

The Parliament of the Commonwealth of Australia

House of Representatives
Standing Committee on Procedure

TIME FOR REVIEW
BILLS, QUESTIONS AND WORKING HOURS

Report of the review of procedural changes
operating since 21 February 1994

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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.

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CONTENTS

Terms of reference of the committee.....	iii
Membership of the committee.....	iii
Summary of changes, conclusions and recommendations.....	vii

Introduction...

1. Background	1
1.1 About Time report	1
1.2 Implementation and modifications.....	1
2. Conduct and scope of the review	2

Bills...

3. Legislative process.....	3
3.1 Summary of changes.....	3
3.2 Objectives.....	4
3.3 Minister's second reading speech.....	5
3.4 Explanatory memorandum.....	6
3.5 Cognate debates.....	7
3.6 Consideration in detail.....	8
3.7 Report from the Main Committee	8
3.8 Senate bills.....	9
3.9 Senate amendments to House bills.....	10
3.10 Involvement of Minister in debate.....	10
4. The Main Committee.....	12
4.1 Summary of Main Committee operations.....	12
4.2 Objectives of the Main Committee.....	12
4.3 Sitting times.....	13
4.4 Business dealt with.....	14
4.5 Seconding of motions in the Main Committee	16
4.6 Attendance in the Main Committee	17
4.7 Public access to proceedings.....	17
5. References to standing committees.....	18

Questions...

6. Question Time.....	20
6.1 Background	20
6.2 Rostering of Ministers	21
6.3 Timetabling of question time	25
6.4 Operation of question time.....	25
7. Answers to questions on notice.....	26
8. Disorder.....	27
8.1 Summary of new provisions.....	27
8.2 Operation of the 'sin bin'.....	28
8.3 Conclusion	29

Working hours...

9. Sitting program	30
9.1 Sitting pattern	30
9.2 Sitting hours	31
9.3 Routine of business	33

Appendices

Appendix 1: List of submissions	37
Appendix 2: About Time: Bills, questions and working hours — Government response	39
Appendix 3: House of Representatives usual routine of business	49

Tables

Table 1: Business of the House 1991 to 1994	5
Table 2: Government bills introduced in 1994 — Participation of Ministers	11
Table 3: Ministerial statements 1970 to 1994	15
Table 4: Questions without notice 1992 to 1994	24
Table 5: Questions without notice to Ministers 1992 to 1994	22
Table 6: Members suspended and ordered to withdraw 1991 to 1995	28
Table 7: Hours of sitting 1991 to 1994	32
Table 8: Allocation of sitting time — Hours per sitting fortnight	34
Table 9: Grievance debate — Selected statistics since 21 February 1994	35

Review of procedural changes operating since 21 February 1994

Summary of changes, conclusions and recommendations

Procedure	Conclusion/comment	Recommendation
Legislative process		
Minister to sign and table explanatory memorandum	Retain provision (<i>paragraph 3.4.3</i>) An explanatory memorandum should contain: a clear statement of the objective of the bill; an outline of the reasons for introducing the bill, why it is required, the effect of the principal provisions and an explanation of the policy background; a financial impact statement; and an explanation of the clauses (<i>paragraph 3.4.4</i>)	Departments take steps to improve usefulness of explanatory memoranda to Members and others seeking clarification of the nature, purpose and effect of legislation (<i>paragraph 3.4.6</i>) Whenever possible, in the case of government bills, Ministers make an explanation to the House of any amendments (or requests for amendments) made by the Senate to which the Senate is seeking the agreement of the House (<i>paragraph 3.9.3</i>)
Proceedings adjourned after first reading		Standing orders be amended to enable a Minister to move the second reading of a government bill immediately following the first reading and for debate then to be adjourned to a future day (<i>paragraph 3.3.5</i>)
Resolution on handling of bill	No change other than to accommodate change to timing of Minister's second reading speech (<i>paragraph 3.3.5</i>)	
Cognate bills	Revert to previous informal arrangements (<i>paragraph 3.5.5</i>)	Standing order 217C be omitted (<i>paragraph 3.5.6</i>)
Second reading debate follows second reading speech		Debate to be adjourned after Minister's second reading speech (<i>paragraph 3.3.5</i> see above) Ministers take steps to ensure that they are present in the House or the Main Committee to move the second reading, close the second reading debate and

Procedure	Conclusion/comment	Recommendation
		participate in any consideration in detail of all bills for which they have portfolio responsibility <i>(paragraph 3.10.6)</i>
Consideration in detail	Retain new time limits <i>(paragraph 3.6.3)</i>	For consideration of amendments made, or requested by, the Senate to bills the speech time limits applying should be—each Member, an unspecified number of periods each not exceeding five minutes <i>(paragraph 3.9.6)</i>
Report stage	Current arrangements satisfactory <i>(paragraph 3.7.4)</i>	
Third reading		
Senate bills	Same rules should apply to bills originating in the Senate as to those originating in the House <i>(paragraph 3.8.4)</i>	
Standing committee consideration of bills	Care to be taken that bills are referred to appropriate committee and individual committees are not overloaded <i>(paragraph 5.1.2)</i>	
Consideration of estimates	Consideration of annual reports by committees could be used to investigate expenditure of government agencies <i>(paragraph 5.1.5)</i>	
Operation of the Main Committee		
Sitting times	No change to present arrangements <i>(paragraph 4.3.2)</i>	
Business dealt with	Whenever a ministerial statement is made, a copy should be tabled and a motion moved to take note of the paper so it is available on the Notice Paper for referral to the Main Committee. <i>(paragraph 4.4.7)</i> For policy statements made outside the House Ministers are encouraged to table a copy and move for the House to take note of the paper so that they are placed on the Notice Paper and may be debated <i>(paragraph 4.4.8)</i>	
Seconding of motions	Present provisions for seconding of motions be retained <i>(paragraph 4.5.7)</i>	

Procedure	Conclusion/comment	Recommendation
Attendance in Main Committee		Steps be taken to clarify whether attendance in the Main Committee constitutes attendance in the House for the purposes of constitutional or other requirements (<i>paragraph 4.6.4</i>)
Public access to proceedings		Ways be investigated to encourage visitors to Parliament House to observe the proceedings of the Main Committee and to assist them to understand its role and operations (<i>paragraph 4.7.5</i>)
Second Deputy Speaker		
Questions		
Rostering of Ministers	Opportunity for the Opposition to have an input and suggest changes to the roster should be retained and strengthened (<i>paragraph 6.2.19</i>)	Standing order 151A be amended to provide for (a) the Opposition to require the presence of one additional Minister per day by informing the Leader of the House in writing prior to the sitting of the House on the day to which the requirement relates; and (b) questions to be asked of any Minister who attends question time regardless of whether he or she is on the roster for that day, the presence of any additional Ministers to be announced to the House by the Leader of the House or other Minister at the commencement of question time (<i>paragraph 6.2.16</i>)
Operation of question time	Discussion paper to be tabled as basis of discussion (<i>paragraph 6.4.4</i>)	
Answers to questions on notice		Standing order 150 be amended by omitting the second paragraph and substituting the following paragraphs: If after the expiration of 60 days of a question first appearing on the Notice Paper, a reply has not been delivered to the Clerk, the Member who asked the question may rise in his or her place at the conclusion of the question period and request the Speaker to write to the Minister concerned, seeking reasons for the delay in answering. At the conclusion of the question

Procedure	Conclusion/comment	Recommendation
		period on each sitting Thursday the Speaker shall make a report to the House listing those Ministers to whom he or she has written pursuant to this standing order, any responses received, and those Ministers who were reported in a previous report as having been written to and who have not responded, giving the date of the original letter. The report shall be recorded in Hansard. (<i>paragraph 7.1.7</i>)
Disorder	SO 304A be retained (<i>paragraph 8.3.1</i>) Penalties be retained (<i>paragraph 8.3.4</i>)	
Working hours		
Sitting pattern	More even spread of sittings over year is an improvement (<i>paragraph 9.1.2</i>)	Consideration be given to the commencement of sittings each year being not earlier than the first Tuesday in February (<i>paragraph 9.1.5</i>)
Monday sittings		House continue to sit to a four week cycle of two sitting weeks followed by two non-sitting weeks and that it sit Monday to Thursday of each week including the Monday of the first sitting week of each period of sittings except the Autumn sittings (<i>paragraph 9.1.8</i>)
Sitting hours		No change be made to the sitting hours of the House (<i>paragraph 9.2.8</i>)
Time of question time	ABC is encouraged to review its programming to enable as wide an audience as possible to view question time in the House of Representatives (<i>paragraph 9.3.5</i>)	Question time commence no later than 2.30 pm (<i>paragraph 9.3.6</i>)
Grievance debate		Grievance debate continue for 1 hr 20 min each Monday (<i>paragraph 9.3.9</i>)

Procedure	Conclusion/comment	Recommendation
Routine of business for Mondays		Routine of business on Monday be as follows: Petitions Private Members' business (until 2.15 pm) Members' statements Question time (at 2.30 pm) Committee and delegation reports (45 minutes) Grievance debate (1hr 20min) Government business Adjournment debate (7.30—8 pm) (<i>paragraph 9.3.10</i>)

Introduction...

1. Background

1.1 About Time report

1.1.1 Following the 1993 general election the Procedure Committee undertook a wide ranging inquiry looking at some of the fundamental structures and activities of the House. The inquiry arose out of considerable comment about aspects of the House's operations by Members, the media and the public in the lead up to, and during, the election period.

1.1.2 The committee looked at three main issues — handling legislation, questions and the sitting program. The committee produced a set of recommendations which aimed to assist the House to carry out more effectively two of its major functions — legislating and scrutinising government performance. It sought to make the House more relevant, effective and efficient by balancing the legitimate concerns of government and opposition leadership with the interests and needs of individual Members.

1.1.3 The report of the committee entitled *About Time: Bills, questions and working hours*¹ was presented on 28 October 1993.

1.1.4 The committee suggested that the proposals be trialed for a substantial period of time with minor adjustments being made as necessary and the operation of the new arrangements being reviewed by the committee once the House had had sufficient time to test them fully.

1.2 Implementation and modifications

1.2.1 The report was debated at length in the House and on 10 February 1994 the Leader of the House presented the Government's response to the report. A copy of the response appears at appendix 2.

1.2.2 Also on 10 February 1994 the House adopted extensive amendments to the standing orders which implemented the committee's recommendations (with the exception of those relating to question time) with some relatively minor variations. Sessional orders were adopted to implement a system of ministerial rostering for question time and provisions related to answers to questions on notice. The changes came into operation on 21 February 1994. The Main Committee held its first meeting on 8 June 1994.

1.2.3 Amendments were made on 22 February (Appropriation and Supply bills and deferred divisions on Mondays) and 12 May 1994 (matters which may be referred to Main Committee).

¹ Parliamentary Paper No. 194 of 1993.

A series of further minor amendments to the standing orders governing the operations of the Main Committee were made on 9 November 1994.

2. Conduct and scope of the review

2.1.1 On 13 October 1994 the committee resolved to undertake a review of the new procedures in the first half of 1995 when the procedures would have been in operation for approximately 12 months.

2.1.2 In November 1994 the committee wrote to Members, parliamentary departments and others who had contributed to the *About Time* inquiry seeking comments on the new procedures. A list of those who made submissions is at appendix 1. In addition the committee looked at remarks made in the House and gathered statistics on the sittings of the House and the handling of relevant business since the new procedures came into effect.

2.1.3 The review was concerned chiefly with the 'package' of changes introduced in February last year in response to the committee's original inquiry and any modifications made to those procedures since then. A minor amendment to standing order 38 (Votes and Proceedings of the House) made on 5 December 1994 was not relevant to the original changes and was not included in the review.

2.1.4 Extensive amendments were made to the standing orders on 9 November 1994 to incorporate references to Members in gender-inclusive pronouns and related matters. These amendments followed a resolution of the House on 30 June 1994 and the preparation and presentation to the House by the Speaker of a paper setting out the proposed amendments.

2.1.5 These amendments were not considered in the scope of this review but the committee congratulates the Speaker and the House for taking this step to modernise the wording of the standing orders. The Procedure Committee made a general recommendation that such amendments be made in its first report on a general review of the standing orders in 1986². It has also encompassed this principle in all the amendments to the standing orders which it has recommended since then.

2.1.6 This report is structured in a similar way to the report on the original inquiry with discussion organised under the three main categories of bills, questions and working hours to enable easy reference between the two reports. A table listing the changes to procedure and a summary of the comments or recommendations made by the committee to each one as a result of its review is placed at the front of the report.

