

## Introduction

- 1.1 Following the 2010 general election and in the lead-up to the 43rd Parliament, significant procedural reforms were proposed by a group of non-aligned Members,<sup>1</sup> and agreed to by the major parties. These were articulated in the *Agreement for a Better Parliament: Parliamentary Reform* (the Agreement) which was signed on 6 September 2010. The full text of the Agreement is at Appendix A.

## Environment for parliamentary reform

- 1.2 In the weeks following the election of 21 August 2010, it became apparent that no single party or established coalition of parties had the numbers to form a majority government. As shown in Table 1.1 the Australian Labor Party (ALP) won 72 seats, the Coalition 73 (if Mr Tony Crook, who described himself as an 'Independent WA National' is included),<sup>2</sup> the Greens one and the Independents four.

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1 Standing orders define a non-aligned Member as '*a Member who is neither a government Member or an opposition Member*'. In the 43<sup>rd</sup> Parliament non-aligned Members include Mr Adam Bandt (Greens), Mr Bob Katter (Independent), Mr Rob Oakeshott (Independent), Mr Tony Windsor (Independent) and Mr Andrew Wilkie (Independent). Although initially counted as a Coalition Member, in August 2010 Mr Tony Crook (Nationals WA) indicated his intention to sit on the cross-benches as an Independent Member.

2 See Mr Crook's Blog posting of 22 October 2010 on his webpage: <http://www.tonymcrook.com.au/News/Blogs/tabid/75/articleType/ArticleView/articleId/6/Tony-Crook--An-Independent-WA-National.aspx>, viewed 15 March 2011.

**Table 1.1 Party composition House of Representatives in the 42<sup>nd</sup> and 43<sup>rd</sup> Parliaments**

<i>Party</i>	<b>42<sup>nd</sup> Parliament*</b>	<b>43<sup>rd</sup> Parliament</b>
Australian Labor Party	83	72
Coalition**	63	73 (includes Mr Tony Crook)
Australian Greens	-	1
Independent	4	4

*Notes* \* Composition as at the dissolution of the 42<sup>nd</sup> Parliament.

\*\*Coalition comprises Liberal Party of Australia; The Nationals/Country Liberal; Liberal National Party and includes Mr Tony Crook (see Footnote 1, previous page).

1.3 A period of intense negotiations followed, as both major parties sought to win the support of sufficient non-aligned Members to allow them to form government. An agenda for parliamentary reform, based on the role of 'local MPs' as the 'building blocks' of Australia's democracy, and the assertion of the parliament's authority in its relationship with government, was a key component of these negotiations.<sup>3</sup>

1.4 On 7 September 2010, having secured support of the Greens Member and of three of the four Independent Members, it was established that the ALP had the numbers to form a minority government. In a statement to the press, Ms Gillard said:

We've agreed to far-reaching reforms that make me as prime minister and our government and how it functions more accountable to the Australian people.

So let's draw back the curtains and let the sun shine in, let our parliament be more open than it was before.<sup>4</sup>

1.5 The 43<sup>rd</sup> Parliament was opened on 28 September 2010 and in her first speech the Prime Minister stated:

Mr Speaker, the result of the 21 August election is a salutary reminder that parliament is not a creature of the executive and that every piece of legislation will require, and should be given, careful and thoughtful deliberation. It is also a reminder that our colleagues on the crossbench have their own rights as legislators which must be protected and upheld. For the government's part we accept these realities and welcome the opportunity for reform

3 The preamble spells out these two principles underlying the Agreement.

4 Excerpt from transcript of Ms Gillard's statement to the media on 7 September 2010 viewed on 6 January 2011 at: <<http://www.news.com.au/features/federal-election/transcript-julia-gillard-im-ready-to-govern/story-e6frllr-1225915743789>>.

that they present. We want this parliament to be productive both in its rules and procedures but also in its outcomes for the nation, and we pledge to uphold the spirit of consensus and goodwill at every possible turn.<sup>5</sup>

## Scope of the inquiry

- 1.6 An important aspect of the Agreement is that it provides for a mechanism to:

... review all standing order and other procedural changes in this agreement and will report following the first session of this Parliament.<sup>6</sup>

