

REPORT

Opportunities to improve the operation and effectiveness of the Federal Parliament



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About the Susan McKinnon Foundation

The Susan McKinnon Foundation (**SMF**) aims to support and strengthen Australia's democracy, and its goal is for governments to be more transparent, accountable and inclusive. SMF's vision is for better governments and a stronger Australia, and its aspiration is for Australia to have the world's most effective governments, focused on the long-term interests of the Australian community. SMF's work focuses on four key areas:

- exceptional political leadership, as positive leadership is crucial in a high-functioning democracy
- exceptional public sector, with the right capabilities and institutions to deliver high quality service delivery, evidenced based policymaking
- strong democratic institutions, as trusted, responsive and apolitical public institutions are vital assets for a thriving democracy; and
- world-leading policy, supporting innovative solutions to Australia's biggest challenges.

SMF incubates, delivers and supports practical improvements that deliver tangible progress to the operation of government. SMF supports or has supported initiatives including:

- the McKinnon Prize in Political Leadership, which was established to recognise political leaders at all levels of government who have driven positive impact through their vision, collaboration, courage and ethical behaviour
- the McKinnon Institute for Political Leadership, which is a non-partisan, not-for-profit organisation that provides outstanding professional development for members of Australia's federal, state and territory parliaments
- research and advocacy on integrity, accountability, and transparency matters, such as 'truth in political advertising' reforms and the campaign to establish the National Anti-Corruption Commission
- the Analysis and Policy Observatory (APO), which curates and archives a free online library of articles, research reports, evaluations, policy briefs and white papers to help organisations including government, not-for-profits and think tanks access timely and reliable information on public policy
- e61, a not-for-profit, non-partisan economic research institute that analyses big data to help answer Australia's most pressing economic policy questions; and
- the McKinnon Poll, which aims to encourage better policymaking and national debates by providing a richer and more in-depth understanding of public opinion as an input into the policy-making process.

SMF is non-partisan and motivated only by the public interest.

For further information, please email info@susanmckinnon.org.au.

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1 Introduction

- 1.1.1 The Federal Parliament is central to Australia's system of representative democracy. It is a place in which elected representatives debate and pass legislation, scrutinise the government of the day, hold the executive accountable, represent constituents, and it serves as a vital forum for the political contest of ideas.
- 1.1.2 Given the importance of the Federal Parliament, it is crucial that it operates effectively and that Australians retain trust in it, so that Australia's system of government can meet the contemporary expectations of citizens. There are signs that Australians are losing trust in Federal Parliament.¹
- 1.1.3 It must also evolve to address the fact that an increasing number of Australians are voting for candidates who are not from the major political parties, and there are an increasing number of parliamentarians who are independent or from minor parties.²
- 1.1.4 As Australia approaches a new term of the Federal Parliament, it is an opportune time to reflect on and consider potential improvements to its operation and effectiveness. This report proposes practical, impactful, feasible, and evidence-based reforms to improve trust and confidence in the Federal Parliament. The reforms aim to:
- increase Parliament's ability to review and pass legislation
 - support healthy and constructive public debate in Parliament
 - support parliamentarians to undertake their public duties and represent constituents
 - support parliamentarians and the Parliament to scrutinise the executive government
 - improve public perceptions of Parliament and parliamentarians; and
 - improve transparency of Parliament.
- 1.1.5 Any reforms to the Federal Parliament need to be carefully calibrated to balance its diverse functions, avoid unintended consequences, and recognise that reforms are often interdependent and can rarely be considered in isolation.
- 1.1.6 This report proposes 37 practical reform opportunities covering the following topics:
- securing the independence and impartiality of the Presiding Officers (three reforms)
 - improving Question Time (seven reforms)
 - improving processes regarding parliamentary orders for documents (one reform)
 - strengthening Parliament's committee system (ten reforms)
 - supporting a more transparent and cooperative Parliament (five reforms)
 - improving opportunities for private Members and Senators to participate in Parliament (three reforms)
 - increasing citizen participation in Parliament (two reforms)
 - making Parliament more carer-friendly (two reforms)
 - making more effective use of parliamentary time (four reforms).
- 1.1.7 Ultimately, any reform to the operation of Parliament will only be successful if it is endorsed and supported by a broad range of parliamentarians. Parliamentarians have unique experience and expertise that only comes with being an elected representative, and they are

¹ For example, the proportion of survey respondents who stated that they do not trust the Federal Parliament at all or very much increased from 42.3% in May 2022 to 47.1% in October 2024 – see Nicholas Biddle and Matthew Gray, *Perceptions of democracy and other political attitudes in Australia: October 2024* (2024), available at <<https://csrm.cass.anu.edu.au/sites/default/files/docs/2024/12/Perceptions-of-democracy-in-Australia.pdf>>, page 11.

² See e.g. Sarah Cameron, Ian McAllister, Simon Jackman, and Jill Sheppard, *The 2022 Australian Federal Election: Results from the Australian Election Study* (2022), available at <<https://australianelectionstudy.org/wp-content/uploads/The-2022-Australian-Federal-Election-Results-from-the-Australian-Election-Study.pdf>>, page 17; Antony Green, 'Record Minor Party Vote at the 2022 Senate Election and how the Senate's Electoral System Performed', 20 July 2022, available at <<https://antonygreen.com.au/record-minor-party-vote-at-the-2022-senate-election-and-how-the-senates-electoral-system-performed/>>; Mark Riboldi, Ben Spies-Butcher, and Phoebe Hayman, 'Do independents like to party? The rise in independent and minor party MPs in Australian parliaments since 1970', *Australian Journal of Political Science* (2024), volume 59, number 3, pages 272-290, available at <<https://www.tandfonline.com/doi/epdf/10.1080/10361146.2024.2421519?needAccess=true>>.



best-placed to determine how the Federal Parliament should operate. As such, SMF encourages parliamentarians to use available mechanisms to consider these reform opportunities further and build a consensus about the highest priority reforms. For example, this could include requesting that each House's respective procedure committee undertakes appropriate inquiries, with a focus on supporting the effective, productive and respectful operation of the Federal Parliament.

2 Opportunities to improve the Federal Parliament

2.1 Securing the independence and impartiality of the Presiding Officers

- 2.1.1 The Presiding Officers of Parliament have an enormous impact on the functioning of Parliament. An impartial, fair and independent Speaker of the House of Representatives or President of the Senate enhances public perceptions of Parliament through their conduct, supports Parliament to operate in a constructive and democratic manner, uplifts debate, and improves Parliament's ability to hold the executive government to account. In comparison, a Presiding Officer who is perceived to be or who is biased can negatively impact all aspects of Parliament.
- 2.1.2 As such, supporting the independence and impartiality of Parliament's Presiding Officers is a crucial reform to support the effective operation of Parliament, and the proposed reform opportunities below aim to better entrench the independence and impartiality of the Presiding Officers to support them to oversee the Federal Parliament in a manner that promotes public trust and confidence.

Reform opportunity 1: Supporting the independence and impartiality of the Presiding Officers

That each House of Parliament adopt resolutions to support the independence and impartiality of the Presiding Officers that would:

- **note the importance of the Presiding Officers being independent and impartial**
 - **provide that the Presiding Officers and Deputy Presiding Officers of each House should abstain from attending their respective party rooms except for extraordinary meetings (such as leadership ballots).**
- In recent practice, most Speakers have not attended their political party room meetings,³ which aims to provide a degree of separation between their role as Presiding Officers and their duties as members of political parties.
 - This recommendation aims to formally enshrine this practice (which is consistent with the 2010 *Agreement for a Better Parliament*),⁴ and extend it to Deputy Presiding Officers.