² *The standing orders and practices which govern the conduct of question time* (Parliamentary Paper No. 354 of 1986)

Bills...

3. Legislative process

3.1 Summary of changes

3.1.1 The reforms agreed to by the House on 10 February 1994 included a range of changes to the way the House deals with legislation, including the establishment of the Main Committee and reference of bills to standing committees for advisory reports. Some minor amendments have since been made to fine tune the original changes. The Main Committee and references to standing committees are discussed later in the report. The changes made to the legislative process in general may be summarised as follows:

First reading

3.1.2 When presenting a bill the Minister must sign and table the bill's explanatory memorandum which should include an explanation of the reasons for the bill. Debate is then adjourned. Special provision was made in the standing orders to enable the second reading speech on Appropriation and Supply bills to be made immediately after the first reading.

Resolution on the handling of the bill

3.1.3 After the first reading and before the motion for the second reading is moved (ie before the Minister's second reading speech) the House may decide to refer the bill to the Main Committee for second reading and consideration in detail stages or to a standing committee for an advisory report. Standing order 217A sets out how this may be done and imposes time constraints. All stages of bills not referred to the Main Committee are dealt with in the House.

Cognate bills

3.1.4 After the first reading and before moving the motion for the second reading a Minister may, with the leave of the House, declare a number of related government bills to be cognate bills. This enables the second reading debate on the first bill to cover the subject matter of all the bills and any second reading amendments proposed to be moved thereon. Separate questions are put in respect of the second readings and any second reading amendments of each of the bills but no debate is allowed on the second and subsequent bills.

Second reading

3.1.5 Following the Minister's second reading speech, debate on the second reading may continue without adjournment.

Consideration in detail

3.1.6 Consideration in detail replaced the old committee of the whole House. The rules governing consideration in detail are the same as those which applied to the committee of the

whole except that speech time limits were adjusted so that each Member may speak an unlimited number of times for a maximum of 5 minutes each time. For the consideration in detail stage conducted in the House the Speaker remains in the Chair and the Mace remains on the Table.

Report stage (for bills considered in the Main Committee)

3.1.7 Bills dealt with by the Main Committee are reported to the House by the Speaker who presents a certified copy of the bill together with schedules of any amendments made by the Committee or any questions which the Committee was unable to resolve. Amendments made by the Main Committee must be endorsed (or otherwise) by the House, no debate allowed, and no new amendments may be moved. Unresolved questions must be resolved by the House and are open to debate or amendment.

Third reading

3.1.8 The third reading of all bills takes place in the House and the traditional rules and practice were not altered.

3.2 Objectives

3.2.1 The changes adopted implemented the recommendations contained in the *About Time* report.

3.2.2 The Procedure Committee's main objectives in the package of proposals it made in relation to legislation, especially the establishment of the Main Committee, were to streamline legislative activity and provide additional time for the consideration of legislation. The need for action in this area was demonstrated by the extensive use of guillotines in recent years prior to the introduction of these reforms.

3.2.3 As an adjunct the committee was also hoping to improve the spontaneity and responsiveness of debate, particularly in the consideration in detail stage, but also by having the second reading debate follow immediately upon the Minister's speech and through the use of the smaller, more intimate, arena of the Main Committee.

3.2.4 Most of these objectives appear to have been achieved. Table 1 gives an indication of the improvement in the amount of time available to debate business and the dramatic fall in the use of the guillotine since the introduction of the new measures.

3.2.5 Although the reforms seem to have been successful in achieving their overall objectives, submissions and comments in the House indicate that there are some aspects of the changes which have not worked as well as anticipated and there is room for adjustment.

Table 1: Business of the House 1991 to 1994

	1991	1992	1993 ¹	1994
Bills introduced:	205	282	184	197
— referred to Main Committee	n/a	n/a	n/a	37
Bills guillotined	101	132	111	14 ²
Closure of Question	33	31	28	13
No. risings after usual house rise ³	23	33	22	14
Hours per bill ⁴	3 hrs 14 min	2 hrs 5 min	2 hrs 21 min	3 hrs 22 min
Sitting time - Main Committee ⁵	n/a	n/a	n/a	59 hrs 7 min
Total sitting time ⁵ :				
House	661 hrs 55 min	589 hrs 10 min	432 hrs 44 min	603 hrs 51 min
House and Main Committee	n/a	n/a	n/a	662 hrs 58 min

1. election year

2. 5 Budget bills (2.6.94) and 9 unrelated bills (7.6.94) prior to operation of Main Committee

3. 11 pm until 21 February 1994

4. including Main Committee. Sitting hours calculated as follows: Total sitting hours (including the Main Committee) divided by the number of bills introduced.

5. excluding all suspensions for meals etc.

Note: New sitting hours commenced 21 February 1994, Main Committee first met on 8 June 1994. Some changes would be greater over a full year.

3.3 Minister's second reading speech

3.3.1 One of the most noticeable changes made to the legislative process was providing for the adjournment of proceedings on a bill after the first reading and then, on a later day, allowing the second reading debate to proceed immediately after the Minister's second reading speech. This was done so that the Minister's speech on bills which were referred to the Main Committee would take place in the Main Committee and help to maintain the status and continuity of its proceedings. It was also hoped that this procedure would enable the first opposition speaker to respond immediately and directly to the Minister's speech and that, to observers, the debate would seem more complete, with both sides of the question able to be presented at one time.

3.3.2 It was recognised, however, that for this process to work there would need to be significant improvements to the explanatory memorandum so that Members would have sufficient information from which to prepare their response to the bill. It has become clear that the Minister's second reading speech contains elements which it is not possible to include in an explanatory memorandum prepared by departmental staff and which Members need in preparing speeches on a bill. For example, the Minister's personal objectives in relation to the bill, political considerations and intentions, and broader policy strategies which may span areas beyond the specifics of the bill, are all more appropriately spelt out in the Minister's speech.

3.3.3 Under the provisions of the Acts Interpretation Act the Minister's second reading speech can be an important aid for the courts in determining the intention of an Act. Members use it for the same purpose.

3.3.4 For all the above reasons the committee has decided that the balance of advantage lies with the presentation of the Minister's second reading speech at the time of introduction of the bill so that Members have available a comprehensive package of information (comprising the bill, the explanatory memorandum and the Minister's second reading speech) to assist them to understand the provisions and purpose of the bill and the intentions of the Government in pursuing the legislation. It is important that the House is able to have the best informed debate possible.

3.3.5 It is recommended that standing orders be amended to enable a Minister to move the second reading of a government bill immediately following the first reading and for debate then to be adjourned to a future day. Consequential amendments will be required to enable the reference of a bill to the Main Committee or a standing committee after the motion for the second reading has been moved and before the debate is resumed.

3.4 Explanatory memorandum

3.4.1 Even though it has been recommended that the Minister's second reading speech be made on the day of introduction, this does not mean that the explanatory memorandum becomes less important. It is still the main explanation of the provisions of the bill and has a significant status as an extrinsic aid to the interpretation of legislation by the courts.

3.4.2 *The committee is disappointed in the general standard of explanatory memoranda—many of them do little more than repeat the provisions contained in the bill. Recently a Member raised the matter in the House saying 'the explanatory memorandum to this bill is simply unprofessional. A prose rendering of each provision of this bill, a mere jargonistic paraphrase, gives little understanding of the operation of these provisions. The general outline is little more than a very vague narrative.'*³ Other Members have also raised the issue. There have been instances of confusion, or even conflict, between the provisions of the bill itself and the explanation contained in the explanatory memorandum.

3.4.3 The portfolio Minister responsible for the legislation is required to authorise the explanatory memorandum and the Minister introducing the bill is required to sign and table it. These requirements imply that the Minister has a responsibility for the contents of the document and should ensure that it is of a suitable standard for its purpose. These requirements should be retained.

3.4.4 An explanatory memorandum should contain:

- a clear statement of the objective of the bill;
- an outline of the reasons for introducing the bill, why it is required, the effect of the principal provisions and an explanation of the policy background;
- a financial impact statement; and

³ House of Representatives Debates (30.3.95) 2551.

- an explanation of the clauses.

3.4.5 Throughout the document the emphasis should be on plain English and an explanation of the effect and intent of the bill rather than a repetition of the provisions. It is also important to ensure that the information is accurate and reflects the final form of the bill as introduced in the House.

3.4.6 It is recommended that departments take steps to improve the usefulness of explanatory memoranda to Members and others seeking clarification of the nature, purpose and effect of legislation.

3.5 Cognate debates

3.5.1 Standing order 217C is a formal recognition of the long standing practice of debating related bills together in a cognate debate.

3.5.2 Under the arrangement bills may be declared cognate before the Minister moves the second reading on any of the bills. The Leader of the House has indicated that this has caused some procedural difficulties for Ministers⁴. Departments are uncertain whether to prepare for Ministers one second reading speech covering all the bills in a cognate 'package' on the understanding that the proposed cognate debate will be agreed to, or to prepare separate speeches for each bill. The committee's recommendation that the Minister's second reading speech on a bill be made at the time of introduction overcomes this difficulty — separate speeches would be made on each bill.

3.5.3 The Clerk has pointed out that the wording of the standing order as currently framed is ambiguous and possibly misleading. He has suggested either, returning to the procedure utilised before implementation of the *About Time* report, or some alternative amendments to overcome the difficulties⁵.

3.5.4 The intention of the cognate debate arrangements is to save the time of the House and to enable a single comprehensive debate covering all aspects of a group of related, usually interdependent, bills. Otherwise the rules of relevancy would require an artificial subdivision into separate debates. Use of cognate debates has proved a sensible and valuable practice. However, the present rule precludes debate on the later bills of a cognate group in all circumstances. There are occasions, although rare, when the circumstances pertaining in a debate may change after the cognate declaration making it desirable for some debate to take place on later bills, for example, a Minister may raise new issues in his or her concluding remarks. Members are unable to explain any second reading amendments to later bills at the time of moving the motion but must make their remarks in a general speech which, perhaps, refers to a number of amendments to different bills. The application of a guillotine to a group of bills incorporates a brief time allocation for later bills in a group. This enables any necessary formal motions to be moved but the time cannot be utilised for debate under present arrangements.

⁴ Leader of the House, submission p.2 and see Clerk of the House, submission p.8.

⁵ Clerk of the House, submission p.8.

3.5.5 The committee has given further consideration to the application of the cognate debate arrangements, the problems raised by the Clerk and the Leader of the House, and the difficulty of framing a procedure which is fair in all circumstances and does not impinge on the rights of individual Members to contribute to debate in the most effective way. The committee has come to the view that the previous informal arrangements were preferable. While achieving the desired outcome they allowed the flexibility to adapt to particular circumstances. However, rather than have the proposal for a cognate debate made from the Chair as occurred in the past, the onus should be on the Minister to seek the leave of the House to have a group of bills debated cognately at the time of the resumption of debate.

3.5.6 It is recommended that standing order 217C be omitted.

3.6 Consideration in detail

3.6.1 The abolition of committee of the whole and replacement of the committee stage with consideration in detail has worked very satisfactorily. The absence of comment on the abolition of committee of the whole is taken to indicate that Members are generally happy with the arrangement.

3.6.2 The alteration of speech time limits for this stage has attracted favourable comment from the Clerk and Members. The Clerk's submission states 'The new times ... (have) materially facilitated the debates and seem to have been widely appreciated by Members. The committee hoped this change would encourage greater spontaneity, responsiveness and relevance to debate, discourage set piece orations more appropriate to the second reading stage, and generally make the mood of the proceedings more co-operative. I believe that it has succeeded very well in doing so.'⁶

3.6.3 The new times provide for all Members to speak an unlimited number of times for a maximum of five minutes each time. This provision should be retained.

3.7 Report from the Main Committee

3.7.1 This stage in the legislative process also appears to be working satisfactorily and did not attract comment from Members or others.

3.7.2 The standing orders governing the report stage were amended slightly in November 1994 to streamline the process a little by having the Speaker announce from the Chair receipt of a report from the Main Committee in a similar way to that used for messages from the Senate. Previously the Deputy Speaker was required to attend in person to present the report. The committee supported this change.

3.7.3 The original recommendation proposed that a specific block of time be allotted for the report stage of bills returned from the Main Committee. This was proposed to enable Members to plan to be present when a bill was reported if they wished. A specific block of time was not written into the standing orders but, in practice, bills are normally reported after the discussion of a matter of public importance on the day their consideration in the Main

⁶ Clerk of the House, submission p.4.

Committee is completed. Occasionally a report is not made until a later day but the time for reporting bills has remained fairly consistent.

