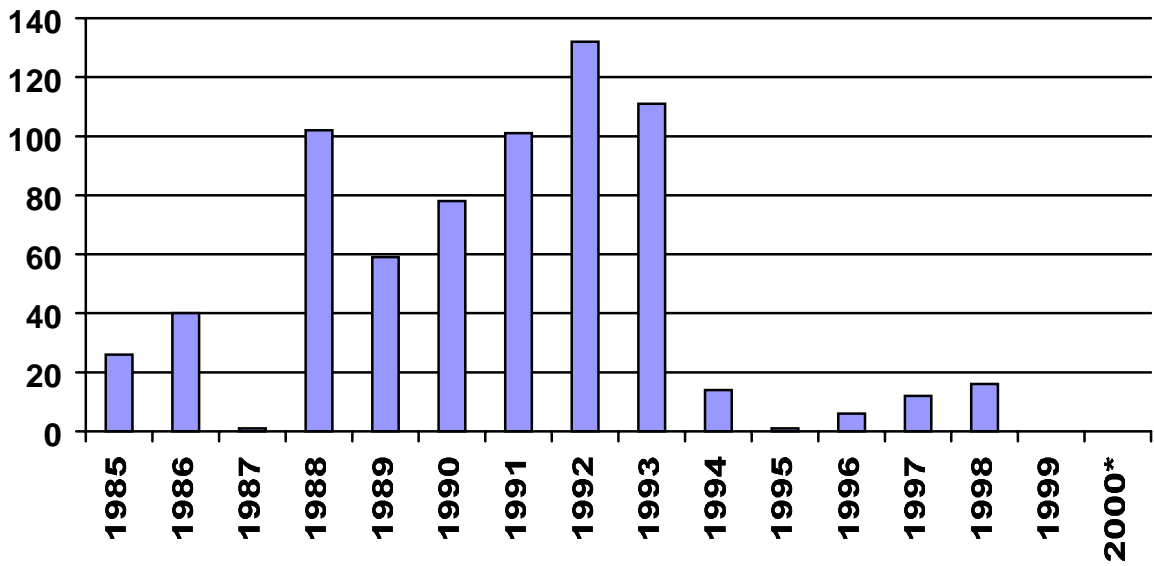


Figure 1: Number of bills guillotined 1985-2000

* to and including 13 April 2000

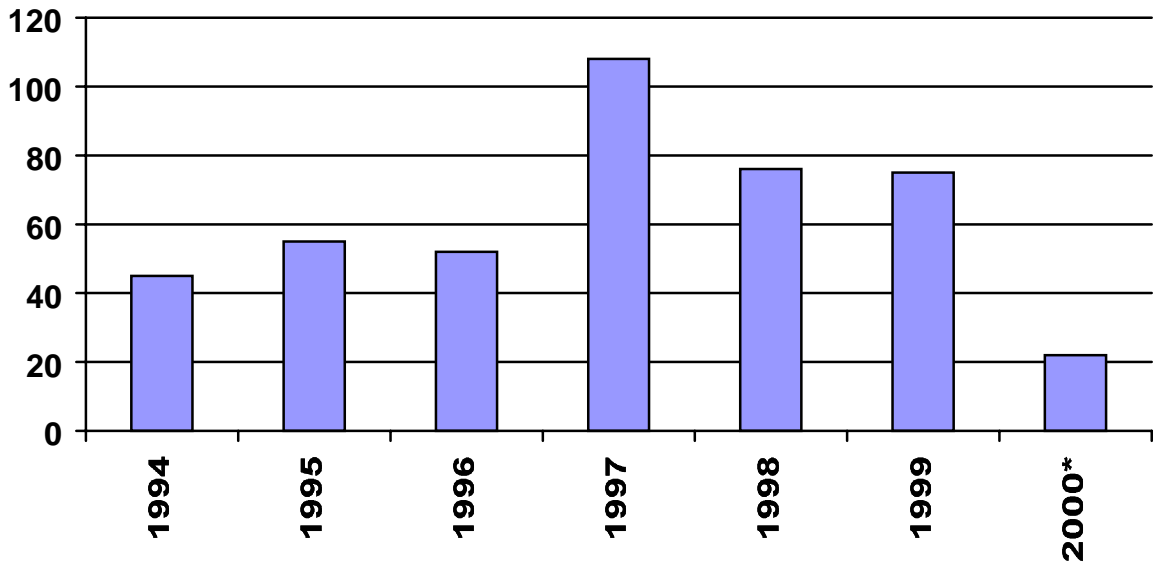


Figure 2: Number of bills referred to the Main Committee 1994-2000

* to and including 13 April 2000

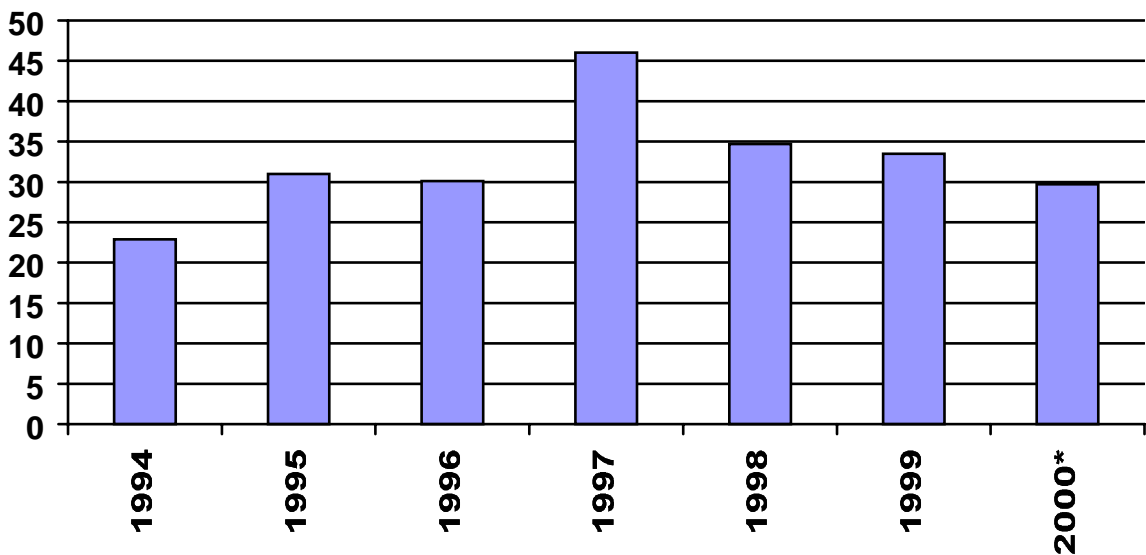


Figure 3: Percentage of bills introduced which were referred to the Main Committee 1994-2000