Reform opportunity 2: Supporting multipartisanship across Parliament

That each House of Parliament amend their Standing Orders to require that if a government parliamentarian is elected as Presiding Officer, that the Deputy Presiding Officer be a non-government parliamentarian, and vice versa.

- Currently:
 - the House of Representatives Standing Orders set out various requirements for the election of the Speaker, Deputy Speaker and Second Deputy Speaker, but in relation to political party affiliation, only require that if a government Member is elected as Deputy Speaker, that a non-government Member is elected as Second Deputy Speaker and vice versa⁵

³ See e.g. Michelle Grattan, 'View from The Hill: Speaker Tony Smith, proponent of 'order in the House' to retire at election', *The Conversation*, 14 July 2021, available at <<https://theconversation.com/view-from-the-hill-speaker-tony-smith-proponent-of-order-in-the-house-to-retire-at-election-164494>>.

⁴ The Australian Labor Party & the Independent Members, *Agreement for a Better Parliament* (2010), available at <<https://www.parliament.nsw.gov.au/researchpapers/documents/minority-governments-in-australia-texts-of-accord/Gillard2010MinorityGovt.pdf>>, Annex A, clause 2.

⁵ House of Representatives, Parliament of Australia, *House of Representatives Standing and Sessional Orders* (2 August 2022) https://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/House_of_Representatives_Standing_and_Sessional_Orders, Standing Order 13(c).

- Senate practice is that the President is a Senator from the party of government, and the Deputy President is from another party not supporting the government, but the Senate Standing Orders are silent on this matter.⁶
- This recommendation:
 - aims to promote multipartisanship and ensure that Presiding Officer positions better reflect the composition of Parliament
 - aims to codify existing Senate practice and extend it to the House of Representatives
 - is based on the 2010 *Agreement for a Better Parliament*.⁷

Reform opportunity 3: Providing the Speaker with an additional enforcement mechanism for disorderly conduct

That the House of Representatives amends its Standing Orders to allow the Speaker to suspend a Member for three hours for disorderly conduct.

- Currently, sanctions for disorderly conduct in the House of Representatives include allowing the Speaker to direct a disorderly member to leave the Chamber for one hour, and naming and suspending a Member.⁸
- The current range of sanctions do not always allow for appropriately tailored or graduated responses to disorderly conduct by Members.⁹
- This recommendation:
 - aims to provide the Speaker with a flexible and proportionate enforcement mechanism to address disorderly conduct that merits a more significant sanction than leaving the Chamber for an hour, but does not warrant naming and suspecting the Member
 - aims support the Speaker to maintain order in the House
 - is consistent with a 2021 House Procedure Committee recommendation.¹⁰

⁶ It has been noted that “[s]ince 1981 there has been a practice, usually followed, whereby, if the President is a senator from the party supporting the government (which has invariably been the case since 1974), the Deputy President is chosen from the largest party not supporting the government” – see Rosemary Laing (ed), *Odgers’ Australian Senate Practice*, 14th Edition (2022), available at https://www.aph.gov.au/About_Parliament/Senate/Practice_and_Procedure/Odgers_Australian_Senate_Practice/Chapter_09, page 150.

⁷ The Australian Labor Party & the Independent Members, *Agreement for a Better Parliament* (2010), Annex A, clause 2.

⁸ House of Representatives, Parliament of Australia, *House of Representatives Standing and Sessional Orders*, Standing Order 94.

⁹ House of Representatives Standing Committee on Procedure (2021), *A window on the House: practices and procedures relating to Question Time*, available at https://www.aph.gov.au/Parliamentary_Business/Committees/House/Procedure/Questiontime/Report, page 88 ([5.85]).

¹⁰ House of Representatives Standing Committee on Procedure (2021), *A window on the House: practices and procedures relating to Question Time*, page 88 ([5.87]).

2.2 Improving Question Time

- 2.2.1 Questions without notice, commonly known as Question Time, is one of the most prominent parts of Parliament, and has a significant impact on public perceptions of Parliament.
- 2.2.2 Question Time is one of the most important mechanisms available to Parliament to scrutinise the executive government and hold it to account. However, the purpose of Question Time goes beyond this, and includes other matters, such as playing an integral role in the political contest of ideas.¹¹
- 2.2.3 Unfortunately, public perceptions of Question Time are that it can be ineffective, too combative and politically-driven, which undermines public trust in Parliament.¹²
- 2.2.4 The reform opportunities set out below aim to ensure that Question Time is more effective, respectful, constructive, and focussed on substantive issues, which ultimately aims to improve public perceptions of, and trust in, Parliament. However, any potential reform opportunities should also ensure that Question Time remains the peak forum for debating different viewpoints and policies, offering the Government and its Members the same opportunities to advance their ideas as other parties.

Reform opportunity 4: An appropriate separation between Question Time and other matters

That the House of Representatives amend its Standing Orders to require that statements on indulgence and condolence motions should generally occur at the start of proceedings each sitting day.

- Currently:
 - Question Time is scheduled to start at 2pm, but other matters such as statements on indulgence or condolence motions often intervene, which can result in a delay to questions without notice and take the focus away from the main purposes of Question Time¹³
 - the House of Representatives Standing Orders are silent on when statements on indulgence and condolence motions occur.
- This proposal:
 - aims to ensure an appropriate separation between Question Time and other items of business, and that the Federal Parliament uses the time allocated for Question Time for its intended purpose
 - is consistent with a recommendation from a 2021 parliamentary committee inquiry.¹⁴

Reform opportunity 5: Reducing the time limit for answers in the House of Representatives

That the House of Representatives amend its Standing Orders to reduce the time limit for answers to primary questions from three minutes to two minutes.

¹¹ House of Representatives Standing Committee on Procedure (2021), *A window on the House: practices and procedures relating to Question Time*, pages 19-24 ([3.29]-[3.45]).

¹² See e.g. a recent public survey undertaken by a parliamentary committee inquiry found that more than 95% of respondents thought that the House of Representatives should change how Question Time operates, with many people feeling that Question Time was not achieving its purpose – see House of Representatives Standing Committee on Procedure (2021), *A window on the House: practices and procedures relating to Question Time*, pages 14-19 ([3.11]-[3.31]).

¹³ D. R. Elder and P. E. Fowler (eds), *House of Representatives Practice* (7th ed) (2018), available at <https://www.aph.gov.au/-/media/05_About_Parliament/53_HoR/532_PPP/Practice7/combined.pdf?la=en&hash=17DE820A4B6D7F47EA296777BF6D2F2CBD609F7C>, page 259.

¹⁴ House of Representatives Standing Committee on Procedure (2021), *A window on the House: practices and procedures relating to Question Time*, pages 94-96 ([6.25]-[6.33]). The Government did not accept this recommendation – see Australian Government, *Australian Government response to the House of Representatives Standing Committee on Procedure report: A window on the House: practices and procedures relating to Question Time* (2022), available at <https://www.aph.gov.au/Parliamentary_Business/Committees/House/Procedure/Questiontime/Government_Response>, page 4.