3.7.4 The committee believes this informal programming arrangement is satisfactory. Those responsible for programming business in the House should ensure that regularity is maintained and that Members are given a reasonable chance to be aware of, and attend, the report stage of bills in which they are interested.

3.8 Senate bills

3.8.1 The committee's original recommendations did not make specific mention of bills which originate in the Senate. Some uncertainty has arisen as to whether provisions relating to the adjournment of debate after the first reading (SO 215 and 217)⁷ and the timing of reference of bills to the Main Committee (SO 217A)⁸ apply, or should apply, to bills transmitted from the Senate for the concurrence of the House.

3.8.2 In theory when Senate bills are introduced into the House they have been in the public domain for some time and Members have had an opportunity to study them and prepare their response. On this basis it has been suggested that they need not be subject to the same time constraints as bills introduced for the first time in the House and should be able to be proceeded with without delay.

3.8.3 It is not uncommon for a bill transmitted from the Senate to have been amended substantially from that which was originally introduced and often these amendments are made only a short time before the bill is transmitted to the House. Members must have an opportunity to study the terms of the bill as it is presented to the House. In addition, the reporting of messages from the Senate transmitting bills occurs at unpredictable times. If the bills were able to be proceeded with immediately Members who may wish to contribute may not be aware of the proceedings or may have other commitments which preclude their presence.

3.8.4 Senate bills should be subject to the same programming and other considerations as bills introduced for the first time in the House. The two Houses are separate bodies and proceedings in one House do not relate to proceedings in the other. The committee recognises that there may be occasions when it is appropriate for a Senate bill to be proceeded with immediately but this can be achieved under the present standing orders by the House granting leave for the next step to occur or by agreement to a motion for the suspension of standing orders to enable the bill to be passed without delay. The right of Members to contribute should be safeguarded by the standing orders and the committee is not convinced that the standing orders should set down a course which is contrary to this principle.

⁷ Leader of the House, submission p.2.

⁸ Clerk of the House, submission p.7.

3.9 Senate amendments to House bills

Explanation of amendments

3.9.1 Similar arguments can be applied to the consideration of amendments (or requests for amendments) made by the Senate to bills introduced in the House. The committee believes that every effort should be made to ensure that Members are given the opportunity to study the amendments and to be present when the amendments are dealt with.

3.9.2 In view of the often short time frame involved between receiving a bill with amendments from the Senate and the House being asked to consider the amendments, it is important that an explanation of the amendments is given in the House. An explanatory memorandum is not provided (other than any which may have been prepared in association with the amendments when they were moved in the Senate) and it is important for the Minister in charge of the bill to provide an oral explanation of the amendments to the House even, or perhaps especially, if the amendments were sponsored by a non-government Senator. If the amendments are substantial this can be as important as the second reading speech and Ministers are encouraged to pursue this course.

3.9.3 It is recommended that, whenever possible, in the case of government bills, Ministers make an explanation to the House of any amendments (or requests for amendments) made by the Senate to which the Senate is seeking the agreement of the House.

Speech time limits

3.9.4 Senate amendments to House bills were formerly considered in committee of the whole and the speech time limits applying to the committee were applied. With the abolition of the committee of the whole the speech time limits which apply are the same as those for any motion moved in the House — 20 minutes for the mover and 15 minutes each for other Members speaking.

3.9.5 The committee believes that the speech time limits which apply to amendments moved in the House during consideration in detail should apply to the consideration of amendments made by the Senate — unlimited contributions of five minutes each.

3.9.6 It is recommended that for consideration of amendments made, or requested, by the Senate to bills the speech time limits applying should be — each Member, an unspecified number of periods each not exceeding five minutes.

3.10 Involvement of Minister in debate

3.10.1 A recurring theme in this discussion of the legislative process in the House has been the responsibility of Ministers to provide the House with explanations of the Government's intentions in relation to legislation and of the effect of legislative provisions.

3.10.2 The committee is disturbed that there has been a continuing trend over a number of years for ministerial responsibilities in the House (and now the Main Committee) to be left to Assistant Ministers, Parliamentary Secretaries and 'duty' Ministers. This is not always the case, there are some senior Ministers who are to be commended for their commitment to, and

participation in, the legislative processes in the House. However, the fact that these Ministers are noteworthy is a commentary in itself on the failure of some Ministers to be more fully involved in those processes.

3.10.3 Table 2 shows the involvement of Ministers in the carriage of bills introduced in 1994.

Table 2: Government bills introduced in 1994 — Participation of Ministers

	Presented by ¹	Second reading speech delivered by ²	Second reading debate summed up by ²
Minister from responsible portfolio	35	82	43
Parliamentary Secretary from responsible portfolio	31	67	52
Minister from another portfolio	69	11	8
Parliamentary Secretary from another portfolio	47	32	24
No minister or parliamentary secretary	10	-	65
Total Government Bills³	192	192	192

1. In the case of bills brought from the Senate the person responsible is taken to be the person who presented the explanatory memorandum at the time the message was reported. For 6 bills brought from the Senate prior to the February changes an explanatory memorandum was not presented at the time the message was reported.
2. For bills which were debated cognately, the person who delivered the second reading speech or summed up the cognate debate is taken to be the relevant person in respect of all of the bills in the group.
3. Bills presented to the House or brought from the Senate in 1994. Later proceedings may have taken place in 1995. The Family Law Reform Bill 1994 is not included as it was discharged before the second reading was moved.

3.10.4 While recognising that there are increasing demands on the time of Ministers, the committee believes that the House has a right to expect that the Minister responsible for a bill will be available to explain the principles of the bill (second reading speech), respond to issues raised in debate (summing up at the end of the second reading debate) and explain any amendments moved by the Government to the bill. Responding to issues raised in debate and explaining amendments, in particular, require a comprehensive understanding of the bill and its underlying policies which should not be expected of a 'duty' Minister or Parliamentary Secretary.

3.10.5 The committee exhorts Ministers to participate fully in the passage of their legislation through the House, to ensure that they are available to explain any aspects of the legislation. The calling on of a 'duty' Minister or Parliamentary Secretary to carry out these tasks should be the exception rather than the rule. This applies equally to proceedings in the Main Committee as in the House. If the committee's recommendation that the Minister's second reading speech be made at the time of introduction of a bill (ie in the House) is implemented, it will be most important that the Minister attends in the Main Committee to respond to the second reading debate and oversee the consideration in detail stage. For the Main Committee to be successful it must receive the support of Ministers as well as private Members.

3.10.6 It is recommended that Ministers take steps to ensure that they are present in the House or the Main Committee to move the second reading, close the second reading debate and participate in any consideration in detail of all bills for which they have portfolio responsibility.

4. The Main Committee

4.1 Summary of Main Committee operations

4.1.1 The central feature of the changes to the legislative process was the creation of the Main Committee.

4.1.2 The Procedure Committee recommended the Main Committee be set up to consider the second reading and consideration in detail stages of bills referred to it. When it was implemented debate of committee and delegation reports and (later) of papers presented to the House were included in the business with which it could deal. The Committee can only consider items of business referred to it by the House. The principal features of its operation may be summarised as follows:

- All Members of the House are members of the Main Committee and are eligible to participate in its proceedings;
- The Deputy Speaker (assisted by the Second Deputy Speaker and members of the Speaker's panel) is Chair of the Main Committee;
- It may only meet when the House is sitting;
- Procedures in the Committee are substantially the same as those operating in the House for the same type of business. The Main Committee can resolve motions and process bills through the relevant stages, including making amendments to them, but any decision it makes on business referred to it must be confirmed by a decision of the House at the report stage;
- There is no provision for division in the Committee. If a decision cannot be determined on the voices it is reported to the House as unresolved. Only one dissenting Member is required to make a question unresolved. Proceedings on a bill may continue regardless of unresolved questions unless agreement to the question is necessary to enable further progress;
- Any Member may move that further proceedings on an item of business be taken in the House or that the committee adjourn;
- The quorum of the Committee is three comprising the Chair, one government and one non-government Member;
- Proceedings are suspended while divisions are taking place in the House;
- In cases of disorder the Chair may suspend proceedings, and on motion by any Member the Chair must do so.

4.2 Objectives of the Main Committee

4.2.1 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.

4.2.2 The Main Committee first met on 8 June 1994. It sat for a total of just over 59 hours (excluding suspensions) over the remainder of 1994. As can be seen from Table 1 on page 5 this represents an increase of close to 10% over the number of hours the House itself sat in 1994. Over a full year of operation the additional time provided would be greater.

4.2.3 One of the most striking indicators of the success of the Main Committee in allowing more time for consideration of legislation is the dramatic fall in the use of the guillotine. In each of the years 1991, 1992 and 1993 there were over 100 bills guillotined. In 1994 there were 14 and these in the first half of the year. Although there were other factors involved, notably the Government's announced intention to introduce bills in one sitting period for passage in the next, the Main Committee must be considered to be a major contributor to this improvement.

4.2.4 Comments in submissions to the review and remarks made in the House were overwhelmingly positive about the operation of the Main Committee, including several Members who had expressed initial reservations about the proposal.

4.2.5 One Member⁹ commented on the different atmosphere in the Main Committee compared with the larger Chamber saying that '(it) has seen shorter speeches and more conversational interjections. While I do not particularly like the atmosphere of the Main Committee, which is quite sterile, the shorter speeches and more friendly atmosphere should be encouraged.' Other comments have been made to the committee that there is better interplay in debate and the more intimate environment encourages true debate and response to others' contributions. Signs of less formal and more responsive debate in the Main Committee are encouraging. It is to be hoped that this trend will continue and any sterility in the atmosphere will dissipate in time.

4.3 Sitting times

4.3.1 One of the important factors in making the Main Committee work is ensuring predictability of sitting times. Members have a variety of calls on their time and need to be able to plan their activities to include any contributions in the House or the Main Committee. At the same time the Main Committee sittings need to be flexible enough to accommodate the fluctuating volume of business over time. Some submissions called for an increase in the sitting time of the Committee¹⁰.

4.3.2 The Main Committee appears to have settled into a routine of sitting from 10 am to 1 pm on Wednesday and Thursday each week with an extension of sitting to 2.30 pm if required. This pattern appears to be working satisfactorily. There is scope to provide additional sitting time for the Committee if necessary. The Procedure Committee does not propose any changes to the present arrangements for the sittings of the Main Committee.

⁹ Mr P N Slipper MP, submission p. 1.

¹⁰ Mr P N Slipper MP, Mr C W Tuckey MP, submissions.

4.4 Business dealt with

4.4.1 The Main Committee was established initially to consider bills. The expansion of the range of matters it can consider has added another dimension to its value. However the handling of bills should always have first priority on the time of the Committee if the pressure of business leads to competing interests.

4.4.2 The ability to debate motions to take note of papers has given Members an opportunity which was rarely available in the House to debate matters of topical interest. Up to the end of the Autumn sittings 1995 the Main Committee had debated ten papers. Several Members have commented in favour of this development¹¹ and it is supported by the committee.

4.4.3 The other type of business which the Main Committee handles is debate on committee and delegation reports. The provision of adequate time in the House for this has been a difficult problem for some years. Committees put a great deal of productive effort into the conduct of their inquiries and the reports they produce deserve substantive discussion by the House. However, the flow of reports from committees tends to be uneven with many being presented towards the end of each period of sittings. Unfortunately, this coincides with the greatest pressure of legislative business and in the competition for House time committee reports often do not get the amount of debate they deserve.

4.4.4 This pressure has been relieved significantly by the ability to debate the reports in the Main Committee. Reports from committees and delegations are still presented in the House (and should continue to be presented there) and some time may be allotted by the Selection Committee for statements to be made on the reports at the time of presentation. The option is now available for the committee to request that the report be debated in the Main Committee. This means that, usually, a substantive debate can take place within two or three days of the presentation of the report and Members other than members of the committee can participate in the debate. Sixteen committee and delegation reports were debated in the Main Committee up to the end of the Autumn sittings this year.

4.4.5 The committee concurs with the Leader of the House¹² who commented that 'Clearly, (the Main Committee's) creation has enabled additional opportunities for Members to debate non-controversial legislation and to consider issues of concern to them and their constituents. The scheduling of business for consideration by the Main Committee has been constructive and, consequently, a wide range of subjects have been raised and debated.'

4.4.6 The committee does not propose any change to the standing orders to increase the range of business referred to the Main Committee. However it is suggested that ministerial statements could be debated in the Committee via the existing mechanism of a motion to take note of the paper. The decline in the number of ministerial statements made and the time spent debating them is clear in Table 3. *Ministerial statements are a means by which the Government may announce policy initiatives or achievements and by which those initiatives and achievements are debated in the House.*

¹¹ Leader of the House, Mr G D Gibson MP, Mr J H Snow MP, Mr C W Tuckey MP, submissions.