* to and including 13 April 2000

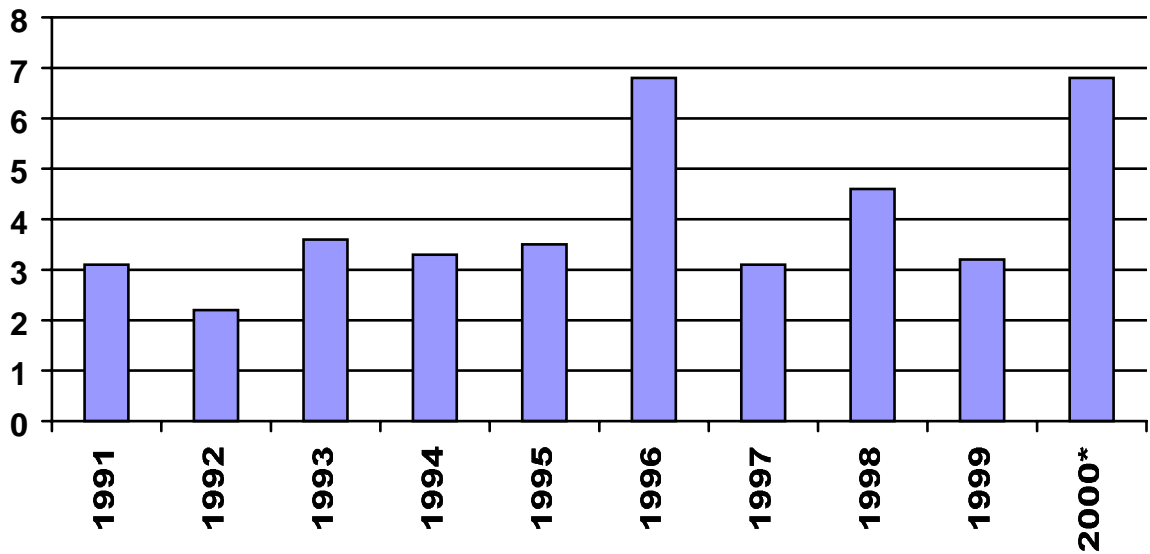


Figure 4: Hours of sitting time per Act 1991-2000

* to and including 13 April 2000

<i>Items debated</i>	1994	1995	1996	1997	1998	1999	2000*
Bills	43	54	51	106	70	75	22
Government papers: motions to take note	3	15	1	5	1	2	0
Committee reports: motions to take note	7	22	6	15	6	8	5
Delegation reports: motions to take note	3	0	0	0	0	0	0

Table 1: Items of business debated in the Main Committee 1994-2000

* to and including 13 April 2000

	1998	1999	2000*
Members' 3-minute statements			
<i>Meetings at which occurred</i>	12	31	10
<i>Number of statements made</i>	73	173	50
<i>Number of Members speaking</i>	44	70	36
<i>Total time (hours: mins)</i>	3:41	8:44	2:32
Adjournment debate			
<i>Meetings at which occurred</i>	12	19	5
<i>Number of speeches made</i>	65	120	34
<i>Number of Members speaking</i>	45	59	26
<i>Total time (hours: mins)</i>	3:45	9:06	2:32

Table 2: Members' 3-minute statements and adjournment debate in the Main Committee 1998-2000

* to and including 13 April 2000

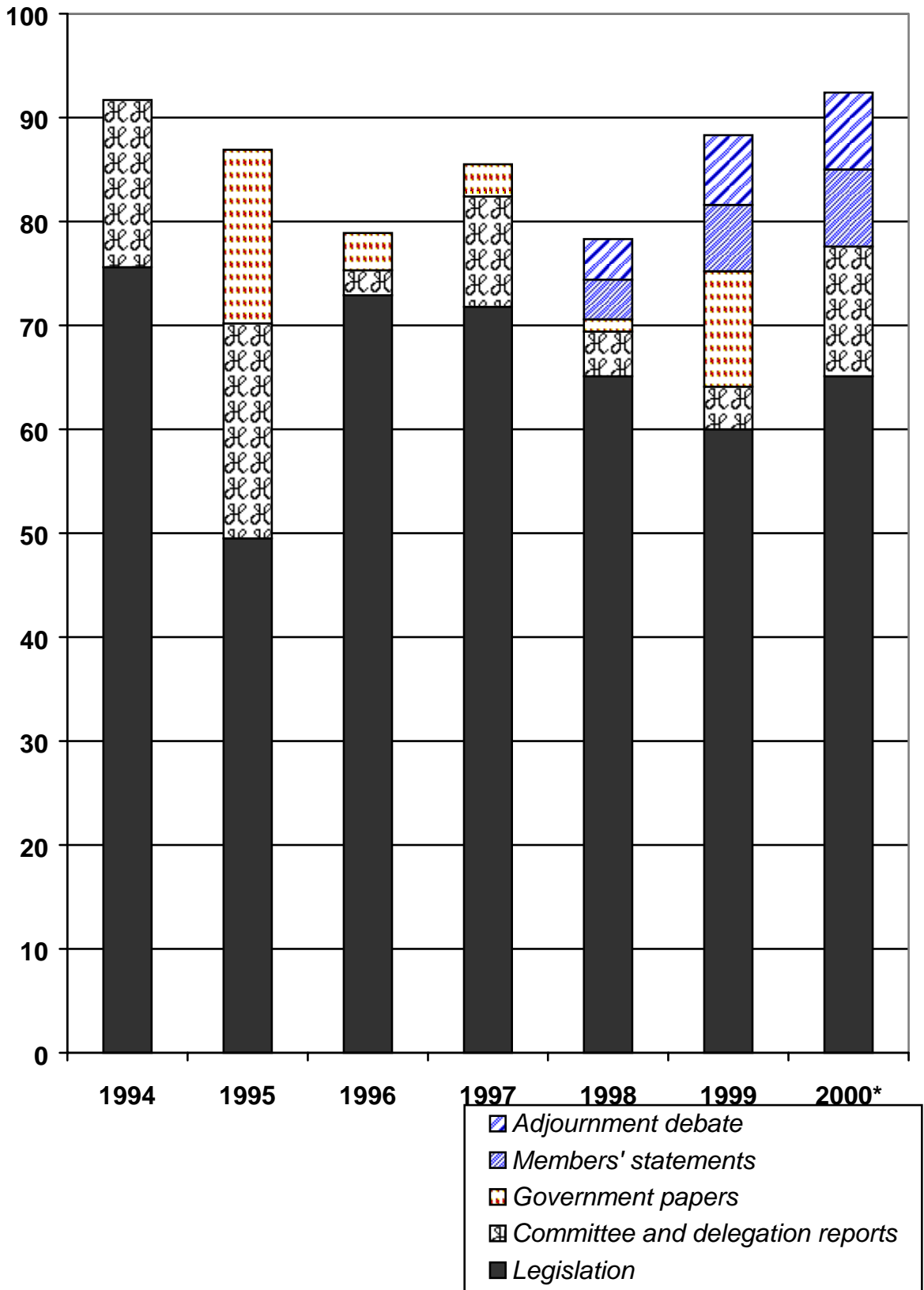


Figure 5: Percentage of Main Committee time spent on different categories of business 1994-2000