- 1.7 On the second day of the new parliament, the House agreed to a large number of amendments to standing orders, a sessional order and a resolution. In speaking to the motion to amend standing orders in line with the Agreement, the Leader of the House, the Hon Anthony Albanese identified the Procedure Committee as the appropriate body to review the implementation and operation of the reforms:

As the agreement stipulates, all of these reforms will be reviewed over the course of this five-week sitting period. All House related initiatives are to be subject to informal monitoring by the Procedure Committee, with the committee to hold round table meetings to discuss progress and any necessary refinements to the detail. The committee will present a formal report on the first year of operation of the new arrangements, but in between there should be discussion between the government, the opposition and the crossbenchers about how it works in practice and whether any refinements are needed prior to parliament returning next year.<sup>7</sup>

- 1.8 At its first meeting of the 43<sup>rd</sup> Parliament, the Standing Committee on Procedure (the Committee) adopted the following terms of reference:

To monitor and report on procedural changes implemented in the House of Representatives in the 43<sup>rd</sup> Parliament.<sup>8</sup>

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5 HR Deb, 28 September 2010, 7.

6 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 21, p 9.

7 HR Deb, 29 September 2010, 129.

8 Parliament of Australia website, viewed on 6 January 2011 at:  
<<http://www.aph.gov.au/house/committee/proc/proceduralchanges/tor.htm>>.

- 1.9 Although the Committee intends to present a more detailed report on aspects of the parliamentary reforms after a longer period of implementation, it is keen, first, to capture the early views and experiences of Members and to report to the House on these. In producing this 'interim' report the Committee acknowledges its inherent limitations.
- 1.10 Sitting weeks to date in the 43<sup>rd</sup> Parliament could largely be viewed as a period of 'bedding in' for the reforms. The Committee avoids being too definitive at this early stage, confining its observations to broad narrative, other than some of the comment made in chapters three and five. While the Committee presents comparative data in this report, it notes that trends may change over the course of the 43<sup>rd</sup> Parliament and will present more substantive data in its later report.
- 1.11 The inquiry so far, and this report, focus on the nature of the reforms and the initial processes of their implementation. The Committee cannot comment now on whether the ultimate objective of the reforms – the building of a more active and participatory House – has been achieved.

## **Conduct of the inquiry**

- 1.12 On 29 October 2010 the Chair of the Procedure Committee wrote to all Members of the House inviting feedback on their early experiences of the reforms. The Committee has drawn on this feedback, which includes evidence contained in five submissions and one exhibit, as well as feedback provided informally, in correspondence, at Committee briefings and a roundtable meeting with Members (detailed below). The report also draws on data collected by the Chamber Research Office and on comments made by Members in the House, or elsewhere, which are in the public domain.
- 1.13 On 25 November 2010 the Committee held a private meeting with the Speaker and the Clerk to discuss emerging issues on the reforms. The Clerk later provided some additional comments in a submission, a copy of which is included at Appendix E. On 22 February 2011 the Committee held a private roundtable with Members to seek initial feedback on their views and experiences of the procedural changes. Further feedback was collected during a private briefing with party Whips on 24 February 2011.

## Structure of the report

- 1.14 Chapter 2 presents an overview of the reform agenda, outlining the objectives, individual reforms and the mechanisms used to support their implementation.
- 1.15 In recognition of the reforms' focus on increasing the opportunities for participation by all Members, Chapter 3 considers the opportunities available now and the implications of these changes for the institution of parliament, as well as for Members.
- 1.16 Chapter 4 reviews two other significant procedural reforms: changes to Question Time and to the House committee system.
- 1.17 In Chapter 5 the Committee discusses issues – current and emerging – that, in its view, need to be addressed quickly, or to be monitored closely over the next several months.
- 1.18 Appendix A contains the text of the Agreement; Appendix B, a comparison of the reforms implemented in the standing orders with the previous situation; Appendix C, an outline of the evidence obtained by the Committee; Appendix D, the principles guiding the operations of the Selection Committee; and Appendix E, a copy of the submission from the Clerk of the House of Representatives.