¹² Leader of the House, submission p. 1.

Table 3: Ministerial statements 1970 to 1994

Year	No. of statements	Time spent hrs:mins	% of time spent
1970	63	11:58	2.1
1971	70	13:26	2.4
1972	85	18:37	3.6
1973	71	17:23	2.52
1974	28	6:05	1.18
1975	11	3:00	0.53
1976	66	13:26	2.3
1977	75	16:50	3.29
1978	75	16:24	2.9
1979	103	19:31	3.82
1980	58	14:54	3.72
1981	86	15:44	3.31
1982	80	15:22	3.55
1983	51	27:38	6.31
1984	56	30:58	6.54
1985	53	18:07	3.12
1986	32	9:17	1.32
1987	29	19:57	3.18
1988	30	8:31	1.45
1989	28	13:26	2.37
1990	5	2:13	0.61
1991	17	5:49	0.88
1992	12	3:49	0.65
1993	6	1:28	0.34
1994	16	4:01	0.67

4.4.7 Although the availability of time in the House is not the primary reason for the decline in ministerial statements, the opportunity the Main Committee presents could be used profitably to debate such statements as the Government makes. Whenever a ministerial statement is made, a copy should be presented to the House and a motion moved to take note of the paper so that it is available on the Notice Paper for referral to the Main Committee. The committee encourages Ministers to make more use of ministerial statements to report important matters to the House. Providing greater opportunity for the House to debate ministerial statements would also help to dispel the critics' perception that question time has been used as an avenue for ministerial statements to be made.

4.4.8 The committee notes that it is not uncommon for the Government to announce major policy initiatives outside the Parliament. It seems likely that Governments will always see a need to make some policy statements in this way, especially during long adjournment periods. At present there is no mechanism for the House to discuss statements which are not made in the House. Such debate could be provided for by the relevant Minister tabling in the House a

copy of the statement and any related papers and moving for the House to take note of the papers. Ministers are encouraged to take this action to enable the House to contribute to discussion of important policy initiatives.

4.5 Seconding of motions in the Main Committee

4.5.1 Standing order 280 provides that the rules for proceedings on bills and regulating the conduct of business to be observed in the Main Committee are the same as in the House, subject to any exceptions provided in the standing orders. This means that the rules relating to seconding of motions in the House apply in the Main Committee, that is all motions must be seconded except those moved during consideration in detail and those moved by a Minister or Parliamentary Secretary (and in certain circumstances the Chief Government Whip).

4.5.2 *One of the principles of the Main Committee when it was proposed was that, on the action of a single Member, proceedings on an item of business could be stopped and the item returned to the House to be dealt with there. This principle has been encompassed in the standing orders by allowing the dissent of a single Member to a question to lead to the question being unresolved (SO 276) and by specifically exempting the motion 'That further proceedings (on the current item of business) be conducted in the House' from the requirement for a seconder (SO 270).*

4.5.3 The committee has considered whether these arrangements adequately protect the rights of individual Members in the Main Committee and provide enough flexibility for it to operate as smoothly and effectively as possible. It is important that the rules of proceedings in the Main Committee and the House are as similar as possible to avoid confusion and reinforce the status of the Main Committee.

4.5.4 One proposal¹³ was that once an item is called on in the Main Committee all motions within that item be exempt from the need for a seconder. Any motions affecting the Main Committee as a whole (eg a motion for the adjournment of the Committee) would require a seconder if moved by a private Member, as at present. The main motions that would be affected under this arrangement are motions proposing second reading amendments to bills which would no longer require a seconder. The committee has concluded that, although this proposal has some merit, removing the need for a seconder for second reading amendments should not be done in the Main Committee in isolation — the same rule should apply in the Main Committee as in the House.

4.5.5 Another alternative would be to remove the requirement for a seconder for all motions moved in the Main Committee. This would leave the proceedings open to severe disruption or collapse by a single disgruntled Member. The committee does not support this option.

4.5.6 Under the present arrangements an individual Member has the ability to return any or all items of business to the House.

¹³ Clerk of the House, submission p. 8.

4.5.7 The committee has concluded that the present provisions which apply the same rules in the House as the Main Committee with the exceptions identified above in paragraph 4.5.2 should be retained.

4.6 Attendance in the Main Committee

4.6.1 The question of the recording of the attendance of Members in the Main Committee was raised in the House¹⁴ when the Main Committee first commenced operation. In responding, the Speaker stated that '...while all members of the House are potentially members of the Main Committee, attendance in the Main Committee alone is not considered to be attendance in the House of Representatives chamber. ... While members of the House are encouraged to attend the Main Committee for short or more significant periods, it is not proposed at this stage to record the attendance of members there.'

4.6.2 There is some doubt as to whether attendance in the Main Committee constitutes attendance in the House for the purposes of s.38 of the Constitution which states that '(t)he place of a member shall become vacant if for two consecutive months of any session of the Parliament he, without the permission of the House, fails to attend the House.'

4.6.3 The committee considers that this has the potential to result in the anomalous situation where a Member who makes a speech in, or presides over the proceedings of, the Main Committee, but does not attend the Chamber on a particular day, would be recorded as being absent from the House. The committee believes that steps should be taken to clarify the situation concerning s.38 of the Constitution. Throughout its deliberations (originally and in this review) the committee has been keen to ensure that the proceedings of the Main Committee are perceived as being part of the proceedings of the House and of a similar status to those of the Chamber itself.

4.6.4 It is recommended that steps be taken to clarify whether attendance in the Main Committee constitutes attendance in the House for the purposes of constitutional or other requirements.

4.7 Public access to proceedings

4.7.1 The proceedings which take place in the Main Committee are just as much proceedings of the House as those which take place in the Chamber itself and should be as visible and as public as possible. The inclusion of the Committee's proceedings in the *Hansard* with the Chamber proceedings for the same day is an important part of ensuring that this is so. Television monitoring is also important.

4.7.2 The room used for meetings of the Main Committee includes provision for the attendance of the public and arrangements have been made to enable visitors to the building to watch the proceedings. Nevertheless the committee feels that more could be done to make sure that visitors are made aware of the Main Committee and what it is, and that they are welcome to see it in action on those occasions when it is meeting.

¹⁴ House of Representatives Debates (8.6.94) 1671.

4.7.3 Better use could be made of signage in the public areas to encourage people to view the *Main Committee proceedings and direct them where to find it.*

4.7.4 In order to assist people to understand what happens in the Main Committee and to associate proceedings there with those they see in the Chamber, they should be provided with some written material when they enter the public gallery of the Main Committee in the same way as they are when they view proceedings in the Chamber. A small display explaining the existence and operation of the Main Committee could be placed in the public area of the building.

4.7.5 It is recommended that ways be investigated to encourage visitors to Parliament House to observe the proceedings of the Main Committee and to assist them to understand its role and operations.

5. References to standing committees

5.1.1 When it recommended that bills be referred to standing committees for consideration prior to the second reading debate, the committee did not see this as a routine stage in the passage of a bill but rather as a process to be used judiciously where appropriate. In the period of just over twelve months since the introduction of this provision until the end of the Autumn sittings in 1995 there were 10 bills referred to committees for advisory reports¹⁵. The committee commends those Ministers who have made use of this mechanism. Allowing time for a standing committee to gather views and information and look closely at the provisions of a bill must lead to better informed debate and ultimately to better legislation.

5.1.2 Experience so far has been that reference of bills has been heavily weighted towards particular committees, notably the Standing Committee on Legal and Constitutional Affairs. This may have occurred for any number of reasons and may change over time but it is likely that the spread of references will never be very even because the spread of legislative activity across government portfolios is not even. Care needs to be taken to ensure that each bill is referred to the committee with the appropriate subject expertise to consider it and also that individual committees do not become overloaded.

5.1.3 The reference of bills to standing committees has proved a valuable extension of the work of House of Representatives committees and this committee would like to take this opportunity to comment on the consideration of annual reports by committees.

5.1.4 Under the present standing orders the annual reports of government departments and statutory authorities automatically stand referred to the relevant standing committee for any inquiry the committee may wish to make. This presents an opportunity to investigate any matter of policy or administration referred to in the report. Some committees have taken advantage of this opportunity. The financial statements contained in the report are also open to investigation.

¹⁵ In addition 3 bills were referred to standing committees by the Minister rather than by the House.

5.1.5 The Procedure Committee, in its *About Time* inquiry, considered ways in which the House could make a better contribution to the budget process. In that report it suggested that the possibility of joint estimates committees be investigated. The committee conceded that there are considerable obstacles to implementing such a proposal. However, the consideration of the expenditure of government agencies as contained in their annual reports provides a means by which House of Representatives committees can monitor the use of public funds without duplicating work being carried out by the Senate estimates committees. Committees are encouraged to consider this avenue of activity when developing their workplans.

Questions...

6. Question Time

6.1 Background

Procedure Committee recommendations

6.1.1 When putting together the package of reforms contained in the *About Time* report the committee was concerned to help the House more effectively to carry out two of its principal functions — legislating and scrutinising government performance. Question time is obviously a key element in the scrutinising function. It is also an area which has been subject to considerable criticism over the years by Members themselves and by the public and the media.

6.1.2 The committee considered a number of issues in relation to the operation of question time. These included the relevance and length of answers to questions, the duration of question time, the number of questions, supplementary questions and the possibility of rostering Ministers to answer questions.

6.1.3 The committee made a series of recommendations in which it sought to balance the interests and needs of backbenchers (government and opposition) with the legitimate concerns of government and opposition leadership. It saw the decline in the number of questions asked as the heart of the problem and its recommendations were aimed at addressing this problem.

6.1.4 The committee also looked at rostering of Ministers as a possible tool for increasing the involvement of Members and Ministers other than party leaders and for refocussing questions on policy issues rather than personalities. However, the committee also saw a number of disadvantages in the proposal and was unable to reach agreement on a system of rostering which would advance the aims of both the Government and the Opposition. It agreed to support a very limited experiment with a rostered question time.

Implementation

6.1.5 None of the committee's recommendations concerning question time were adopted by the House.

6.1.6 The changes that were made to the operation of question time in February 1994 comprised the implementation of a full scale roster of Ministers to answer questions and an informal undertaking by the Government to allow a minimum of 14 questions each day. A minor amendment was made to the wording of standing order 152 to reflect practice in relation to questions to the Speaker.

6.1.7 The committee regrets that this significant segment of its package of reforms was not implemented. As was stated in the *About Time* report the committee had sought, in the totality of its recommendations, to balance the needs and concerns of all the major interests. Although

it accepted that negotiations would occur on some of the details, it stated that 'choosing significant parts of the package and rejecting significant other parts would jeopardise the integrity of the package and imperil the chances for significant reform'. Given the success of other sections of the recommended reforms, the committee feels that the opportunity to achieve a balanced set of improvements to question time was missed.

6.2 Rostering of Ministers

6.2.1 The roster arrangement which was adopted by the House is contained in sessional order 151A which provides:

151A. Questions without notice shall be asked only of those Ministers who are rostered to attend the question period on that day. The roster shall be prepared by the Leader of the House in consultation with the Manager of Opposition Business, and shall be presented to the House.

6.2.2 Under the Procedure Committee's proposal, Ministers would only have been rostered on Monday with all Ministers attending on each other day of the week. The Opposition would have had the right to request the presence of an additional Minister, other than the Prime Minister, by informing the Speaker in writing prior to the sitting of the House on the Monday to which the request related. The committee also recommended a sunset provision to ensure that the roster was trialed for two sitting periods at which time the House would need to make a positive decision on whether to pursue it or not.

Benefits and disadvantages

6.2.3 The benefits which were hoped for from the proposed roster were:

- increasing the involvement of Members and Ministers other than party leaders;
- making question time more systematic and ordered;
- refocussing questions on policy issues rather than personalities;
- continuing to allow topical issues to be raised; and
- reducing the time and resources required by Ministers to prepare for question time.

6.2.4 The disadvantages which were foreseen included:

- the Opposition would lose some control over the tactics it wished to apply;
- Ministers required to attend outside the roster arrangements would be warned to expect questions; and
- as Cabinet Ministers have already delegated many of their House tasks to junior Ministers and Parliamentary Secretaries a rostered question time would see a further reduction in their duties in the House.