* to and including 13 April 2000

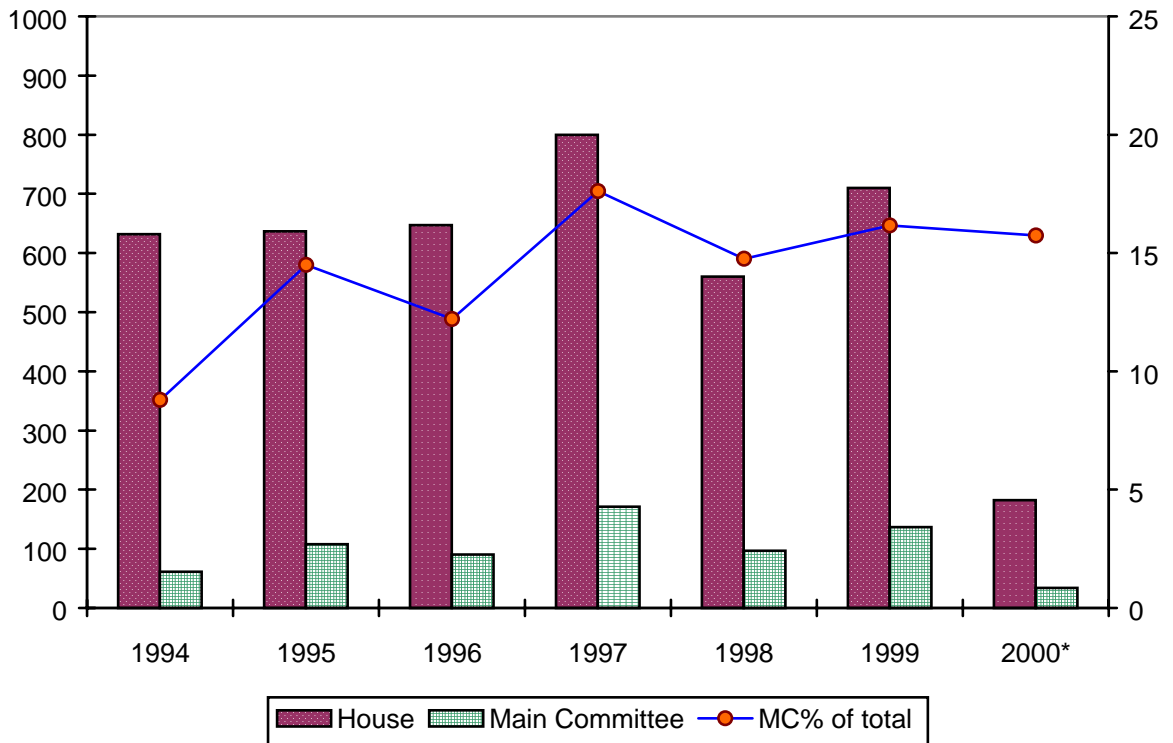
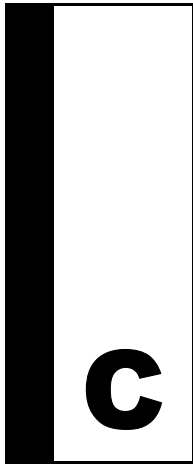


Figure 6: Hours of sitting of the House and the Main Committee 1994-2000

* to and including 13 April 2000

Note: The columns show the total number of hours (left axis) that the House and Main Committee sat in each year and the points on the line show Main Committee time as a percentage (right axis) of combined total House and Main Committee time



Appendix C

Meetings of the Main Committee

Annual

NOTE: In the following charts the left axis shows time of day in 24-hour format. The bars represent duration of meetings on each date indicated on the bottom axis. Blank areas between multiple bars on the same day represent sitting suspensions, for example for meal breaks.