- Currently, the House of Representatives Standing Orders allow answers to questions without notice to be up to three minutes.¹⁵
- It has been argued that the previous introduction of time limits for answers improved the operation of Question Time.¹⁶ However, it has also been argued that the current time limit can mean that answers fill the time available, rather than respond directly to the question.¹⁷
- This proposal:
 - aims to promote brevity and answers that are more directly relevant to questions¹⁸
 - aims to promote consistency with the time limit for answers to primary questions in the Senate¹⁹
 - is consistent with a recommendation from a 2021 parliamentary committee inquiry.²⁰

Reform opportunity 6: Introducing supplementary questions in the House of Representatives

That the House of Representatives amend its Standing Orders to allow for one immediate 15-second supplementary question for each primary question, with the supplementary answer limited to one minute.

- Currently, the House of Representatives Standing Orders do not allow for supplementary questions following primary questions, which means that the questioner may alternate.
- This proposal:
 - will provide opportunities for more effective follow-up questioning without interruption and alternating questioners, which aims to promote a more effective Question Time and improved scrutiny of government
 - is consistent with current practice in the Senate,²¹ previous practice in the House of Representatives,²² and a recommendation from a 2021 parliamentary committee inquiry.²³
 - is consistent with other Australian jurisdictions.²⁴

Reform opportunity 7: Simplifying question requirements

That the House of Representatives and the Senate amend their respective Standing Orders to make the requirements relating to questions simpler and more effective.

¹⁵ House of Representatives, Parliament of Australia, *Standing Orders* (2 August 2022), Standing Order 104.

¹⁶ David Elder, *Submission to House of Representatives Standing Committee on Procedure Inquiry into the Conduct of Question Time (lapsed)* (2 December 2015), available at <<https://www.aph.gov.au/DocumentStore.ashx?id=0742d1c4-c624-46ce-bea1-05c2da58614d&subId=407228>>, page 7.

¹⁷ House of Representatives Standing Committee on Procedure (2021), *A window on the House: practices and procedures relating to Question Time*, pages 77-78 ([5.44]-[5.46]).

¹⁸ House of Representatives Standing Committee on Procedure (2021), *A window on the House: practices and procedures relating to Question Time*, page 77 ([5.44]).

¹⁹ Senate, Parliament of Australia, *Standing Orders and other orders of the Senate* (2022), available at <https://www.aph.gov.au/Parliamentary_Business/Chamber_documents/Senate_chamber_documents/standingorders/b00>, Standing Order 72(3)(a).

²⁰ House of Representatives Standing Committee on Procedure (2021), *A window on the House: practices and procedures relating to Question Time*, pages 76-78 ([5.40]-[5.47]). The Government did not accept this recommendation – see Australian Government, *Australian Government response to the House of Representatives Standing Committee on Procedure report: A window on the House: practices and procedures relating to Question Time* (2022), page 3.

²¹ Senate, Parliament of Australia, *Standing Orders and other orders of the Senate* (2022), Standing Order 72(3), noting that the Senate allows for two supplementary questions to be asked.

²² House of Representatives Standing Committee on Procedure (2021), *A window on the House: practices and procedures relating to Question Time*, pages 7-9 ([2.15]-[2.24]).

²³ House of Representatives Standing Committee on Procedure (2021), *A window on the House: practices and procedures relating to Question Time*, pages 50-52 ([4.52]-[4.59]). The Government did not accept this recommendation – see Australian Government, *Australian Government response to the House of Representatives Standing Committee on Procedure report: A window on the House: practices and procedures relating to Question Time* (2022), page 3.

²⁴ House of Representatives Standing Committee on Procedure (2021), *A window on the House: practices and procedures relating to Question Time*, page 50 ([4.53]).

- The Standing Orders for the House of Representatives and the Senate currently set out various rules and requirements for questions.²⁵
- Improving the existing requirements could include:
 - inserting new requirements that questions must be concise, seek information, relate only to one subject, and not contain material not necessary to understand the question
 - removing existing requirements that are no longer fit-for-purpose.²⁶
- This proposal:
 - aims to ensure that the rules governing questions are consistent with the purpose of Question Time, support the effectiveness of Question Time, limit rhetorical questions and promote more substantive questions
 - aims to make it easier for the Presiding Officers to manage Question Time and enforce the Standing Orders
 - substantially adopts a previous recommendation from a 1992 parliamentary committee inquiry and a submission from a former Clerk of the House.²⁷

Reform opportunity 8: Specified points of order to occur at the end of Question Time

That the House of Representatives and the Senate amend their respective Standing Orders to only permit points of order related to relevance and requirements relating to questions at the end of Question Time.

- Currently, points of order can be raised at any time in both the House of Representatives and the Senate, including during Question Time (noting that in the House of Representatives, only one point of order regarding relevance can be raised in respect of each answer).²⁸
- Points of order can impede the flow of Question Time and reduce the number of questions asked during particular time periods in Question Time, and are rarely upheld.²⁹
- This proposal:
 - aims to make Question Time more free-flowing and empower the Presiding Officers to manage debate more effectively by being solely responsible for enforcing simplified rules (noting that the Presiding Officers would still retain their existing authority to enforce the Standing Orders without a point of order being raised)
 - retains the ability for more urgent points of order to be raised during Question Time e.g. those relating to disorderly conduct
 - is consistent with practice in the UK House of Commons and the House of Commons in Canada.³⁰

²⁵ House of Representatives, Parliament of Australia, *Standing Orders* (2 August 2022), Standing Order 100; Senate, Parliament of Australia, *Standing Orders and other orders of the Senate* (2022), Standing Order 73.

²⁶ It is proposed to delete House of Representatives Standing Orders 98(d) and 100(1)(a), (b), (d), and (e) and Senate Standing Orders 73(1), (2), and (4) – see House of Representatives, Parliament of Australia, *Standing Orders* (2 August 2022), Standing Orders 98(d) and 100(1)(a), (b), (d), and (e); Senate, Parliament of Australia, *Standing Orders and other orders of the Senate* (2022), Standing Order 73(1), (2), and (4).

²⁷ House of Representatives Standing Committee on Procedure (1992), *The standing orders governing questions seeking information*, pages 8-9 ([30]-[33]) <https://aphref.aph.gov.au/house/committee/reports/1992/1992_pp179.pdf>; David Elder, *Submission to House of Representatives Standing Committee on Procedure Inquiry into the Conduct of Question Time (lapsed)* (2 December 2015), pages 4-6; see also House of Representatives Standing Committee on Procedure, Parliament of Australia (2021), *A window on the House: practices and procedures relating to Question Time*, pages 70-71 ([5.23]-[5.28]).

²⁸ House of Representatives, Parliament of Australia, *Standing Orders* (2 August 2022), Standing Orders 86 and 104; Senate, Parliament of Australia, *Standing Orders and other orders of the Senate* (2022), Standing Order 197.

²⁹ David Elder, *Submission to House of Representatives Standing Committee on Procedure Inquiry into the Conduct of Question Time (lapsed)* (2 December 2015) <<https://www.aph.gov.au/DocumentStore.ashx?id=0742d1c4-c624-46ce-bea1-05c2da58614d&subId=407228>>, page 7.