6.2.5 Similar benefits and disadvantages might be expected from the roster system which was put in place.

Impact and reaction

6.2.6 The Leader of the House¹⁶ believes the roster to be successful in enhancing the accountability of the executive by requiring Ministers other than the Prime Minister to face more questions. The Speaker¹⁷ observed 'that since the introduction of the roster, questions are being directed to a wider number of Ministers than was previously the case'. He also commented that 'Opposition questions are being asked by a more diverse group of Members'.

6.2.7 Table 4 shows the number of questions without notice to each Minister in the years 1992, 1993 and 1994. The roster system operated for all of 1994 except the first two sitting weeks. The figures indicate that, in 1994, four Ministers did not receive a question while, in each of 1992 and 1993, ten were not questioned. This bears out the claim that the roster has led to more Ministers being required to answer questions more frequently. However, there are other factors which also influence the distribution of questions and the committee believes that these make it difficult to draw firm conclusions as to the cause of fluctuations. Matters such as topical issues of the day and whether the Minister is located in the Senate or the House also have an effect on the number of questions directed to a particular portfolio area.

Table 4: Questions without notice to Ministers 1992 to 1994

Ministry	1992	%	1993	%	1994	%
Aboriginal and Torres Strait Islander Affairs			13	3.0%	8	0.9%
Administrative Services					8	0.9%
Aged, Family and Health Services	5	0.8%				
Arts, Sport, Environment and Territories	11	1.8%				
Arts and Administrative Services						
Arts and Territories	3	0.5%				
Assistant Minister for Industrial Relations					16	1.8%
Assistant Treasurer			5	1.2%	19	2.1%
Attorney General	3	0.5%	14	3.3%	46	5.2%
Communications			20	4.7%		
Communications and the Arts					31	3.5%
Consumer Affairs	2	0.3%	2	0.5%	14	1.6%
Defence			1	0.2%	3	0.3%
Defence Science and Personnel	1	0.2%			13	1.5%
Deputy Prime Minister					6	0.7%
Development Cooperation and Pacific Island Affairs			5	1.2%	19	2.1%
Employment, Education and Training	24	3.9%	24	5.6%	52	5.8%
Environment, Sport and Territories			43	10.0%	28	3.1%
Family Support	3	0.5%				
Finance	11	1.8%	11	2.6%	66	7.4%
Foreign Affairs			1	0.2%	6	0.7%
Foreign Affairs and Trade	1	0.2%				
Health, Housing and Community Services	18	2.9%				
Higher Education and Employment Services	2	0.3%				
Housing and Regional Development					9	1.0%
Housing, Local Government and Community Services			12	2.8%		
Housing, Local Government and Human Services					3	0.3%
Human Services and Health					32	3.6%
Immigration and Ethnic Affairs					0	0.0%

¹⁶ Leader of the House, submission p. 2.

¹⁷ Speaker of the House, submission p. 2.

Time for Review: Bills, Questions and Working Hours

Ministry	1992	%	1993	%	1994	%
Immigration, Local Government and Ethnic Affairs	9	1.5%				
Industrial Relations	11	1.8%	11	2.6%	29	3.3%
Industry, Science and Technology					0	0.0%
Industry, Technology and Commerce	2	0.3%				
Industry, Technology and Regional Development			23	5.4%	1	0.1%
Justice			3	0.7%	13	1.5%
Land Transport						
Minister Assisting the Prime Minister on Public Service Matters					1	0.1%
Minister Assisting Prime Minister on Status of Women	2	0.3%			2	0.2%
Primary Industries and Energy	21	3.4%	22	5.1%	6	0.7%
Prime Minister	276	44.8%	87	20.3%	180	20.2%
Resources	9	1.5%	5	1.2%	23	2.6%
Schools, Vocational Education and Training			6	1.4%	19	2.1%
Science and Small Business					1	0.1%
Science and Technology	2	0.3%				
Shipping and Aviation	1	0.2%				
Small Business, Construction and Customs	4	0.6%			0	0.0%
Social Security	23	3.7%	5	1.2%	36	4.0%
Special Minister of State			14	3.3%	2	0.2%
Tourism	7	1.1%	7	1.6%	13	1.5%
Trade					0	0.0%
Trade and Overseas Development	9	1.5%				
Transport					61	6.9%
Transport and Communications	1	0.2%				
Treasury	155	25.2%	93	21.7%	99	11.1%
Veterans' Affairs					18	2.0%
Leader of House			2	0.5%	7	0.8%
Private Members						
	616	100.0%	429	100.0%	890	100.0%
Speaker	28		50		61	

Note: shaded areas indicate the portfolio did not exist in that year.

6.2.8 Figures in Table 5 indicate that there has been a significant drop in the proportion of opposition questions asked by the Leader and Deputy Leader of the Opposition and the Leader of the National Party (coinciding with a large drop in the number of questions asked of the Prime Minister). However this occurred in 1993 before the roster was introduced. This highlights the difficulty in determining the causes of changes to the pattern of questioning. Nevertheless the reduced level of questions being asked by the leadership group continued through 1994.

6.2.9 Another noticeable development has been the significant increase in the average number of questions per day. In 1994 the average was 13.3, just under the 14 agreed to by the Government in its response to the *About Time* report.

6.2.10 Submissions to the review from a number of opposition Members, including the Manager of Opposition Business¹⁸, criticised the roster system. Critical remarks have also been made in the House and in the media. It is also doubtful whether question time has become any

¹⁸ Mr P K Reith MP, Manager of Opposition Business, submission on behalf of the coalition parties.

more systematic and ordered or whether there has been a shift in focus from personalities to policies. It is clear that the Opposition at least is dissatisfied with the roster system.

Table 5: Questions without notice 1992 to 1994

No. of questions asked by -	1992		1993		1994	
	No.	%	No.	%	No.	%
Opposition Leader	105	(34.4*)	51	(23.7*)	99	(22.4*)
Deputy Opposition Leader	87	(28.5*)	17	(7.9*)	47	(10.6*)
National Party Leader	23	(7.5*)	20	(9.3*)	27	(6.1*)
Total Leadership Group	215	(70.5*)	88	(40.9*)	173	(39.1*)
All Opposition Members	305		215		442	
Independent Members	8		7		12	
Government Members	303		207		436	
Total no. of questions	616		429		890	
No. of days question time occurred	57		41		67	
Average no. of questions per day	10.8		10.5		13.3	

* percentage of total opposition questions

6.2.11 One criticism which has been made is the reduced opportunity to question the Prime Minister. Under the present arrangements when the House does not meet on a Monday the Prime Minister is not available to answer questions until Thursday. This situation usually occurs after a long adjournment when the House has not met and therefore has not been able to question any Ministers for some time. As the leader of the Government a Prime Minister is responsible to answer in the Parliament for the overall administration and policy direction of the government and these are matters about which questions are normally directed to a Prime Minister during question time.

Conclusion

6.2.12 There has been criticism of the present roster system and opposition members of the committee expressed a strong view that the roster should be abandoned. If, however, the Government intends to continue the roster system then some modifications should be made to make it more flexible and responsive to changing issues.

6.2.13 One drawback for the Government is that a Minister who is not on the roster is not able to provide to the House the information to support or explain his or her actions, decisions or policy. The sessional order as it currently stands prevents a Minister who is not on the roster from voluntarily attending question time and answering questions.

6.2.14 Another difficulty with the roster system as it operates at present is that when an important issue arises the responsible Minister cannot be questioned until he or she is next rostered to attend question time. This problem can be particularly acute when an issue arises towards the end of a sitting week. Sustained questioning over a period of days is also not possible at present.

6.2.15 In order to provide the necessary flexibility the Opposition should be able to require the presence of an additional Minister not on the roster. This provision should only be used when there is a genuine need to question that particular Minister—it should not be used on a regular basis simply to expand the number of Ministers available for questioning or for other tactical purposes. It would, of course, have the effect of warning that Minister to expect questions.

6.2.16 It is recommended that sessional order 151A be amended to provide for:

- a) the Opposition to be able to require the presence of one additional Minister per day by informing the Leader of the House in writing prior to the sitting of the House on the day to which the requirement relates; and
- b) questions to be asked of any Minister who attends question time regardless of whether he or she is on the roster for that day, the presence of any additional Ministers to be announced to the House by the Leader of the House or other Minister at the commencement of question time.

Consultation

6.2.17 In the very limited trial of rostering proposed by the Procedure Committee the grouping of portfolios and structure of the roster was to be agreed by the Opposition and the Government. The current sessional order provides for the roster to be prepared by the Leader of the House in consultation with the Manager of Opposition Business.

6.2.18 The committee recognises that the structure of the roster is a matter which has political significance for both the Government and the Opposition and is therefore an issue upon which it may be difficult to reach agreement. Nevertheless the House has a long history of workable compromises between government and opposition interests in relation to issues affecting the business of the House (notably in relation to programming of business and speaking arrangements).

6.2.19 The Government should always have the initiative in the construction of the roster but the opportunity for the Opposition to have an input and suggest changes should be retained and strengthened.

6.3 Timetabling of question time

6.3.1 The committee has recommended that question time occur no later than 2.30pm. The reasons for this are discussed in the chapter on the sitting program (*see* page 34).

6.4 Operation of question time

6.4.1 The Procedure Committee has three times reported and made recommendations on the operation of question time, the latest being in the 1993 report *About time: Bills, questions and working hours* which was the trigger for the set of procedural changes which are now being reviewed.

6.4.2 As noted above the committee's recommendations in relation to question time were not implemented by the House. Similarly no action has been taken on either of the two earlier reports¹⁹.

6.4.3 Question time is a very difficult issue in which there are strong competing interests. The range of comments received in submissions to this review indicates that there are Members on both sides of the House who feel that changes should be made to the way that question time operates.

6.4.4 The committee has decided that the best approach to making progress on this issue is to prepare a discussion paper on possible options for change. It intends to present the discussion paper to the House as a basis for conducting a broad debate on the nature of question time and ways to improve it. In this way it is hoped to stimulate Members to put forward new ideas. Such a debate may help to identify concerns and possible changes about which there is some broad agreement.

7. Answers to questions on notice

7.1.1 The committee made a recommendation in relation to questions on notice as an adjunct to its proposals for question time. The committee was seeking to provide a mechanism for Members to follow up questions which have not been answered within a reasonable time. This recommendation was implemented and standing order 150 was amended to read:

150. The reply to a question on notice shall be given by delivering it to the Clerk. A copy of the reply shall be supplied to the Member who has asked the question, and the question and reply shall be printed in Hansard.

If after the expiration of 90 days of a question first appearing on the Notice Paper a reply has not been delivered to the Clerk, the Member who asked the question may rise in his or her place at the conclusion of the question period and request the Speaker to write to the Minister concerned, seeking reasons for the delay in answering.

7.1.2 A number of Members commented on the operation of this provision, suggesting that it should be tightened up by making answers obligatory²⁰, providing sanctions²¹ or reducing the time allowed for an answer from 90 days to 20 days²² or 7 days²³. The Leader of the House²⁴ expressed concern about the amount of time the procedure takes in the House and the Speaker²⁵ suggested that it may be more appropriate for requests to be directed to the Leader of the House as one involved more directly in the accountability process.

7.1.3 Statistical information is inconclusive. During 1994 the Speaker and Acting Speaker were asked on 71 occasions to write to Ministers about unanswered questions on notice. Of

¹⁹ *The standing orders and practices which govern the conduct of question time* (Parliamentary Paper No. 354 of 1986) and *The standing orders governing questions seeking information* (Parliamentary Paper No. 179 of 1992)

²⁰ Mr C W Tuckey MP, submission

²¹ Mr E H Cameron MP, Mr L D T Ferguson MP, Mr G D Gibson MP, submissions.

²² Mr G D Gibson MP, submission.

²³ Mr E H Cameron MP, submission.

²⁴ *Leader of the House, submission p. 3.*

²⁵ *Speaker of the House, submission p. 20.*

these, 61 questions were answered after one letter was sent, 8 were drawn to the Speaker's attention a second time and were subsequently answered and one was raised a third time and subsequently answered. All questions which were the subject of correspondence during 1994 were answered although two answers appeared in Hansard early in 1995. It is impossible to determine whether any of these questions would have remained unanswered if the new provision had not been implemented. However, it is pleasing to note that, for whatever reason, an answer was eventually provided in all cases.

7.1.4 Requiring Ministers to answer questions and providing sanctions if they do not would be very difficult to implement. It is unlikely that an effective and administratively simple sanction could be found. As the bulk of questions on notice do receive a response²⁶, albeit not always quickly, the committee has chosen not to pursue this course. It does, however, feel that the time in which a Minister should be expected to answer a question should be reduced from 90 days to 60 days, after which reasons for the delay may be sought

7.1.5 There is some merit in the ability to draw attention publicly to the tardiness of a Minister in responding to a question on notice. Providing information in response to questions on notice is one form of ministerial accountability. The House has a right to know if Ministers are not carrying out this task efficiently.