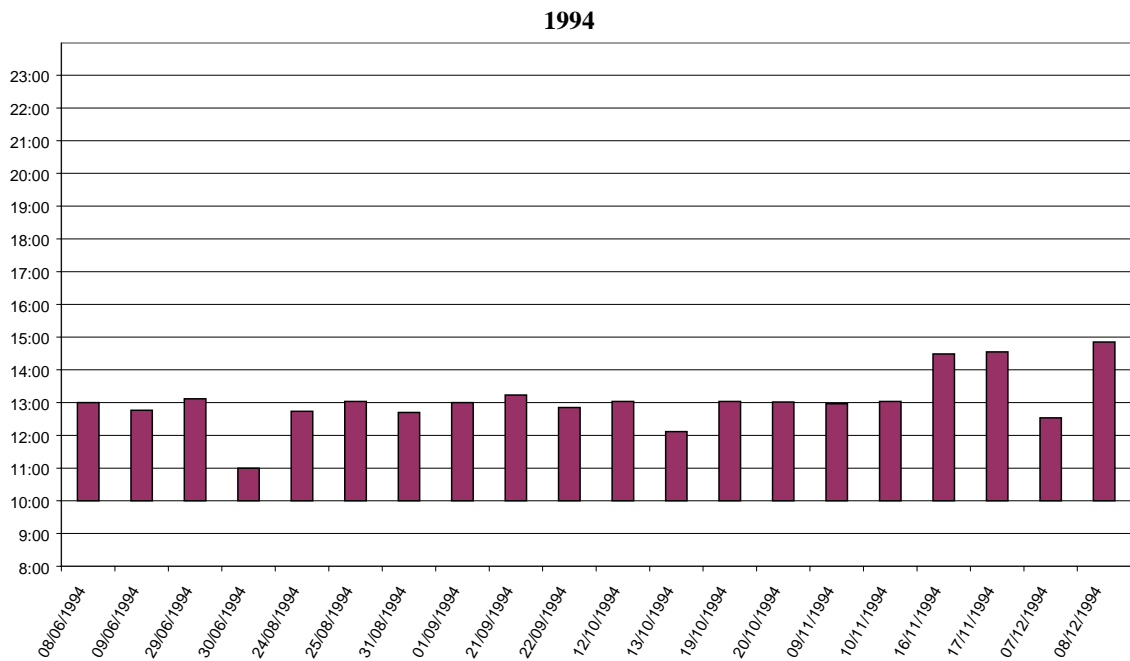


Figure 1: Hours of meeting in the Main Committee in 1994

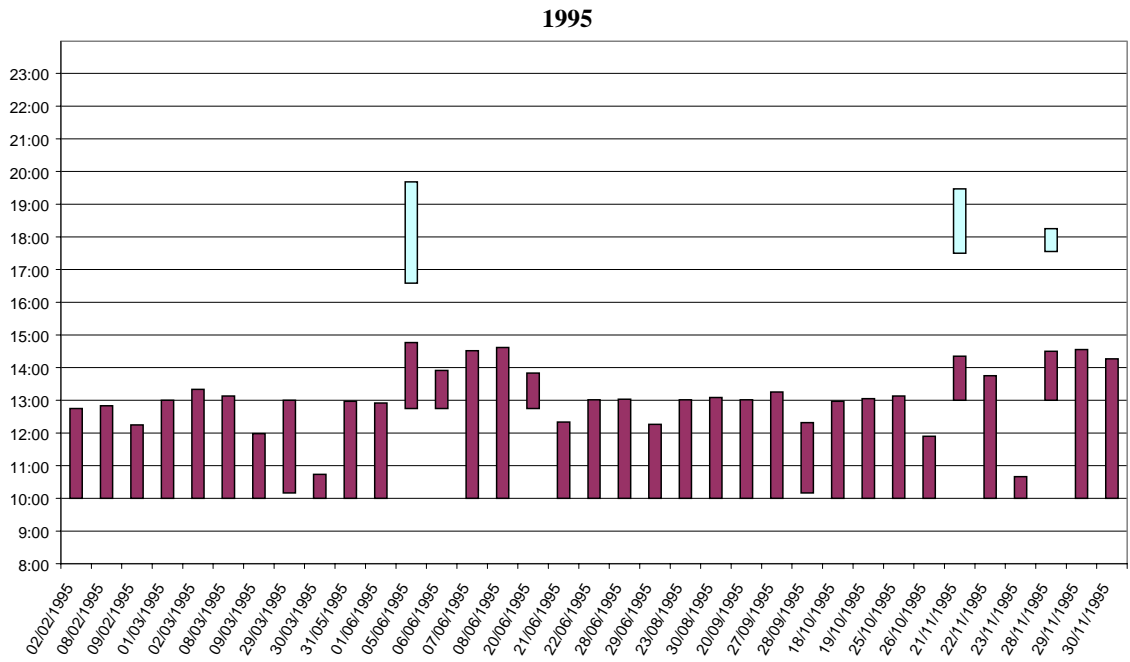


Figure 2: Hours of meeting in the Main Committee in 1995

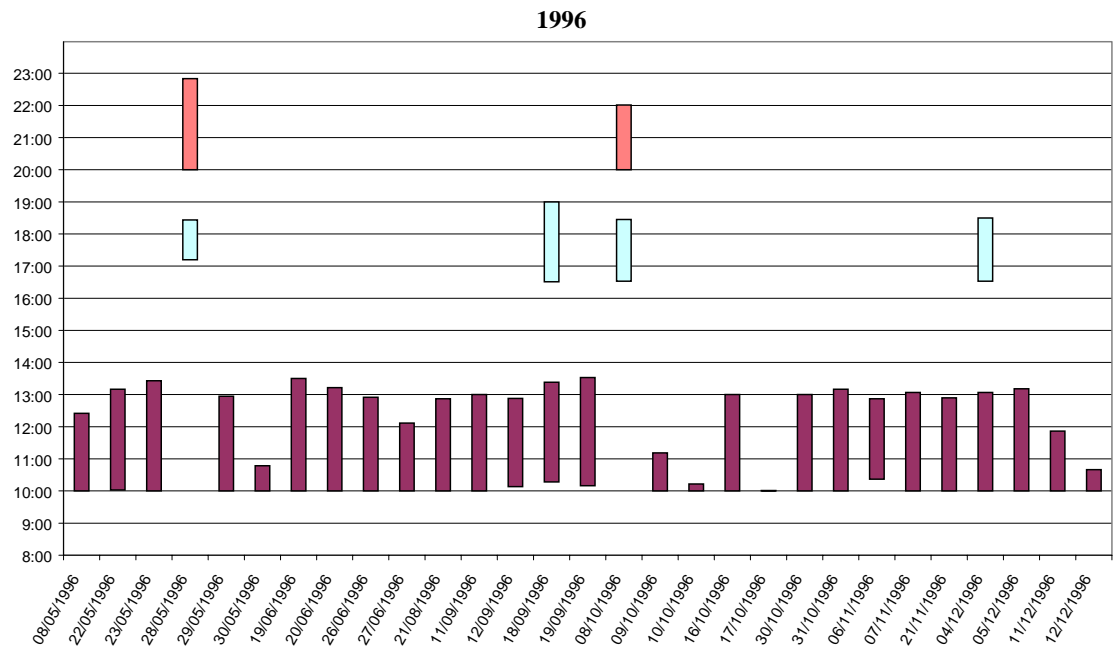


Figure 3: Hours of meeting in the Main Committee in 1996

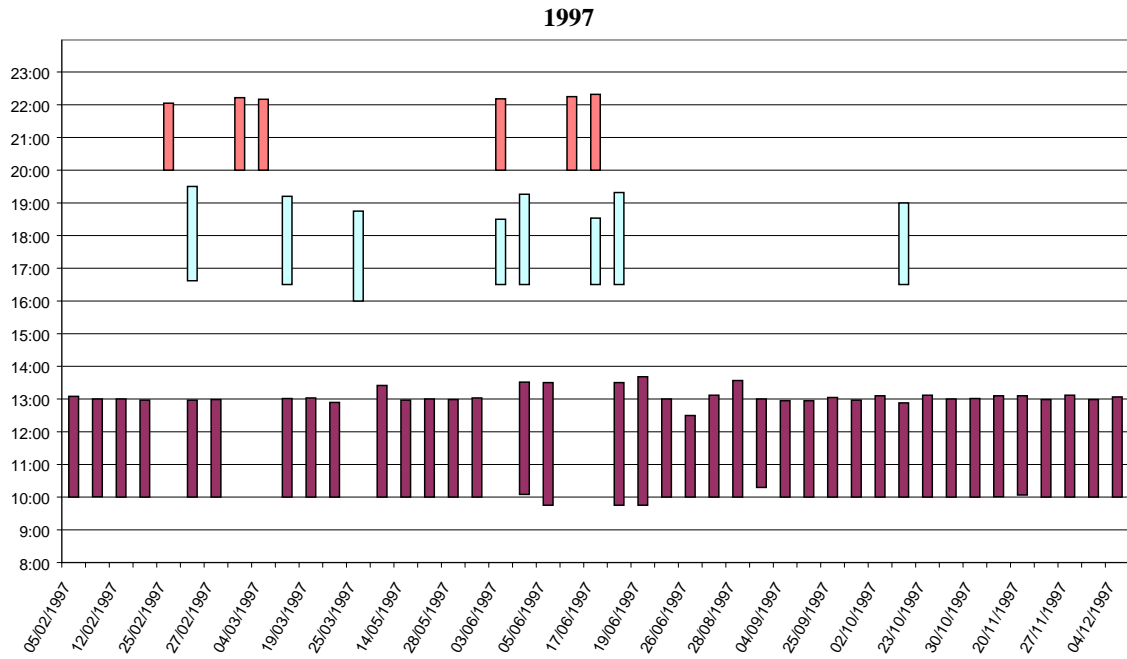