³⁰ *Erskine May: Parliamentary Practice*, 25th Edition (4 November 2023), 'Rights of Members to direct the attention of the Chair to supposed breaches of order (Points of Order)', available at

Reform opportunity 9: Taking note of answers in the House of Representatives

That the House of Representatives amend its Standing Orders to introduce a ‘Take Note of Answers’ item immediately following Question Time.

- Currently, the Senate allows Senators to take note of and debate answers given in response to questions that sitting day,³¹ but the House of Representatives does not have an equivalent item.
- Given that answers take up the majority of Question Time, establishing dedicated time to consider the answers given during Question Time would allow the Opposition and crossbench to respond to the Government’s answers and put additional information and context on the public record.
- This proposal:
 - could allow for a 10-minute ‘Take Note of Answers’ item, with a speaking limit of 90 seconds per Member
 - aims to provide another avenue for the Opposition and crossbench to put forward alternative views to the government
 - aims to align practice in the House of Representatives with practice in the Senate.³²

Reform opportunity 10: A more effective Question Time

That the accepted duration of Question Time in the House of Representatives be reduced from 70 minutes to 60 minutes.

- Current practice in the House of Representatives is that the length of Question Time is a matter for the Prime Minister, but it has been approximately 70 minutes since 2011.³³
- Together with the reform opportunities related to reduced answer time limits and supplementary questions, this proposal aims to accommodate the proposed new 10-minute ‘Take Note of Answers’ item while still allowing increased numbers of questions in Question Time.

[<https://erskinemay.parliament.uk/section/4900/right%20of%20members%20to%20direct%20the%20attention%20of%20the%20chair%20to%20supposed%20breaches%20of%20order%20\(points%20of%20order\)>](https://erskinemay.parliament.uk/section/4900/right%20of%20members%20to%20direct%20the%20attention%20of%20the%20chair%20to%20supposed%20breaches%20of%20order%20(points%20of%20order)) Paragraph 21.49; *House of Commons Procedure and Practice (Third ed)* (2017), ‘Questions’, available at [<https://www.ourcommons.ca/procedure/procedure-and-practice-3/ch_11_1-e.html#11-1-4>](https://www.ourcommons.ca/procedure/procedure-and-practice-3/ch_11_1-e.html#11-1-4).

³¹ Senate, Parliament of Australia, *Standing Orders and other orders of the Senate* (2022), Standing Order 72(4).

³² Noting that the Senate provides a period of up to 30 minutes, and a five-minute time limit for each Senator who speaks – see Senate, Parliament of Australia, *Standing Orders and other orders of the Senate* (2022), Standing Order 72(4).

³³ D. R. Elder and P. E. Fowler (eds), *House of Representatives Practice*, 7th Edition (June 2018), page 545.

2.3 Improving processes regarding parliamentary orders for documents

- 2.3.1 Parliamentary orders for the production of documents are an important mechanism to allow Parliament to inform itself, to obtain information from the executive government, and to scrutinise the executive government.³⁴ The Standing Orders for the Senate currently set out various matters relating to orders for the production of documents.³⁵
- 2.3.2 There has been an increasing number of Senate orders to produce documents in recent years, and this has been met with increasing numbers of public interest immunity claims from the government to refuse to comply with such orders and lower rates of compliance.³⁶ This has meant that a government's failure to comply with such an order has come to almost be expected, with a corresponding loss in political impact. This has likely further reduced the willingness of governments to comply with such orders. The problem has been compounded by such orders sometimes being onerous and impractical with regard to the number and type of documents being ordered to be produced and the time in which to do so.³⁷
- 2.3.3 Orders for the production of documents are more common in the Senate. Although the House of Representatives has the power to order the production of documents, it generally does not use this power, given that a government generally has a majority in the House of Representatives.³⁸ However, it is possible that the House of Representatives could seek to exercise the power to order the production of documents in a hung parliament / minority government.
- 2.3.4 Given these issues with parliamentary orders for documents, the reform opportunity below aims to advance a shared understanding across the Parliament about arrangements regarding parliamentary orders for documents.

Reform opportunity 11: Guidance on orders for the production of documents

That the Senate adopt a resolution developed by its Procedure Committee relating to orders for the production of documents made by the Senate to provide guidance on:

- the scope of material sought and reasonable timeframes for compliance
- the making of public interest immunity claims
- the redaction of documents; and
- reasonable volumes of orders for production.

That the House of Representatives should request that its Procedure Committee consider whether the House of Representatives should adopt guidance on orders for the production of documents.

³⁴ Senate, Parliament of Australia, 'Orders for production of documents', available at https://www.aph.gov.au/Parliamentary_Business/Chamber_documents/Senate_chamber_documents/Orders_for_production_of_documents.

³⁵ Senate, Parliament of Australia, *Standing Orders and other orders of the Senate* (2022), Standing Order 164.

³⁶ The Centre for Public Integrity, *Briefing paper: Shrouded in secrecy* (2023), available at https://publicintegrity.org.au/research_papers/shrouded-in-secrecy/; *Letter from Leader of the Government in the Senate, Senator The Hon Penny Wong, to President of the Senate, Senator the Hon Sue Lines re: Report on outstanding orders for documents* (20 November 2024) <https://www.aph.gov.au/Parliamentary_Business/Tabled_Documents/8378>; Rosemary Laing (ed), *Odgers' Australian Senate Practice* (14th ed) (2022), page 581; 'Orders for production of documents', available at <https://www.aph.gov.au/Parliamentary_Business/Chamber_documents/Senate_chamber_documents/Orders_for_production_of_documents>.

³⁷ *Letter from Leader of the Government in the Senate, Senator The Hon Penny Wong, to President of the Senate, Senator the Hon Sue Lines re: Report on outstanding orders for documents* (20 November 2024); Procedure Committee, Senate, Parliament of Australia, *Confidential review of documents subject to PII claims* (2023), available at <https://www.aph.gov.au/-/media/Committees/proc_cttee/reports/2023/Report.pdf?la=en&hash=E5CE192B62434C8EE75B8B6B268A6DCAED6FFBA>, page 2 (paragraph [1.7]).

³⁸ House of Representatives, Parliament of Australia, *Standing Orders* (2 August 2022), Standing Order 200; D. R. Elder and P. E. Fowler (eds), *House of Representatives Practice*, 7th Edition (June 2018), pages 607-608.

- Although the Senate's Standing Orders briefly address parliamentary orders for the production of documents, they provide little substantive direction on the making of and responses to orders for the production of documents. The lack of a consistent framework or guidance means that there are not norms by which to assess the reasonableness of individual orders and responses, which creates unnecessary disputes.
- This proposal:
 - aims to provide clarity and an agreed approach to parliamentary orders for documents
 - recognises that orders for the production of documents involve competing claims between Parliament and the executive, and that these are often resolved politically³⁹
 - aims to encourage productive and constructive negotiation between Parliament and the executive on orders for the production of documents⁴⁰
 - is consistent with a suggestion from the Senate Procedure Committee; and⁴¹
 - aims to recognise that orders for the production of documents may become a more common occurrence in the House of Representatives.