7.1.6 The committee is of the view that, if the Speaker writes to a Minister on behalf of the House seeking reasons for the delay in answering a question on notice, the House has a right to know if the Minister has responded. The committee has proposed therefore that the Speaker provide a regular report informing the House of action in relation to questions about which he has written to the Minister. The report should be publicly available and recorded in Hansard.

7.1.7 It is recommended that sessional order 150 be amended by omitting the second paragraph and substituting the following paragraphs:

If after the expiration of 60 days of a question first appearing on the Notice Paper, a reply has not been delivered to the Clerk, the Member who asked the question may rise in his or her place at the conclusion of the question period and request the Speaker to write to the Minister concerned, seeking reasons for the delay in answering

At the conclusion of the question period on each sitting Thursday the Speaker shall make a report to the House listing those Ministers to whom he or she has written pursuant to this standing order, any responses received, and those Ministers who were reported in a previous report as having been written to and who have not responded, giving the date of the original letter. The report shall be recorded in Hansard.

8. Disorder

8.1 Summary of new provisions

8.1.1 On the recommendation of the Procedure Committee a new standing order 304A was adopted giving the Speaker the power to order, in cases of disorder, a Member's immediate

²⁶ At the dissolution of the 36th Parliament 91.8% of questions had been answered.

withdrawal from the Chamber for a period of one hour without a question being put to the House. A Member so ordered to withdraw is precluded from participating in all activity in the Chamber and the Main Committee for the period of his or her withdrawal, including divisions or quorums.

8.1.2 Standing order 305 was also amended to change the scale of penalties applying to a Member suspended from the service of the House following being named to 24 hours for a first offence, 3 sitting days for a second offence within the same calendar year and 7 sitting days for a third offence within the same period (previous penalties were 24 hours, 7 calendar days and 28 calendar days, respectively).

8.1.3 Orders to withdraw from the Chamber under standing order 304A are not counted as previous offences for the calculation of penalties for suspensions of Members under standing order 305.

8.2 Operation of the 'sin bin'

8.2.1 The provision of a new power to assist the Speaker to maintain order was proposed in association with recommendations concerning the conduct of question time as this is the time when proceedings are most likely to become disorderly. It is the time when proceedings are most partisan and often emotional. Unfortunately it is also the time which is most frequently seen by the public and from which they are most likely to form judgments on how the Parliament operates.

8.2.2 The committee hoped that, by giving the Speaker a mechanism by which the source of disorder could be removed quickly, the Speaker would be better equipped to defuse a situation before it deteriorated and avoid disrupting proceedings unduly or, as sometimes happens with naming and suspension, inflame passions still further.

8.2.3 Table 6 sets out the incidence of the use of the provision so far.

Table 6: Members suspended and ordered to withdraw 1991 to 1995

Year	Members suspended	Members ordered to withdraw
1991	2	n/a
1992	7	n/a
1993	5	n/a
1994	1	5
1995*	2	3

* To 30 March

8.2.4 The new provisions of SO 304A attracted few comments from Members. It was suggested that the Speaker should outline to the House the way he intended to apply the different provisions for withdrawal or naming of Members²⁷. The latter issue was also raised in

²⁷ Mr P E Nugent MP, submission.

the House²⁸. The Speaker responded on that occasion saying *inter alia* that 'Clearly, the Chair may exercise discretion in the application of the provisions of these standing orders, and that will continue to be the practice whilst I occupy this position.'

8.3 Conclusion

8.3.1 Standing order 304A appears to be working satisfactorily and should be retained. The extra disciplinary measure at the Speaker's discretion enhances his authority. Because disciplinary measures are not resorted to frequently the use of this provision is still settling in and any possible inconsistencies in its application will most probably even out over time as Members and occupants of the Chair become more familiar with its effects.

8.3.2 The committee supports the Speaker's view that application of standing orders 303 and 304A should be left to his discretion. It would be unduly restrictive and inflexible to specify too closely the circumstances under which one or the other provision should apply. Every situation is unique and influenced by a range of different factors to which the Chair must have regard in determining whether to apply the lighter or harsher penalty on any single occasion. It would be inappropriate to attempt to set down precise guidelines which might restrict the discretion of the Chair in the future.

8.3.3 Although it is not required, the practice has developed over the years that a disorderly Member is usually called to order and often warned before being named formally by the Chair. The committee endorses this practice and encourages the Speaker to apply a similar practice before ordering a Member to withdraw under standing order 304A. The committee recognises that there are offences, such as flagrant or gross disrespect for the Chair, which should be dealt with promptly without need for a warning but a warning should usually be given before naming a Member or ordering him or her to withdraw.

8.3.4 As would be expected in such a short period no Member has been suspended for longer than 24 hours since the alteration to the penalties applying to suspensions following naming. The committee believes that the new penalties are fairer than the previous ones and should be retained.

²⁸ H.R. Debates (6.2.95) 490, (7.2.95) 547.

Working Hours...

9. Sitting program

9.1 Sitting pattern

9.1.1 The change from two sitting periods a year to three was a decision of the Government which coincided with the introduction of the reforms recommended by the Procedure Committee. It was a significant change to the way the House operates.

9.1.2 The committee is of the view that the more even spread of sittings over the year is an improvement which, together with other reforms, is helping to reduce the legislative pressure which has traditionally occurred at the end of each sitting period.

9.1.3 The total number of sitting days per year under the new sitting pattern is in the high sixties (68 in 1994 and 69 programmed for 1995). This compares with 60 in 1992, 67 in 1991²⁹ and averages of 61 and 71 in the 1980s and 1970s respectively. The Clerk has suggested that the Government should be encouraged to have the House sit even more days per year³⁰. The pressures and expectations placed on Members in relation to electorate and other non-Canberra based activities make a substantial increase in sitting days extremely difficult to achieve. The changes to sitting hours and the introduction of the Main Committee have helped ease the pressure of business. However, the committee believes that the number of sitting days should not fall and would encourage the Government to consider a gradual extension of the sitting program.

9.1.4 One submission³¹ suggested that there should be an extension of the summer adjournment at the expense of the winter one. While not necessarily supporting this proposal, the committee believes that, whenever possible, the first sitting day of each year should be the first Tuesday in February and the Government should aim to complete sittings by the first week of December each year. This may mean including an additional sitting week during the year, for example by sitting for two weeks at the commencement of the Winter (Budget) sittings rather than one as has been the practice in recent years.

9.1.5 It is recommended that consideration be given to the commencement of sittings each year being not earlier than the first Tuesday in February.

²⁹ The number of sitting days in 1990 and 1993 were considerably fewer because of general elections conducted in those years.

³⁰ Clerk of the House, submission p.3.

³¹ Mr L J Tanner MP, submission.

Monday sittings

9.1.6 Under the sitting pattern as it operates at the moment the House does not sit on the first Monday in each period of sittings, nor does it sit on a Monday on which a public holiday³² falls. Since committee, delegation, private Members' and associated business now occurs on Mondays this can mean a significant reduction in the opportunities for private Members to raise matters for debate. On each occasion on which this problem has arisen so far the Leader of the House has sponsored a motion to allow grievance debate and Members' statements to occur on another day. Petitions, presentation of committee and delegation reports and private Members' notices and orders of the day were not given compensatory time although committee and delegation reports may be presented in an ad hoc manner by negotiation with the Government.

9.1.7 The Leader of the House has suggested that the question of finding additional time for private Members' business following public holiday Mondays be examined³³. While this is a commendable suggestion the committee feels that a more appropriate response is to ensure that, apart from the first sitting of the year, the House sits on the Monday of every sitting week. This approach is supported by the Clerk of the House³⁴. It is recognised that there are significant difficulties involved in sitting on a day on which a public holiday falls in the ACT but as far as possible this should be (and usually is) avoided by arranging the program of sittings so that those public holidays fall in non-sitting weeks.

9.1.8 It is recommended that the House continue to sit to a four-week cycle of two sitting weeks followed by two non-sitting weeks and that it sit Monday to Thursday of each week including the Monday of the first sitting week of each period of sittings except the Autumn sittings.

9.2 Sitting hours

9.2.1 When the committee was conducting the *About Time* inquiry the issue of sitting days and hours was the one on which consensus was the most difficult to achieve. At that time there had been a number of concerns expressed about the adverse consequences of late hours on the health of Members and staff and the difficulties of performing effectively at the end of a long sitting day. However, devising a set of sitting hours and a routine of business that addressed these problems, encompassed all the demands made on the time of Members and the House as a whole and fitted the individual working patterns of Members proved impossible. After considerable discussion and gathering of views from Members and others, the committee recommended a model which attempted to fulfil the following goals:

- improvement of the effectiveness of Members in carrying out their parliamentary duties;
- provision of more time for the House to carry out its functions, particularly legislative functions;
- provision of a more healthy work pattern for Members and parliamentary staff; and
- (as a consequence of meeting the above goals) enhancement of community perception of the House of Representatives.

³² The House does not sit on national or ACT public holidays but it may sometimes meet on a day which is a public holiday in a State.

³³ Leader of the House, submission p.3.

³⁴ Clerk of the House, submission p.6.

9.2.2 The sitting hours which were adopted by the House in February were very similar to those recommended by the committee and encompassed the same principles. The figures in Table 7 indicate the dramatic change achieved by the new hours. With the extra sitting Monday each fortnight the total amount of sitting time of the House has increased by 2½ hours per fortnight without the additional time provided by the Main Committee (see Table 8). With the flexibility provided by the Committee to expand the amount of time available when necessary (these figures are based on the Committee sitting for three hours per day on two days a week), the House has achieved a significant increase in the amount of sitting time while virtually eliminating late night sittings.

Table 7: Hours of sitting 1991 to 1994

	1991	1992	1993	1994
Average time of House rise	11:02 pm	10:56 pm	11:11 pm	8:23 pm
Average hours per day ¹				
House	9:53	9:49	9:24	8:53
House and Main Committee	n/a	n/a	n/a	9:45
House rise later than midnight (%)	14.93	20	17.39	1.47
House rise later than usual ²	23	33	22	14

1. Excluding all suspensions for meals, etc
2. 11 pm until 21 February 1994

9.2.3 Twelve of the submissions received from private Members expressed a view on the sitting hours. Of these six were in support of the current hours and six suggested variations be made. All of the suggestions involved sitting later on one or more nights a week, in most cases as a compensation for restoration of meal breaks and/or an earlier rising time on Thursday. The Leader of the House claimed that 'the revised hours of sitting have generally been appreciated by Members and their staff'³⁵ and the Clerk commented that the revised hours appear to be working well³⁶.

9.2.4 Given that the bulk of Members did not express dissatisfaction with the present arrangements the committee concluded that there was general acceptance of the new hours. Feedback obtained during the original *About Time* inquiry indicated that the avoidance of night sittings was widely seen by Members to be a great improvement. The committee is loath to tamper with a pattern that appears to be working well or to break the regularity of the 8 pm rise each day. The establishment of a regular expectation is an important part of ensuring adherence to the adjournment time.

9.2.5 The committee considers it was unfortunate that lunch breaks were not included in the sitting routine adopted, however, it would not support any extension of sittings in the evening to accommodate them. All parties are urged to assist the welfare of Members by maintaining informal arrangements to avoid divisions and quorum calls during the lunch period.

³⁵ Leader of the House, submission p.3.

³⁶ Clerk of the House, submission p.5.

9.2.6 It is recognised that a number of Members from the more remote parts of Australia do not benefit from the early rising time on Thursday to the same degree as Members who live in the closer capital cities. This is an unfortunate consequence of the geographical size of Australia. Members from Perth, in particular, raised this problem. Apart from its reluctance to support extension of evening sittings on other nights, the committee considered that an earlier rising time on Thursday would significantly reduce the capacity for doing business on Thursday afternoon — a period which regularly suffers from disruption and pressure of business³⁷. Such a change would benefit only a relatively small number of Members — there would still be a significant number of country Members who were unable to get home at all on Thursday. On balance, the committee concluded that any benefit to be gained by rising earlier on Thursday was outweighed by the likely disruption to the regularity of sitting hours on other nights and the curtailment of Thursday business which it would cause.

9.2.7 The committee took the opportunity during its review to discuss with representatives of the major airlines the scheduling of flights and the issues raised by Members in relation to travel between Canberra and their electorates. The airlines were urged to take these matters into account when reviewing their schedules.