Figure 4: Hours of meeting in the Main Committee in 1997

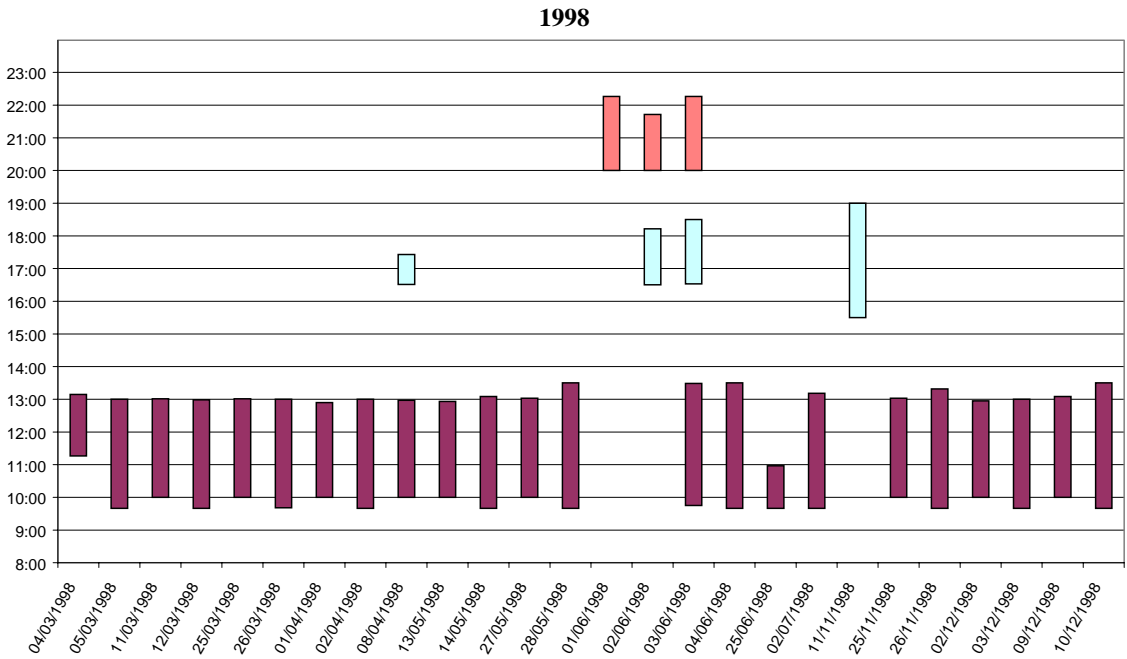


Figure 5: Hours of meeting in the Main Committee in 1998

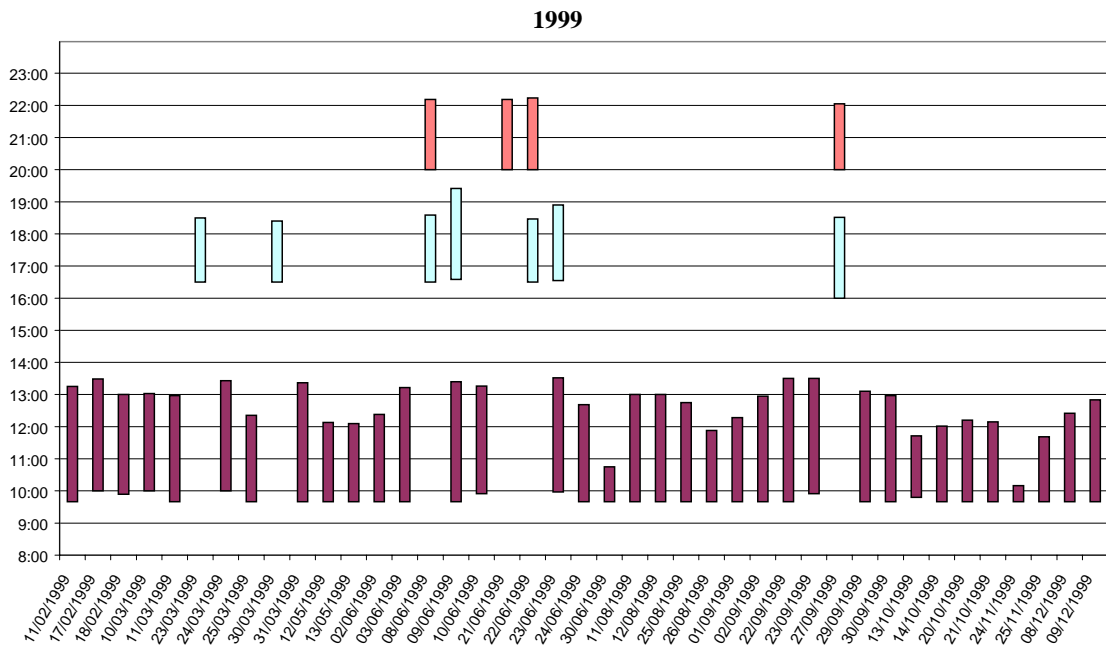


Figure 6: Hours of meeting in the Main Committee in 1999

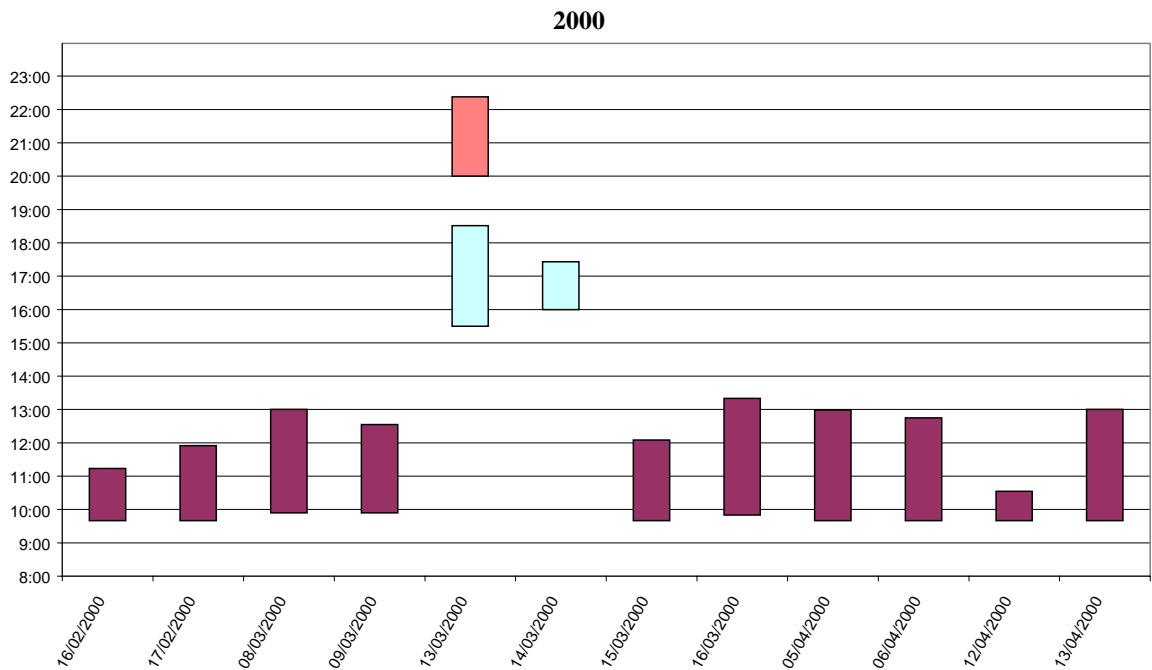


Figure 7: Hours of meeting in the Main Committee in 2000
(to 13 April 2000)