³⁹ Rosemary Laing (ed), *Odgers' Australian Senate Practice*, 14th Edition (2022), page 645. Although the NSW Legislative Council has a model that allows an independent arbiter to adjudicate public interest immunity claims, this is supported by judicial decisions that confirmed the power of the NSW Legislative Council to require documents to be produced, including those subject to public interest immunity claims. In contrast, successive Victorian Governments have not recognised the Victorian Legislative Council's independent arbiter procedure set out in the Legislative Council Standing Orders, which means that the procedure has not been used, and failures to comply with orders for the production of documents may be treated as a contempt of Parliament. See Harry Evans, *Papers on Parliament No 52: Enough of Executive Arrogance?: Egan v Chadwick and Others* (December 2009), available at <https://www.aph.gov.au/binaries/senate/pubs/pops/pop52/13_enough_of_executive_arrogance.pdf>; Select Committee on the 2026 Commonwealth Games Bid, Legislative Council, Parliament of Victoria, *The 2026 Commonwealth Games bid: Failure to provide documents under Legislative Council Standing Orders* (September 2024), available at <https://www.parliament.vic.gov.au/4ae5ad/contentassets/1d6c40c5402e4f8f8840b1c7e64f25fb/lc-sccg-60-02_2026-commonwealth-games-bid_interim-report-2.pdf>, pages 3-4.

⁴⁰ Procedure Committee, Senate, Parliament of Australia, *Confidential review of documents subject to PII claims* (March 2023), page 2 ([1.9]).

⁴¹ Procedure Committee, Senate, Parliament of Australia, *Confidential review of documents subject to PII claims* (2023), page 2 ([1.7]-[1.9]).

2.4 Strengthening Parliament's committee system

- 2.4.1 For the most part, Parliament's committee system operates effectively, allowing the Australian community opportunities to be involved in examining issues and developing policies and laws, and Parliament to scrutinise the executive government.
- 2.4.2 However, there are opportunities to improve existing parliamentary committee arrangements, as well as providing greater opportunities for parliamentary committees in legislative and policy-making processes.
- 2.4.3 Strengthening Parliament's committees by making improvements where needed and extending their functions and independence would improve perceptions of Parliament, allow committees to run more effective inquiries, and support committees to undertake more effective law-making and policy-making activities focussed on the long-term interests of the Australian community.

Reform opportunity 12: Presumption that all government bills are referred for legislative inquiry in the House of Representatives

That the House of Representatives amend its Standing Orders to require all government bills to be automatically referred after the second reading is moved to the most appropriate House general purpose standing committee or joint parliamentary committee for inquiry unless the House grants leave for no inquiry.

- The House of Representatives Standing Orders currently allow a bill to be referred to committee for consideration,⁴² but the use of this mechanism has varied, with little recent use.⁴³
- This proposal:
 - aims to create an expectation that a bill should be the subject of a House of Representatives committee inquiry, which would ensure a greater level of parliamentary oversight of bills
 - would provide for more opportunities to consider the operation of bills
 - aims to ensure that bills have been appropriately scrutinised in the House of Representatives and are therefore of a better quality by the time they reach the Senate, which would both improve bills and help to share the committee workload across the House and Senate, potentially allowing the Senate to focus on more contentious and/or complex issues
 - would retain some flexibility for the House to grant leave for no inquiry if appropriate (e.g. the bill contained provisions that were of a minor and technical nature); and
 - aims to provide a greater role in the scrutiny of legislation for House Members, including the House crossbench, particularly if there is a hung Parliament / minority government.
- This mechanism should be carefully designed to ensure that it does not circumscribe the House's ability to pass legislation urgently when circumstances require it.

Reform opportunity 13: Legislative inquiries on government bills to report within six weeks

That each House amends their respective Standing Orders to require any legislative inquiries on government bills to have a default reporting date of six weeks after the second reading is moved unless the relevant House of Parliament agrees to a different reporting deadline.

- Currently:

⁴² House of Representatives, Parliament of Australia, *Standing Orders* (2 August 2022), Standing Order 143.

⁴³ For example, a significant number of bills were referred to committees in the 43rd Parliament, but only one bill was referred in the 44th Parliament – see D. R. Elder and P. E. Fowler (eds), *House of Representatives Practice*, 7th Edition (June 2018), page 359.

- the House of Representatives Standing Orders do not specify a default reporting date for legislative inquiries, and allow the referral motion to specify the reporting date;⁴⁴ and
- the Senate Standing Orders provide for some limits on debating bills hastily (e.g. bills introduced in the House in a period of sittings may be considered in the following period of sittings by the Senate).⁴⁵
- This proposal aims to complement reform opportunity 12, and:
 - would introduce default standard reporting deadlines for legislative inquiries, which would create an expectation that government bills should not be debated for at least six weeks to allow sufficient time for parliamentarians and the public to review it, and limit the political manipulation of reporting dates;
 - would preserve flexibility for each House to agree on longer reporting dates (e.g. for complex and lengthy bills) or shorter reporting dates (e.g. for bills that make only minor and technical amendments) where justified.

Reform opportunity 14: Require committee legislative inquiries to consider amendments

That each House amends their respective Standing Orders to require committee legislative inquiries to consider all amendments that have been circulated and make recommendations about amendments.

- Currently, all circulated amendments are not always considered as part of the relevant committee legislative inquiry.
- This proposal:
 - is intended to complement reform opportunities 12 and 13
 - is intended to ensure appropriate scrutiny of legislative amendments;
 - aims to improve the quality of legislative amendments and law-making.

Reform opportunity 15: Allowing each House to use materials from similar legislative inquiries

That each House adopts resolutions or amends their respective Standing Orders to allow any committee to consider and use public evidence, records, and submissions from similar inquiries conducted in the other House.

- Currently, there is some ambiguity about the use of public records of a committee from one House by a committee from the other House, which can limit committees from drawing on work undertaken by other committees.
- This proposal aims to:
 - reduce duplication and support committees to operate more efficiently, including to allow inquiries to more effectively use and build on the work of inquiries in the other House
 - mitigate concerns from stakeholders that separate submissions would be required to House and Senate committee inquiries into the same legislation; and
 - resolve any matters relating to parliamentary privilege.

Reform opportunity 16: Allowing House committees to elect Chairs and Deputy Chairs

That the House of Representatives amend its Standing Orders to require House committees to elect Chairs and Deputy Chairs.

⁴⁴ House of Representatives, Parliament of Australia, *Standing Orders* (2 August 2022), Standing Order 143(b).

⁴⁵ Senate, Parliament of Australia, *Standing Orders*, Standing Order 111(5)-(8).

- Currently, the House of Representatives Standing Orders allow the Prime Minister to appoint House committee Chairs and the Leader of the Opposition to appoint House committee deputy Chairs.⁴⁶
- This proposal:
 - reflects that the determination of committee Chairs and Deputy Chairs is more appropriately a matter for parliamentary committees (rather than the executive)
 - aims to promote the independence of committees and their activities, as Chairs and Deputy Chairs have a significant influence on their conduct of inquiries, and they will be less reliant on the support of political party leaders if elected by committees themselves; and
 - is generally consistent with arrangements prior to November 2013.⁴⁷

Reform opportunity 17: Allowing participating members of House of Representatives committees

That the House of Representatives amend its Standing Orders to allow participating members to be appointed to House general purpose standing committees on the nomination of the Prime Minister, Leader of the Opposition, or crossbench Members.