9.2.8 It is recommended that no change be made to the sitting hours of the House.

9.3 Routine of business

9.3.1 The present routine of business is set out in appendix 3. Table 8 shows the amount of time allocated to different categories of business under the present routine and under the routine applying immediately before the changes were made in February 1994. It should be noted that the times in the table are based on the times shown in the chart at appendix 3 rather than on actual time taken. In the case of question time the actual time taken has been significantly greater than that programmed. This means that the increase in government business time, in practice, is not as high as indicated in the table but it is still significant, especially when the additional time provided by the Main Committee is added (*see* note 5 under the table).

9.3.2 The most notable changes to the routine of business were the movement of private Members' and associated business to Monday from Thursday morning, and the movement of question time to 3 pm from 2 pm.

³⁷ The Clerk of the House comments in his submission (p.6) that 'there is very little effective government business time available on Thursday afternoons after 3.00 pm. There is frequently great pressure on available time before 5.30 pm once question time begins if any complication occurs.'

Table 8: Allocation of sitting time — Hours per sitting fortnight

	Former	Current
Government business	39:00	44:00 ²
Private Members' business	3:00	3:00
Committee and delegation reports	2:50	1:30
Grievance debate	2:30	2:50
Members' statements	0:30	0:30
Question time — programmed	7:00	6:00
<i>Question time — actual</i>	5:43 ¹	7:33 ³
MPI	7:00	6:00
Adjournment debate	3:30	4:00
Petitions	0:10 ⁴	0:10 ⁴
Total hours	65:30	68:00 ⁵

1. Based on average duration of question time for 1993.
2. Based on the programmed time for questions without notice. In practice government business time is less because question time usually extends beyond the programmed 45 minutes per day.
3. Based on average duration of question time for 1994.
4. Announcement of petitions occurs in the time allotted for committee and delegation reports.
5. On average, the Main Committee added a further 5 hours 55 mins per week from June to December 1994.

Question time

9.3.3 In its original consideration of the routine of business the committee aimed to move question time away from lunchtime in order to allow Ministers and shadow ministers to fulfil lunchtime engagements which may be held outside Parliament House or Canberra. The committee was also keen that question time occur at the same time each day. A number of proposals were floated including the committee's preliminary model which was circulated for comment and its final recommendation. The 3 pm time slot finally adopted was slightly different again. Consequent to the change in time, the Australian Broadcasting Corporation (ABC) decided to cease live telecasts of House of Representatives question time and provide only a replay late at night (live radio broadcasts have continued).

9.3.4 A number of submissions, including the coalition parties³⁸ and the press gallery³⁹ submissions, were critical of the scheduling of question time at 3 pm. The principal objections were the difficulties in meeting media deadlines for the inclusion of material from question time and later proceedings, and the cessation of the live telecast of question time.

9.3.5 The objections have validity. The committee was particularly concerned that the lack of a live telecast of the whole or most of question time increases the risk of the public gaining a distorted view of proceedings based only on the small excerpts which are replayed on news bulletins. While such programming decisions are made by the ABC, the committee accepts the difficulties with which the ABC is faced under present scheduling arrangements⁴⁰. The

³⁸ Mr P K Reith MP, Manager of Opposition Business, submission on behalf of the coalition parties, p. 1.

³⁹ Mr G World, President, Federal Parliamentary Press Gallery, submission.

⁴⁰ These are set out in the submission from the Managing Director of the ABC.

committee therefore proposes that question time should commence no later than 2.30 pm and encourages the ABC to review its programming to enable as wide an audience as possible to view question time in the House of Representatives.

9.3.6 It is recommended that question time should commence at 2.30 pm each sitting day.

Grievance debate

9.3.7 Standing order 101 provides for grievance debate to conclude no later than 5.15 pm. The commencement time is dependent on the completion of question time. As question time has been averaging close to one hour per day instead of the 45 minutes anticipated in the routine of business drawn up when the changes were introduced (see appendix 3) the amount of time given to grievance debate has been reduced. Other complications which may arise during question time may further reduce the time available for grievance debate. On a number of occasions the House has agreed to a motion to extend the time for grievance debate. Table 9 gives an indication of the extent of incursion into the time allocated to grievance debate and the number of occasions on which alterations to standard arrangements have been made.

Table 9: Grievance debate — Selected statistics since 21 February 1994*

Previous scheduled hours per week (actual time spent was the same as scheduled)	1:15
Current scheduled hours per week	1:25
Current actual average hours per week	0:51
No. of sitting Mondays on which grievance debate took place	17
No. of first Mondays on which the House did not sit	4 (21.3.94; 2.5.94; 22.8.94; 30.1.95)
No. of occasions grievance debate moved to a day other than Monday	4 (on each of the above occasions)
No. of occasions time for conclusion of grievance debate changed (excludes above)	6 (30.5.94; 10.10.94; 17.10.94; 7.11.94; 6.2.95; 27.2.95)

* to the end of the Autumn sittings 1995

9.3.8 Both the Clerk⁴¹ and the Chief Opposition Whip⁴² have drawn attention to this problem which not only reduces the time available but also makes it impossible to predict how many speakers will be able to take part on any one day. The grievance debate is one of the main opportunities for Members to raise issues of importance to their constituents and it is important that Members know whether they will be able to contribute on a particular day. The

⁴¹ Clerk of the House, submission p.5.

⁴² Mr R G Halverson OBE MP, Chief Opposition Whip, submission and see Mr G D Gibson MP, submission.

committee has concluded that the grievance debate should be allocated a specific amount of time (1 hr 20 mins — 4 speakers per side) so that its length is predictable regardless of the length of question time.

9.3.9 It is recommended that the grievance debate continue for 1 hour and 20 minutes each Monday

9.3.10 The two changes to the routine of business which the committee has recommended, if adopted, will require a rearrangement of the order of business on Mondays. The following routine is recommended:

Monday

1. Presentation of petitions
2. Private Members' business (until 2.15 pm)
3. Members' statements (2.15 to 2.30 pm)
4. Questions without notice (commencing at 2.30 pm)
5. Presentation of, and statements on, reports from parliamentary committees and delegations
6. Orders of the day for resumption of debate on motions moved in connection with committee and delegation reports (5 and 6 to continue for a total of 45 minutes)
7. Grievance debate (to continue for 1 hr 20 min)
8. Notices and orders of the day
9. Adjournment debate (7.30 to 8 pm)

BOB BROWN
Chair
1 June 1995

Appendix 1

List of submissions

Mr J D Anderson MP
Mr L M Barlin, Clerk of the House of Representatives
Mr J H Beale MP
Hon. K C Beazley MP, Leader of the House
Mr M Bolton, Secretary, Joint House Department
Mr E H Cameron MP
Mr P G Dodd MP
Hon M J Duffy MP
Mr J Eager, Commercial Manager ACT, Ansett Australia
Mr L D T Ferguson MP
Mr G D Gibson MP
Mr R G Halverson OBE MP, Chief Opposition Whip
Mr D P M Hawker MP
Mr N J Hicks MP
Mr D Hill, Managing Director, Australian Broadcasting Corporation
Mr A Law, General Manager, Australian Government Publishing Service
Mr B Lloyd MP
Hon S P Martin, Speaker of the House of Representatives
Mr P E Nugent MP
Mr S O'Neill, CPSU Delegate, Parliamentary Library
Ms H Penfold, First Parliamentary Counsel
Mr G D Prosser MP
Mr P K Reith MP, Manager of Opposition Business (on behalf of the coalition parties)
Mr M J C Ronaldson MP
Hon D W Simmons
Mr P N Slipper MP
Mr S F Smith MP
Mr J H Snow MP (2)
Mr L J Tanner MP
Mr J W Templeton, Secretary, Department of the Parliamentary Reporting Staff
Mr C W Tuckey MP
Mr M A J Vaile MP
Ms J Watkins, Regional General Manager, Qantas Airways Limited
Mr G World, President, Federal Parliamentary Press Gallery

Informal discussions were held with

Mr I C Harris, Deputy Clerk, Department of the House of Representatives
Mr S F Smith MP
Mr B C Wright, First Clerk Assistant, Department of the House of Representatives

1. The first part of the document is a list of names and titles.

2. The second part is a list of dates and times.

3. The third part is a list of locations and addresses.

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10. The tenth part is a list of names and titles.

11. The eleventh part is a list of names and titles.

12. The twelfth part is a list of names and titles.

13. The thirteenth part is a list of names and titles.

14. The fourteenth part is a list of names and titles.

15. The fifteenth part is a list of names and titles.

16. The sixteenth part is a list of names and titles.

17. The seventeenth part is a list of names and titles.

Appendix 2

GOVERNMENT RESPONSE :

House of Representatives Standing Committee on Procedure

About time — bills, questions and working hours: report of the inquiry into reform of the House of Representatives.

(tabled on 28 October 1993)

The Government response to the Committee's recommendations is placed after the text of the recommendations.

PROPOSAL FOR CHANGES TO THE LEGISLATIVE PROCESS (PARAGRAPHS 56 AND 57).

It is recommended that:

- (a) *a Main Committee (Legislation) be established to take the second reading and consideration in detail stages of such bills as are referred to it by the House;*
- (b) *the Main Committee be a standing committee of the whole and all Members of the House be members of the committee;*
- (c) *the committee be chaired by the Deputy Speaker, the Second Deputy Speaker (should the position be created), or a Deputy Chairman;*
- (d) *the committee be able to meet only during a sitting of the House, but disregarding suspensions of the sittings of the House for meal breaks or other reasons;*
- (e) *the proceedings of the committee be included in Hansard and be televised on the House monitoring system;*
- (f) *the committee have a quorum requirement of three Members, including the occupant of the Chair and two other Members, one of the two being a government Member and one being a non-government Member;*
- (g) *the Chair shall note the number of Members present and if a quorum is not present the Chair shall immediately suspend proceedings until a stated time or adjourn the committee to the next sitting day;*
- (h) *there be no provision for divisions in the committee, but any disagreement be noted in the committee's report to the House for resolution by the House;*
- (i) *proceedings in the committee continue notwithstanding quorum calls in the House but the Chair shall suspend proceedings for the duration of divisions in the House;*
- (j) *any Member suspended from the service of the House be excluded from participation in Main Committee proceedings.*

It is recommended that the procedures for the passage of legislation be changed as follows:

First reading

When presenting a bill the Minister must table the bill's explanatory memorandum which should include an explanation of the reasons for the bill.

Resolution on the handling of the bill

At least one week after a bill's presentation and prior to the Minister moving 'that the bill be now read a second time', or, in the case of bills referred to a standing committee, following the presentation of the report of the committee, the House may agree that the bill be dealt with in the Main Committee. A program listing bills proposed to be dealt with in the Main Committee the following sitting week may be tabled by or on behalf of the Leader of the House and a motion 'That the program be adopted', which may be debated and amended, may be moved without notice then or at a later time: provided that the proposal is tabled and adopted in sufficient time for its provisions to be published in the Notice Paper of the first sitting day of the week to which it refers.

Following such resolution the Main Committee will deal with the second reading and consideration in detail stages of the bill or bills and report to the House.

All stages of bills not referred to the Main Committee will be dealt with in plenary session in the House of Representatives Chamber.

Second reading

Following a Minister's second reading speech, debate on the second reading may continue without adjournment.

Consideration in detail (clause by clause)

References in the practice of the House to the committee stage of bills shall be understood to refer to the consideration in detail stage.

The consideration in detail stage of bills not referred to the Main Committee will be taken in the House rather than committee of the whole — ie. the Speaker or Deputy Speaker would remain in the Chair. Progress to this stage of the bill will be signified by an announcement by the Clerk, and different rules of debate will apply.

The rules governing consideration in detail would be the same as those currently applying to the committee of the whole stage, except that speeches would be limited to 5 minutes for all Members, provided that each Member would be able to speak an unlimited number of times.

Report stage (for bills dealt with by the Main Committee)

There would be a specific block of time allotted for the report stages of bills reported back from the Main Committee (for example, immediately before the adjournment debate each day).

There would be no debate at the report stage, except on amendments which the committee reported it had been unable to agree on, and no new amendments would be allowed apart from these.

Third reading

The third reading of all bills would take place in the House under the current rules, and the Chair would be expected to enforce the traditional restrictions on the scope of any debate at this stage.

Government Response

The Government agrees in principle with the recommendations for changes to the legislative process, including the establishment of a Main Committee to consider legislation and the appointment of a second Deputy Speaker.

The Government accepts recommendations (a) to (j).

With reference to the **suggested procedures for the passage of legislation**, the Government accepts the proposals. Details of the operation of the Main Committee will be developed before it first meets.