By day of sitting week

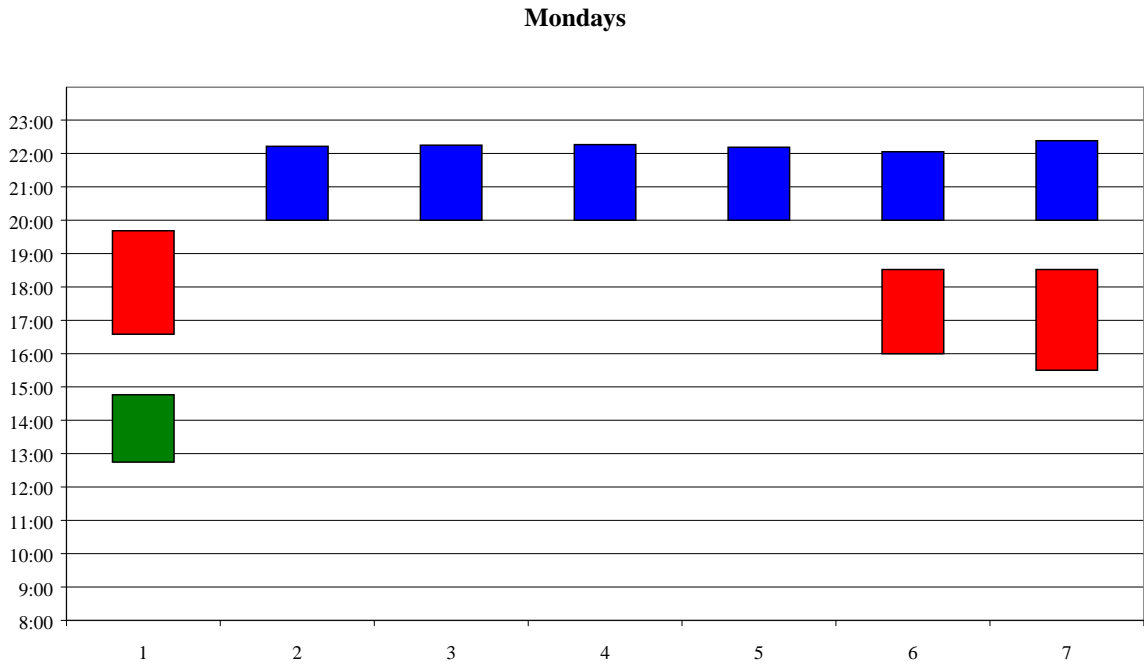


Figure 8: Hours the Main Committee met on Mondays 1994-2000
(to 13 April 2000)

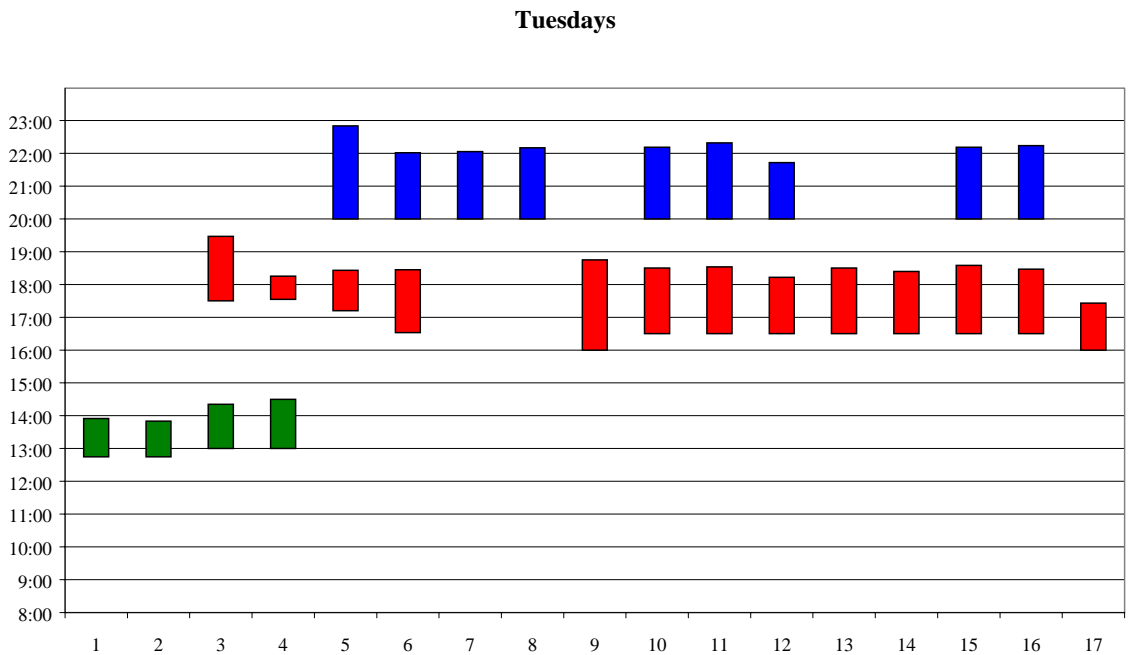


Figure 9: Hours the Main Committee met on Tuesdays 1994-2000
(to 13 April 2000)

Wednesdays

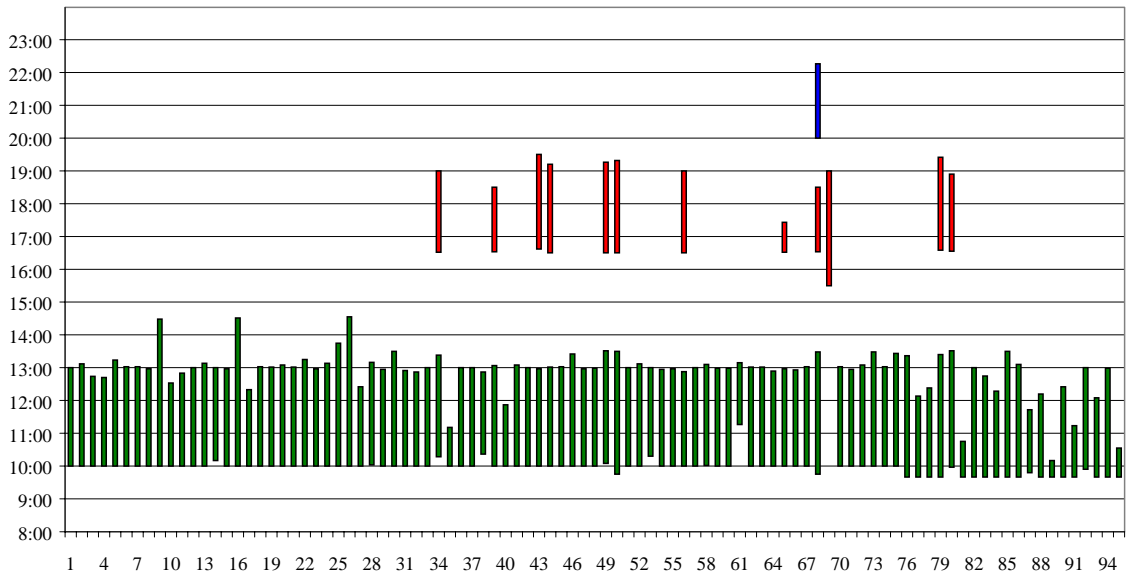


Figure 10: Hours the Main Committee met on Wednesdays 1994-2000 (to 13 April 2000)