- Currently, non-members of House committees can be present for some committee activities (e.g. when a committee is examining a witness in public or gathering information).⁴⁸
- However, options for participation are more limited than in the Senate, which allows the appointment of participating members to most Senate committees on the nominations of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate, and minority groups and independent senators, which is intended to facilitate participation in committees (e.g. by allowing Senator to participate in hearings, but not to vote).⁴⁹
- This proposal:
 - aims to replicate the Senate arrangements in the House, so that Members could be appointed as participating members of House of Representatives general purpose standing committees on the nomination of the Prime Minister, Leader of the Opposition, or other crossbench Members; and
 - aims to promote greater participation in House committees, as it would mean that even if a crossbench Member with an interest in the committee could not secure full membership, they could still participate in a committee's inquiries.

Reform opportunity 18: Allowing committees to initiate a limited number of inquiries

That each House amends their respective Standing Orders to allow their general purpose committees to initiate one inquiry every year.

- Currently, general purpose committees in the House of Representatives and Senate generally inquire into and report on matters referred to them,⁵⁰ which can limit committees from undertaking other inquiries that may be relevant to their functions.
- Allowing general purpose committees to initiate one inquiry each year without a referral aims to:
 - promote greater independence in the activities of parliamentary committees; and

⁴⁶ House of Representatives, Parliament of Australia, *Standing Orders* (2 August 2022), Standing Order 232.

⁴⁷ D. R. Elder and P. E. Fowler (eds), *House of Representatives Practice* (7th ed) (2018), page 661. It is not proposed that Chairs be Government Members, as was generally the practice prior to November 2013.

⁴⁸ D. R. Elder and P. E. Fowler (eds), *House of Representatives Practice*, 7th Edition (June 2018), page 677.

⁴⁹ Senate, Parliament of Australia, *Standing Orders* Standing Order 25(7(b)-(d)); Rosemary Laing (ed), *Odggers' Australian Senate Practice*, 14th Edition (30 June 2022), page 645.

⁵⁰ D. R. Elder and P. E. Fowler (eds), *House of Representatives Practice* (7th ed) (2018), page 683; Rosemary Laing (ed), *Odggers' Australian Senate Practice*, 14th Edition, pages 507-508.

- allow these committees to inquire into matters that may be relevant to their functions e.g. to advance relevant policy-making in Australia.

Reform opportunity 19: Non-legislative inquiries to report within sixteen weeks

That each House amends their respective Standing Orders to require non-legislative inquiries to report within sixteen weeks unless the relevant House agrees to a different reporting deadline.

- There are currently no standard default reporting deadlines for parliamentary committee inquiries.⁵¹
- This proposal aims to establish a default reporting period for non-legislative inquiries (which would mean that reporting dates would be more certain and consistent, and less subject to political manipulation), whilst also preserving flexibility for a House to alter a reporting deadline if appropriate.

Reform opportunity 20: Government responses to committee reports within 16 weeks

That each House amends their respective Standing Orders to:

- **require governments to respond to committee reports within 16 weeks**
- **allow a committee to call the relevant Minister or Minister representing the relevant minister if the government fails to respond by the deadline.**
- Currently, resolutions provide that:
 - the government is required to respond to House committee reports within six months, with options available if the government fails to meet this deadline (e.g. the relevant Minister providing a statement to the committee outlining the reasons for the delay);⁵² and
 - the government is required to respond to Senate committee and joint committee reports within three months.⁵³
- The current response deadlines are inconsistent, and do not have consistent enforcement mechanisms.
- This recommendation aims to:
 - ensure consistency for government responses to committee inquiries
 - require that all government responses be provided more promptly than is currently required for House committees; and
 - ensure that response dates are less subject to political manipulation.

Reform opportunity 21: Ensuring appropriate resourcing for committees

That additional funding be provided to the Departments of the House of Representatives and the Senate to properly resource committees for their work, with consideration also given to reviewing the committee secretariat model to identify any potential improvements.

- The reform opportunities above propose a greater role for parliamentary committees.
- To ensure that parliamentary committees can perform this role, they require an appropriate level of resourcing.
- In addition, there is merit in considering whether mechanisms for secretariat support for parliamentary committees should be reviewed. For example, secretariat support is currently

⁵¹ D. R. Elder and P. E. Fowler (eds) *House of Representatives Practice* (7th ed) (2018), page 683; Rosemary Laing (ed), *Oggers' Australian Senate Practice*, 14th Edition (30 June 2022), pages 492, 508.

⁵² D. R. Elder and P. E. Fowler (eds), *House of Representatives Practice*, 7th Edition (June 2018), page 677.

⁵³ Rosemary Laing (ed), *Oggers' Australian Senate Practice*, 14th Edition (30 June 2022), pages 541-542.

provided by the relevant parliamentary department,⁵⁴ but consideration could be given to whether there is merit in having some committee secretariat staff who are selected by and responsible to elected representatives, as occurs in the US Senate.⁵⁵

⁵⁴ See e.g. D. R. Elder and P. E. Fowler (eds), *House of Representatives Practice*, 7th Edition (June 2018), pages 679-682.

⁵⁵ See e.g. United States Senate, 'About Committee & Office Staff', available at <<https://www.senate.gov/about/officers-staff/committee-office-staff/overview.htm>>.

2.5 Supporting a more transparent and cooperative Parliament

- 2.5.1 Transparency of the Parliament aims to support accountability and improve democratic engagement, allowing voters to more effectively hold parliamentarians to account and ensure that parliamentarians act in the public interest.
- 2.5.2 Encouraging cooperation in Parliament supports productive and constructive engagement across the Parliament, and allows it to make more effective use of its time and focus on significant issues of public interest.
- 2.5.3 There are currently various mechanisms that exist to support a transparent and cooperative Parliament, but the reform opportunities below aim to build on these.

Reform opportunity 22: Making Senate voting records more accessible

Update the Parliament website to provide the voting records of individual Members and Senators in an easily accessible format.

- The Parliament website currently provides the voting records of Members in an easily accessible form, whereas the votes of individual Senators can only be viewed for each item of business (see e.g. the Prime Minister's voting record [here](#) and [here](#) compared to the voting record of the Leader of the Government in the Senate [here](#) and [here](#)).
- This can make it more difficult to access the voting records of Senators.
- Making Senate voting records more accessible aims to provide greater transparency about how Senators vote, helping voters to hold Senators accountable.

Reform opportunity 23: Record paired voting positions

That each House amends their respective Standing Orders to require the House of Representatives Votes and Proceedings and the Senate Journal to record the voting position for which a Member or Senator is paired.

- Pairing is an informal arrangement that supports parliamentarians to be absent from voting by having a parliamentarian who would vote on the other side abstain from voting, therefore ensuring that the absence does not affect the relative voting position of each side.⁵⁶
- The Parliament website does not always provide information about pairing for Members or Senators in an easily accessible format:
 - although there is space for pairs to be recorded against each item of business in the House of Representatives on the Parliament website (see e.g. [here](#)), none have been recorded since early 2021. There is no space to record pairs in the Senate on the Parliament website (see e.g. [here](#)); and
 - pairing information can be included in Hansard,⁵⁷ but it is only recorded in Hansard for the House of Representatives and the Senate on the occasions when it is provided to Hansard. Hansard also does not include any information as to the voting position for which a Member or Senator is paired, that is, whether they are paired for the Ayes or Noes.
- This means that there is a lack of transparency and consistency for pairing arrangements.
- This proposal:
 - aims to ensure greater transparency and consistency for pairing arrangements
 - does not propose to change arrangements regarding the granting and enforcement of pairs, as this should remain a matter for individual parliamentarians and political parties and not the

⁵⁶ D. R. Elder and P. E. Fowler (eds) *House of Representatives Practice* (7th ed) (2018), page 283; Rosemary Laing (ed), *Odgers' Australian Senate Practice*, 14th Edition, page 293.