In the case of any sudden disorder in the Main Committee, the Committee's sitting will be suspended forthwith on a motion from any member, and the disorder reported to the House.

The Government has decided that matters other than legislation (such as committee and delegation reports) may be referred to the Main Committee.

STANDING COMMITTEE CONSIDERATION OF LEGISLATION (PARAGRAPH 65)

It is recommended that:

- (a) at least one week after a bill's presentation and prior to the Minister moving 'that the bill be now read a second time' a bill may be referred for consideration and report to the relevant general purpose standing committee, or where appropriate, to a committee formed of House of Representatives members of the Joint Committee on Foreign Affairs, Defence and Trade;*
- (b) the House may specify a date as the deadline for the committee's report;*
- (c) for the purpose of consideration of a bill so referred, one or more members of the committee may be replaced by other Members, with substitute committee members nominated by the whips and announced in the House in accordance with existing procedures for the nomination of committee members pursuant to SO 28B; and in addition, provisions for the nomination of supplementary committee members continue to apply;*

- (d) *the committee's composition, powers and procedures otherwise remain as specified by SO 28B, including the power to call witnesses and hear evidence;*
- (e) *the committee be charged with considering the implementation of the purposes of the bill given in the bill's explanatory memorandum;*
- (f) *the committee provide an advisory report on the legislation to the House;*
- (g) *the report may contain a request for a further reference from the House on matters raised by the committee's consideration of the bill.*

Government Response

The Government accepts **recommendations (a) to (g)**, and has decided that a bill may be referred to a committee formed of House of Representatives members of any Joint Committee.

COGNATE BILLS (PARAGRAPH 70)

It is recommended that the standing orders be amended to provide that:

- (a) *a Minister may seek leave of the House to declare a package of related bills to be cognate bills;*
- (b) *the House granting leave would allow, in relation to all the bills together*
 - (i) *a single motion to refer the bills to a committee;*
 - (ii) *a single report from the committee;*
 - (iii) *a single second reading speech by the Minister;*
 - (iv) *a single second reading debate (during which second reading amendments may be moved to one or more of the bills, but the moving of such amendments subsequent to the first would be a formality with no separate debate allowed) provided that separate questions would be put at each stage for each of the bills.*

Government Response

The Government accepts **recommendations (a) and (b)**.

SECOND DEPUTY SPEAKER (PARAGRAPH 75)

It is recommended that, should the House agree to the proposal for a Main Committee,

- (a) *the House also consider creating the additional position of Second Deputy Speaker;*
- (b) *the Second Deputy Speaker perform the duties of the Speaker as Acting Speaker in the case of the absence of both the Speaker and the Deputy Speaker;*
- (c) *the Second Deputy Speaker be an opposition Member elected by the House;*
- (d) *there be one ballot for the two positions of Deputy Speaker and Second Deputy Speaker, the Member receiving the highest number of votes being elected Deputy*

Speaker and the Member with the next highest number of votes being elected Second Deputy Speaker.

Government Response

The Government accepts **recommendations (a) to (d)**, noting that the Second Deputy Speaker should be a non-Government member elected by the House.

QUESTION TIME (PARAGRAPH 98)

It is recommended that:

- (a) question time continue for at least 45 minutes (or 2 consecutive 30 minute segments each sitting Monday) and until at least 16 questions (or 8 questions in each segment each Monday) have been answered, unless a motion, which may be moved without notice and by any Member, is agreed to 'That (further) questions be placed on notice': provided that the moving of a motion to suspend standing orders to bring on other business will end question time, regardless of whether or not that motion is carried;*
- (b) the Speaker allow, to the original questioner, one immediate supplementary question in respect of each original question answered; and that supplementary questions be counted as part of the minimum number of 16 questions required each question time.*

Government Response

Recommendation (a)

The Government accepts recommendation (a) in part.

Length of Question Time

The Government agrees to a Question Time of 45 minutes duration, with a minimum of 14 questions.

Early ending of Question Time

The Government does not accept the proposal that a motion to end Question Time by moving "That (further) questions be placed on notice" be moved without notice by any member.

Recommendation (b)

The Government does not accept recommendation (b).

Note: Question Time will be at 3.00 pm – see below for response to the proposed routine of business.

ROSTERING OF MINISTERS (PARAGRAPH 106)

It is recommended that, as a trial for two sitting periods,

- (a) question time each Monday be in the form of two consecutive 30 minute segments each with a minimum of 8 questions to be asked;*
- (b) Ministers be rostered so that the Ministers representing each portfolio (except Prime Minister and Cabinet, Treasury and Finance) and the Minister for Aboriginal and Torres Strait Islander Affairs attend to answer questions in one segment per sitting cycle. The grouping of portfolios and allocation of segments to be agreed by the Opposition and the Government;*
- (c) the Opposition to be able to request the presence of one additional Minister, other than the Prime Minister, per segment by informing the Speaker in writing prior to the sitting of the House on the Monday to which the request relates.*

Government Response

The Government agrees in principle to the rostering of ministers. There will be a fully rostered Question Time on a trial basis for the remainder of this session.

Recommendation (a)

The Government has decided upon a system of rostering as follows:

- Monday and Thursday of each sitting week – Prime Minister, Treasury and Finance ministers, and other rostered ministers
- Tuesdays and Wednesdays – a roster of ministers

Recommendation (b)

See response to recommendation (a) above.

The grouping of ministers on the Question Time roster will be determined by the Leader of the House in consultation with the Manager of Opposition Business.

Recommendation (c)

The Government does not accept the recommendation.

DEALING WITH DISORDER (PARAGRAPH 113)

It is recommended that:

- (a) the Speaker be given the power to order, in cases of disorder, a Member's immediate withdrawal from the Chamber for a period of one hour;*
- (b) no debate on or dissent to the Speaker's decision be allowed;*

- (c) *the Member concerned be barred from participating in all activity in the Chamber and Main Committee for the period of his or her withdrawal, including divisions and quorums;*
- (d) *a Member refusing to comply with the Speaker's order to withdraw may be named by the Speaker and a motion may then be moved for the Member's suspension in the usual manner;*
- (e) *orders to withdraw from the Chamber under this procedure not be counted as previous offences for the calculation of penalties for suspensions of Members under S.O. 305;*
- (f) *the scale of penalties for suspensions of a Member provided for by S.O. 305 be 24 hours, 3 and 7 sitting days for successive offences in a single year.*

Government Response

The Government accepts recommendations (a) to (f).

ANSWERS TO QUESTIONS ON NOTICE (PARAGRAPH 115)

It is recommended that the following paragraph be added to standing order 150:

'If after the expiration of 90 days of a question first appearing on the Notice Paper, a reply has not been delivered to the Clerk, the Member who asked the question may rise in his or her place and request the Speaker to write to the Minister concerned, seeking reasons for the delay in answering.'

Government Response

The Government accepts the recommendation.

DAYS AND HOURS OF SITTING (PARAGRAPH 134)

It is recommended that:

- (a) *The House continue to sit to a four-week cycle of two sitting weeks followed by two non-sitting weeks;*
- (b) *The House sit on Monday to Thursday of each sitting week;*
- (c) *The sitting hours of the House be as follows—*

<i>Mondays</i>	<i>12.30 pm to 8 pm</i>	
<i>Tuesdays</i>	<i>12.30 pm to 8 pm</i>	
<i>Wednesdays</i>	<i>9.30 am to 1 pm</i>	<i>2 pm to 8 pm</i>
<i>Thursdays</i>	<i>9.30 am to 1 pm</i>	<i>2 pm to 6.30 pm</i>

Government Response

Recommendation (a)

The Government accepts the recommendation that the House continue to sit for a pattern of two sitting weeks, followed by a two week break where practical.

Recommendation (b)

The Government accepts the recommendation.

Recommendation (c)

The Government accepts recommendation (c) in part. The Government has decided that the sitting hours of the House will be as follows:

Monday 12.30 pm to 8.00 pm

Tuesday 12.30 pm to 8.00 pm

Wednesday 9.30 am to 8.00 pm

Thursday 9.30 am to 6.00 pm

ROUTINE OF BUSINESS (PARAGRAPH 142)

It is recommended that the daily routine of business be as follows:

Mondays

1. Private Members' business (from 12.30 pm to 2 pm)
2. Grievance debate (from 2 pm to 3.15 pm)
3. Members' statements (from 3.15 pm to 3.30 pm)
4. Questions without notice (from 3.30 pm to at least 4.30 pm)
5. Presentation of papers
6. Ministerial statements
7. Presentation of petitions
8. Presentation of and statements on reports from parliamentary committees and delegations
9. Orders of the day for the resumption of debate on motions moved in connection with committee and delegation reports (until no later than 6 pm)
10. Notices and orders of the day
11. Adjournment debate (from 7.30 pm to 8 pm)

Tuesdays, Wednesdays and Thursdays

1. Notices and orders of the day (from 12.30 pm on Tuesdays; from 9.30 am on Wednesdays and Thursdays with lunch suspension from 1 pm to 2 pm)
2. Questions without notice (from 3.30 pm to at least 4.15 pm)
3. Presentation of papers
4. Ministerial statements
5. Matter of public importance
6. Notices and orders of the day

9. *Adjournment debate (from 7.30 pm to 8 pm on Tuesdays and Wednesdays; from 6 pm to 6.30 pm on Thursdays)*

Government Response

The Government accepts the recommendations on the routine of business, with some alterations consequent on the Government's decisions (above) in relation to the sitting hours of the House and the length of Question Time.

Question Time

On all days, Question Time will be from 3.00 pm to approximately 3.45 pm.

Routine of business

Monday

The routine of business on Monday will be as follows:

Committee and delegation reports	12.30 pm to 1.15 pm
Private members' business	1.15 pm to 2.45 pm
Members' statements	2.45 pm to 3.00 pm
Questions without notice	3.00 pm to approx 3.45 pm
Presentation of petitions	approx. 3.45 pm to approx. 3.50 pm
Grievance debate	approx. 3.50 pm to 5.15 pm
Notices and orders of the day	5.15 pm to 7.30 pm
Adjournment debate	7.30 pm to 8.00 pm

Tuesday, Wednesday and Thursday

The adjournment debate on Tuesdays and Wednesdays will be from 7.30 pm to 8.00 pm, and on Thursdays from 5.30 pm to 6.00 pm.

FEBRUARY 1994

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the experimental procedures and the tools used for data collection.

3. The third part of the document presents the results of the study, including a comparison of the different methods and techniques used. It discusses the strengths and weaknesses of each method and provides a summary of the findings.

4. The fourth part of the document discusses the implications of the study and provides recommendations for future research. It highlights the need for further investigation into the effectiveness of the different methods and techniques used.

5. The fifth part of the document provides a conclusion and a summary of the key findings. It reiterates the importance of maintaining accurate records and the need for transparency and accountability in financial reporting.

6. The sixth part of the document provides a list of references and a bibliography. It includes a list of all the sources used in the study and provides a detailed description of each source.

7. The seventh part of the document provides a list of appendices and a bibliography. It includes a list of all the appendices used in the study and provides a detailed description of each appendix.

8. The eighth part of the document provides a list of figures and a bibliography. It includes a list of all the figures used in the study and provides a detailed description of each figure.

9. The ninth part of the document provides a list of tables and a bibliography. It includes a list of all the tables used in the study and provides a detailed description of each table.

10. The tenth part of the document provides a list of references and a bibliography. It includes a list of all the sources used in the study and provides a detailed description of each source.

Appendix 3

HOUSE OF REPRESENTATIVES
USUAL ROUTINE OF BUSINESS

MONDAY	TUESDAY	WEDNESDAY	THURSDAY
		9.30 am Prayers	9.30 am Prayers
12.30 pm Prayers	12.30 pm Prayers	Government business	Government business
Committee & delegation reports	Government business		
1.15 pm Private Members' business			
2.45 pm 90 sec stats			
3.00 pm Question period	3.00 pm Question period	3.00 pm Question period	3.00 pm Question period
approx 3.45 pm Petitions	approx 3.45 pm Papers, Ministerial statements*, MPI	approx 3.45 pm Papers, Ministerial statements*, MPI	approx 3.45pm Papers, Ministerial statements*, MPI
approx 3.50 pm Grievance debate	approx 4.45 pm Government business	approx 4.45 pm Government business	approx 4.45 pm Government business
5.15 pm Government business			5.30 pm Adjournment debate
			6.00 pm
7.30 pm Adjournment debate	7.30 pm Adjournment debate	7.30 pm Adjournment debate	
8.00 pm	8.00 pm	8.00 pm	