Thursdays

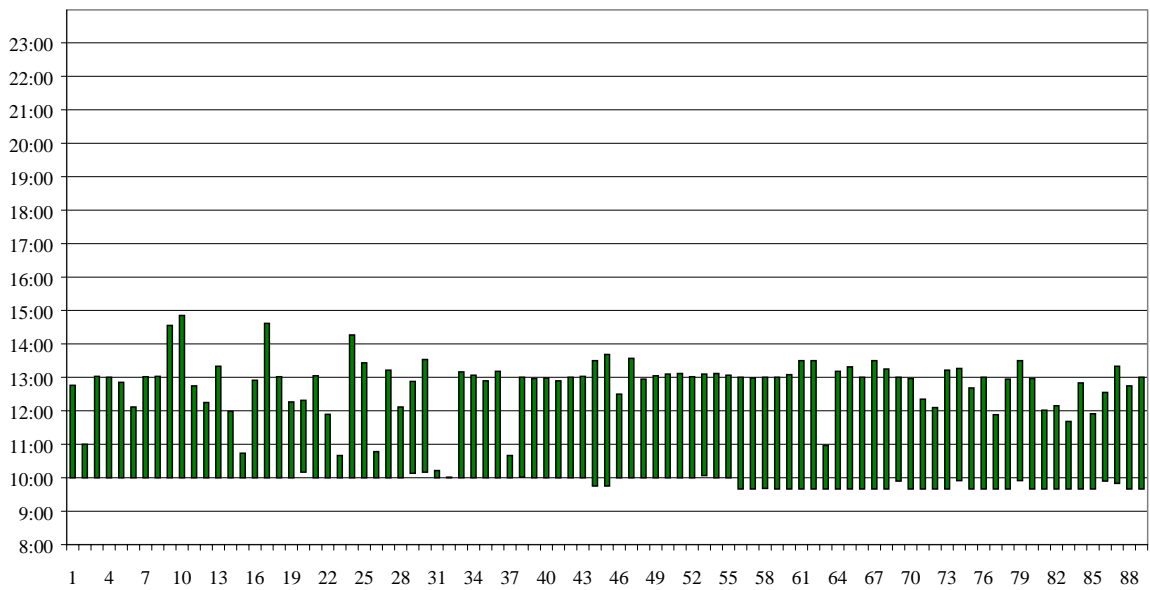
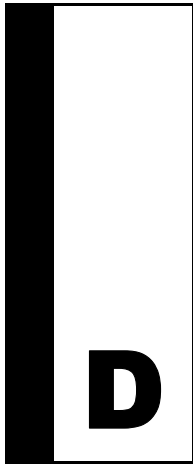


Figure 11: Hours the Main Committee met on Thursdays 1994-2000 (to 13 April 2000)



Appendix D

Interventions in the UK House of Commons

The extracts from the *House of Commons Debates* on the following pages illustrate the use of the intervention procedure in the UK House of Commons.

The House of Lords Bill was introduced in the House of Commons on 19 January 1999 and the second reading was debated in the House on 1 and 2 February. The bill was neither uncontentious nor uncontroversial. The extracts have been taken from second reading debate on the bill during the evening of 1 February 1999.

Source: H. C. Deb. (1998-99) 324—

Extract 1 cc 609-11

Extract 2 c 615

Extract 3 c 614

Extract 4 c 620

Extract 5 c 649

Extract 1

The Leader of the House, the Rt Hon. Margaret Beckett MP, in moving the second reading, spoke for approximately half an hour. There were frequent interruptions during her speech. The Member speaking may give way after a formal request to do so or may do so informally.

The President of the Council and Leader of the House of Commons (Mrs. Margaret Beckett): I beg to move, That the Bill be now read a Second time.

The most important thing about the Bill, and what should be the most important thing about this debate and this issue, is that it is all very simple. What our manifesto said is simple and this legislation is simple--and we can best judge it if we recognise the almost exquisite simplicity of what it proposes. The Bill removes the right presently enjoyed by some 750 people--almost 100 more than the total number of Members elected to the House--to sit and vote in our Parliament solely on the basis of their birth and without any consideration whatever of their personal qualities or achievements. The Bill will modernise the way in which we handle legislation, improve our Parliament and so lead to a better Britain.

Hereditary peers lose the right to an automatic place in Parliament in clause 1. They should then have the right of any citizen to vote, and to stand for and to be a Member of this House without disclaiming their peerages. That is the effect of clause 2. Clause 3 makes consequential repeals to the Peerage Act 1963, and clause 4 brings the main provisions of the Act into force at the end of the Session in which it is passed, cancels the existing writs of summons that otherwise run for a whole Parliament, and provides for a power to ensure that peers can register as parliamentary electors for the first register that comes into force after they leave the Lords.

The proposals follow precisely those in our manifesto: to remove the right of hereditary peers to sit and vote in our legislature as

"an initial self-contained reform, not dependent on further reform in the future."

It has been suggested that an amendment may be moved from the Cross Benches in the House of Lords whereby some 90 or so of the 750 might remain in the transitional House until the second stage of reform. The Government have made it clear from the outset that we would prefer to proceed by consensus. However, if such a proposal is made in the Lords and the Government's legislative programme is not being frustrated, we are minded to accept it. Even with such an amendment, the automatic rights of hereditary peers would have been removed and those elected by their peers would serve in a personal capacity--their heirs would not inherit their seats.

Mr. Tony Benn (Chesterfield): I wonder whether my right hon. Friend can help me regarding the mechanisms of the Bill. If the Lords amendment is moved and accepted by the House and the Government, and peers elect their contemporaries for the purpose of the transitional arrangements, will there be a statutory provision or will they be created peers and life peers again? On what basis will they sit

once their right to sit as hereditary peers is removed by the Bill?

Mrs. Beckett: With respect to my right hon. Friend, they are precisely the matters that will be addressed by the amendment that will, no doubt, be moved in another place. It is the other place's amendment, not ours, and I do not propose to address it today.

Sir Patrick Cormack (South Staffordshire): Is the right hon. Lady saying that, if a similar amendment is moved in this place, the Government are not minded to accept it?

Mrs. Beckett: No such proposal appears in the Bill as it stands and nor do the Government intend to insert it.

Sir Patrick Cormack *rose--*

Mrs. Beckett: I am about to answer the hon. Gentleman's question. If an amendment is moved in this place, I shall advise my right hon. and hon. Friends to vote against it--and I shall tell the hon. Gentleman why. Should the Bill be actually obstructed in the Lords, despite being a clear manifesto pledge, or should it appear that the consensus and good faith for which we hope are lacking, then it is to this simple Bill that we would wish to apply the Parliament Acts so that the legislation can be carried in this Parliament, albeit after a delay.