⁵⁷ D. R. Elder and P. E. Fowler (ed) *House of Representatives Practice* (7th ed) (2018), page 283; Rosemary Laing (ed) *Odgers' Australian Senate Practice*, 14th Edition, pages 293-294.

- Standing Orders (as drawing Presiding Officers into adjudicating pairs could potentially undermine their standing); and
- is generally consistent with the House of Commons in Canada.⁵⁸

Reform opportunity 24: Publication of draft legislation programs

That each House amends their respective Standing Orders to require the Leader of the House and the Manager of Government Business in the Senate to publish on a public website (either on the Parliament website or a Government website):

- the draft weekly legislation program for both chambers by 3pm on the Thursday before a sitting week; and
 - the draft daily legislation program for both chambers by 6pm on the evening before a sitting day.
- There are currently various practices regarding transparency of a government's legislation program. Draft daily legislation programs for each House are often distributed late at night and through limited channels. Additionally, although the Department of Prime and Cabinet website publishes draft weekly legislation programs (see e.g. [here](#)), there are no timeframes that apply to the publication of these programs.
 - Current practices are inconsistent, which limits transparency about a government's legislative agenda.
 - This proposal aims to promote consistent arrangements and transparency about the government's legislative plans, which will allow parliamentarians, voters, and the media to engage more effectively with parliamentary processes and debate (noting that it will not prevent governments from amending these draft programs if necessary).

Reform opportunity 25: Requiring the government to table marked-up copies of principal acts

That each House amends their Standing Orders to require the government to table marked-up copies of principal acts when introducing an amending bill.

- Currently, various documents (such as an explanatory memorandum) are tabled in Parliament to support bills.
- Even with these documents, complex and/or significant bills that amend existing principal legislation can be difficult to parse, which can limit understanding of legislative changes.
- This proposal:
 - would require the government to table a marked-up copy of a principal act that includes the changes proposed by any bills (such as additions and deletions); and
 - aims to promote transparency and greater understanding about the effects of government bills, including for the opposition, crossbench MPs, other stakeholders (such as industry groups, unions, and civil society organisations), and citizens.
- It is not intended that the marked-up principal act would have any legal effect. Rather, it is only intended to be a tool to support understanding of the effects of government bills.
- It is also only intended to apply to government bills, given the resources that governments have compared to Opposition and crossbench parliamentarians.

Reform opportunity 26: Pre-sitting meetings to discuss parliamentary business

That each House amends their respective Standing Orders to provide that the Leader of the House and the Manager of Government Business in the Senate are required to separately

⁵⁸ House of Commons, Parliament of Canada, *Standing Orders of the House of Commons* (18 September 2023), available at <https://www.ourcommons.ca/procedure/standing-orders/SOPDF.pdf>, Standing Order 44.1.

convene meetings of new House and Senate Parliamentary Business Committees comprising their Opposition counterparts and crossbench representatives in the week before a sitting week to discuss how the chambers will deal with business in the next sitting week.

- Avenues for constructive cooperation and discussion among parliamentarians can reduce disagreements and allow Parliament to focus on more critical issues.
- Currently, informal discussions about the programming of business in the Parliament already take place, but they occur in an ad hoc manner between the parties and parliamentarians.
- This proposal:
 - aims to establish a mechanism for regular pre-sitting meetings, which could provide avenues to reduce the number of disagreements in the chambers (noting that discussions would be non-binding); and
 - is based on current practice in jurisdictions such as Victoria and South Australia.⁵⁹

2.6 Improving opportunities for private Members and Senators to participate in Parliament

- 2.6.1 Constituents elect representatives to Parliament to represent their interests and act on their behalf.
- 2.6.2 However, parliamentarians do not always have proportionate opportunities to participate in parliamentary business, as this can sometimes depend on whether they support the government of the day or are part of a major political party.
- 2.6.3 Allowing parliamentarians to have proportionate opportunities to participate in Parliament, regardless of whether they are part of a major political party, aims to ensure that Parliament is truly representative of the people that it represents.

Reform opportunity 27: Proportionate allocations relating to parliamentary business

That each House amends their respective Standing Orders to require that, as far as practical, the allocation of Question Time questions, committee memberships, and routine debate time and topics be proportionate to the composition of the chamber.

- Currently, there are some mechanisms that seek to allocate opportunities for parliamentarians to participate in parliamentary business, such as a recent House of Representatives Sessional Order that sets out opportunities for crossbench Members for most matters.⁶⁰
- However, these mechanisms are not always consistent across parliamentary business, which can mean that the allocation of time and positions for parliamentary activities does not always accurately represent the composition of each chamber.
- This proposal:
 - seeks to extend the recent House of Representatives Sessional Order, and enshrine the principle in the Standing Orders in both the House of Representatives and Senate; and
 - aims to establish a mechanism for proportionate allocation that is practical but without creating unrealistic expectations that every Member or Senator will have a right to contribute to each item of business or be a voting member of each committee (e.g. proportionate

⁵⁹ Legislative Assembly, Victorian Parliament, *Standing Orders and Joint Standing Orders and Joint Rules of Practice of the Parliament of Victoria* (January 2024), available at <https://www.parliament.vic.gov.au/48ced6/contentassets/72028c068a5a471fa8b7af3d47393b8b/assembly-standing-orders-january-2024.pdf>, Standing Order 94; Legislative Assembly, Parliament of South Australia, *Standing Orders for regulating the public business of the House of Assembly together with the Joint Standing Orders of the Houses* (2024), available at <https://www.parliament.sa.gov.au/en/House-of-Assembly/Orders>, Standing Order 115.

⁶⁰ See House of Representatives, Parliament of Australia, *House of Representatives Standing and Sessional Orders insert* (15 October 2024), available at https://www.aph.gov.au/-/media/05_About_Parliament/53_HoR/532_PPP/Standing_Orders/Insert_issued_15_October_2024.pdf?la=en&hash=5E74547B5195BF7FBFA89A0105EA2BD5C2258747, Sessional Order 65A.

allocation could apply to items such as, but not limited to Take Note of Answers, the Matter of Public Importance, adjournment debates, statements, and grievance debates, but would not apply to non-routine items such as motions to suspend Standing Orders).

Reform opportunity 28: More votes on private Members' and Senators' business

That each House amends their respective Standing Orders to provide for more votes on private Members' and Senators' business.