The Government have provided for a two-day Second Reading debate for two reasons: first, the Bill, although short, is momentous in its effects; and, secondly, we recognise that hon. Members may want to range over matters relating to the White Paper. I intend to focus on the content of the Bill. In tomorrow's debate, my hon. Friend the Minister of State, Lord Chancellor's Department, will focus on the transitional House.

Mr. Nick Hawkins (Surrey Heath): Before the right hon. Lady moves on, I should like to return to the matter raised by my hon. Friend the Member for South Staffordshire (Sir P. Cormack). Is the right hon. Lady saying that if an amendment were to be tabled in this House of the type referred to, she would invite her right hon. and hon. Friends to vote against it? She intends, in effect, to put a pistol to the heads of Members of the upper House. If that is the case, the word that would be applied in the courts is blackmail, but as I am sure that that is not a parliamentary expression, shall we simply call it threatening behaviour by the Government?

Mrs. Beckett: Absolute claptrap. The matter is simple and straightforward: this is what the Government said that we intended to do and it is what we propose to do. We are perfectly willing to work with members of the House of Lords if that is what they want, in order to allow some of them to remain on the basis that is being discussed. However,

the Government propose to act as we have set out in the Bill itself.

Mr. William Cash (Stone): Will the right hon. Lady give way?

Sir Nicholas Lyell (North-East Bedfordshire): Will the right hon. Lady give way?

Mrs. Beckett: There is not much point, but I shall give way to the right hon. and learned Member for North-East Bedfordshire (Sir N. Lyell).

Sir Nicholas Lyell: Will the right hon. Lady explain to the House whether she thinks it right and desirable that existing hereditary peers, who play a substantial part in the present role of the House of Lords, should continue to be able to play such a part during the transitional period? If she agrees that it is right and that that is why the Government would accept the amendment, why are they not prepared to include such a provision in a Bill to which they could apply the Parliament Acts?

Mrs. Beckett: I have just given the right hon. and learned Gentleman the reason. What he is discussing is not the Government's proposal; the Government's proposal was in our manifesto and it is before the

House today. We are prepared to take, on advisement, other proposals that might come from another place. We are prepared to consider them not unsympathetically, but we are not prepared to run the risk of the Bill before us today not being the same Bill, in essence, when it leaves this House.

Mr. Cash: Will the right hon. Lady give way?

Mrs. Beckett: I will, but then I must get on.

Mr. Cash: Given the drastic treatment that the Government propose for the House of Lords and the peremptory manner in which they are introducing it, will the right hon. Lady be good enough to tell us whether she proposes to use the guillotine at some point during the proceedings?

Hon. Members: On the peers.

Mrs. Beckett: Neither on the peers, nor on the Bill. As I hope to show later in my speech, to call the measure drastic is to put it a little high; it is certainly long overdue.

...

Extract 2

Whether to give way is the Member's decision.

...

Mr. Bercow: Will the right hon. Lady give way?

Mrs. Beckett: No, I am sorry.

The Prime Minister is to forgo his right of veto over the names nominated by leaders of other parties. He is to give up to an independent appointments commission his right to nominate Cross-Bench peers. The Government have also made it plain that we shall not seek more than parity in numbers with the Conservative party in the transitional House, and that we do not believe that any party should seek a majority in the House of Lords. I look forward to hearing the Conservative party spokesman say the same.

There remains one further major argument about the nature of the Government's proposals: that stages 1 and 2 of reform should go together, that it is too soon to get rid of hereditary peers, and that they should not go until we have decided just what should replace them.

Mr. Dominic Grieve (Beaconsfield): Will the right hon. Lady give way?

Mrs. Beckett: No, I am awfully sorry. I must get on. I feel confident that I could answer the hon. Gentleman's point.

Mr. Grieve: The right hon. Lady does not know what it is yet.

Mrs. Beckett: I do.

There is a flaw in that, at first sight, reasonable argument, and it is really a rather large flaw. It is that the Conservative party has been deploying that argument, with every appearance of sincerity, for 88 years.

...

Extract 3

Interventions may lead to greater involvement by Members on both sides of the debate.

...

Mr. Andrew Robathan (Blaby): Will the right hon. Lady give way?

Mrs. Beckett: This will be the last time that I give way because I know how many hon. Members want to speak, and I want to get on.

Mr. Robathan: I find the right hon. Lady's revelling in many years of class warfare both interesting and amusing. I agree with much of what she says, but will she state categorically that she believes that the present Leader of the House of Lords would be there even if it were not a fact that her father was a Labour Prime Minister?

Mrs. Beckett: That is an insufferably insulting assertion, which the hon. Gentleman repeatedly makes. My right hon. and noble Friend the Leader of the House of Lords is in that position because of her own abilities, qualities and achievements; she is not there in the place of her father, as everyone in the country is perfectly well aware.

Dr. Phyllis Starkey (Milton Keynes, South-West): Will my right hon. Friend give way?

Mrs. Beckett: I am happy to give way to one of my hon. Friends, but it must be for the last time.

Dr. Starkey: Will my right hon. Friend confirm that a considerable number of hon. Members of this House are the daughters or sons of Members of Parliament, which does not imply that they are here only because of their birth, but that they have been elected on their own merits? Is not that precisely the point that my right hon. Friend was attempting to make about the current Leader of the House of Lords?

Mrs. Beckett: My hon. Friend is right. As I said, should the Bill pass into law, it will remain the case that all those entitled to serve in the House of Lords will be there as a result of their own achievements.

...

Extract 4

The Chair may allocate the call when more than one Member requests to intervene.

...

Mr. Bercow: Will my hon. Friend give way?

Mr. Phil Hope (Corby): Will the hon. Gentleman give way?

Mr. Deputy Speaker: I call Mr. Hope.

Dr. Fox: I will give way to my hon. Friend first, and then to the hon. Member for Corby (Mr. Hope).

Mr. Bercow: I am grateful to my hon. Friend--

Mr. Deputy Speaker: Order.

Dr. Fox: I said that I would give way first to my hon. Friend.

Mr. Deputy Speaker: That was not very clear, if I may say so. I had already called the hon. Member for Corby (Mr. Hope).

Mr. Hope: I have listened to the hon. Gentleman for about 10 minutes and I am still confused. I should be grateful if he would clarify the position: do the Opposition support, or not support, the hereditary principle--yes or no?

...

Extract 5

The Chair occasionally adjudicates.

...

Mrs. Eleanor Laing (Epping Forest) *rose--*

Mr. Grieve: Will the hon. Gentleman give way?

Mr. Wareing: I shall give way to the hon. Lady, as I think that she asked first.

Mrs. Laing: Is not the hon. Gentleman arguing, most eloquently, for a total reform of Parliament itself? As

he just said, we now have devolution and the opportunity--although Opposition Members do not want it--for regional assemblies. Does he therefore agree that, rather than debating the short Bill before us, which deals with only one aspect--

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. As I have said before, an intervention is not an opportunity to make a speech.

...