- Currently, opportunities for votes on private Members' and Senators' business are relatively limited, which can limit the extent to which matters raised by these Members and Senators are progressed.
- This proposal aims to provide greater opportunities for private Members' and Senators' business, and could include various amendments to Standing Orders, such as in relation to the following:
 - **Legislative inquiries** – requiring that all private Members' bills introduced into the House of Representatives and private Senators' bills received from the Senate are, following the second reading being moved in the House of Representatives, referred to the relevant House general purpose standing committee for 12 weeks for inquiry and report
 - This would provide a mechanism for private Members and Senators to build public and parliamentary support for a bill while providing the government with the opportunity to implement the proposed legislative change in a government bill ahead of the private Members' bill or private Senators' bill returning for debate. Were a minority government in power, this would provide an opportunity for the government to avoid a legislative defeat through a negotiated compromise but allow a private Member or Senator to contribute to delivering legislative change.
 - **Votes on bills** – providing the House of Representatives Selection Committee with the power to schedule votes on private Members' bills and private Senators' bills within 15 sitting days, for passage through all stages, 12 weeks after the second reading of the bill is moved in the House of Representatives
 - **Votes on motions** – providing the House of Representatives Selection Committee with the power to schedule votes on private Members' motions and private Senators' motions within 15 sitting days, until motions are concluded, 12 weeks after they first appear on the House Notice Paper or are received in the House of Representatives
 - **Thursday mornings** – requiring that scheduled votes on private Members' and Senators' business items occur on Thursday mornings
 - **Exercising power to schedule votes** – either providing a non-government majority on the House of Representatives Selection Committee or providing the power to schedule items of private Members' and Senators' business⁶¹ to be voted on is exercisable by less than a majority of the Selection Committee, that is, Opposition and crossbench Members of the committee combined
 - **Participation in Selection Committee meetings** – allowing any Member to participate in Selection Committee meetings and deliberations but not vote, which would allow private Members to advocate for items of business
 - **Moving second readings** – allowing any private Member to move the second reading of a private Senators' bill immediately after its first reading in the House of Representatives and before a Minister moves any other motion in relation to the bill; and
 - **Extending the time limit for the removal of items** – providing that items of private Members' business or orders of the day will only be removed from the House Notice Paper if they have not been called on for 16 consecutive sitting Mondays.⁶²

Reform opportunity 29: Appropriate legislative drafting resources

⁶¹ Reference is made to private Senators' business for simplicity even though these items will be private Members business or government business depending on whether a Minister or a private Member moves particular motions on receipt of the relevant bill or motion in the House.

⁶² This would lengthen the time from the current eight consecutive sitting Mondays: House of Representatives, Parliament of Australia, *House of Representatives Standing and Sessional Orders* (2 August 2022), Standing Order 42.

That Parliament undertake annual reviews to ensure that the legislative drafting resources of the Departments of the House of Representatives and the Senate, and the Office of Parliamentary Counsel are adequate, and provide appropriate funding for legislative drafters where necessary.

- The Office of Parliamentary Counsel (OPC) is the Commonwealth's principal provider of legislative drafting services, and the Departments of the House of Representatives and the Senate also have a role in supporting Members and Senators in this regard.
- The capacity of OPC and these parliamentary departments to provide these services depends on adequate resourcing.⁶³
- This proposal:
 - aims to support non-government Members and Senators to effectively introduce legislation, and contribute to legislation with well-considered and timely legislative amendments, which ultimately aims to improve both the quality of the legislative process and the quality of legislation that Parliament enacts; and
 - aims to support other reform opportunities suggested in this report that aim to improve legislative processes but would require sufficient resourcing (e.g. reform opportunities 12-14, which propose a greater role for parliamentary committees).

⁶³ Media reports have noted concerns about limitations on the number of legislative drafters and the implications of this for legislative reforms – see e.g. Ronald Mizen, 'Election countdown: Labor has plenty of laws to pass before voting day', *Australian Financial Review*, 23 June 2024, available at <<https://www.afr.com/politics/federal/election-countdown-labor-has-plenty-of-laws-to-pass-before-voting-day-20240619-p5jn8d>>.

2.7 Increasing citizen participation in Parliament

- 2.7.1 The power of electors to petition their elected representatives is one of the most longstanding and fundamental mechanisms available to voters, with petitions allowing constituents to directly ask Parliament to act to address a grievance.⁶⁴
- 2.7.2 The adoption of e-petitions in the House of Representatives has already encouraged greater public participation in the Parliament, but substantive debate on petitions is all but unknown in the House of Representatives.⁶⁵
- 2.7.3 Other parliaments have adopted stronger citizen petition mechanisms. For example:
- in the New South Wales Legislative Assembly, paper petitions reaching 10,000 signatures and electronic petitions reaching 20,000 signatures are automatically set down for debate, and the relevant minister must respond to a petition that receives more than 500 signatures;⁶⁶ and
 - in the UK House of Commons, there is a presumption that petitions reaching 100,000 signatures will be debated, and the UK Government must respond to a petition that receives more than 10,000 signatures.⁶⁷
- 2.7.4 Stronger citizen petition mechanisms would enhance public participation in Parliament and strengthen civic engagement, making Parliament more responsive to the voices of constituents.

Reform opportunity 30: Requiring the House of Representatives to debate citizen petitions that have significant levels of public support

That the House of Representatives amend its Standing Orders to require all in-order petitions reaching specified signature thresholds to be scheduled for debate unless a similar petition has already been debated in the same Parliament or is scheduled for debate.

- The Standing Orders of the House of Representatives currently include various requirements relating to petitions from citizens, such as the form that petitions should take and rules that apply to petitions.⁶⁸
- In relation to responses to petitions, the House of Representatives Standing Orders set out various matters, including:
 - requiring the Standing Committee on Petitions to respond to petitions on behalf of the House and report to the House⁶⁹
 - allowing the Standing Committee on Petitions to refer a petition to the relevant minister, with an expectation that the minister responds to the Committee within 90 days.⁷⁰
- The current requirements could be improved to require the House of Representatives and the government to address and respond to matters that garner a sufficient level of public support.
- Options for this reform opportunity could include:
 - each petition that reaches a 10,000-signature threshold would be automatically scheduled for a 20-minute debate in the Federation Chamber on a Thursday morning
 - each petition that reaches a 50,000-signature threshold would be automatically scheduled for a 20-minute debate in the House of Representatives Chamber on a Thursday morning

⁶⁴ D. R. Elder (ed) *House of Representatives Practice* (7th ed) (2018), page 629; *Odgers' Australian Senate Practice*, 14th Edition, page 591.

⁶⁵ The House of Representatives maintains a website that lists petitions – see <<https://www.aph.gov.au/e-petitions>>.

⁶⁶ Legislative Assembly, Parliament of NSW, *Consolidated Standing and Sessional Orders and Resolutions of the House* (September 2024) <<https://www.parliament.nsw.gov.au/la/houseprocedures/standingorders/Documents/Consolidated%20Standing%20and%20Sessional%20Orders%20Version%205%20September%202024.pdf>> Standing Orders 125-125A.

⁶⁷ UK Parliament, 'How Petitions Work', available at <<https://petition.parliament.uk/help>>.

⁶⁸ House of Representatives, Parliament of Australia, *Standing Orders* (2 August 2022), Standing Orders 204-209.

⁶⁹ House of Representatives, Parliament of Australia, *Standing Orders* (2 August 2022), Standing Order 208.

⁷⁰ House of Representatives, Parliament of Australia, *Standing Orders* (2 August 2022), Standing Order 209.

- the speaking time limit would be three minutes for each Member; and
- the debate would begin with the Chair of the Standing Committee on Petitions presenting the petition and close with a Minister or an Assistant Minister responding on behalf of the government. If no other Member wished to participate, the entire debate would comprise the petition's presentation and the government's response.
- This proposal aims to give constituents greater input into the matters that the House of Representatives debates, encourage civic engagement, build trust and legitimacy in Parliament, make Parliament more responsive to the voices of constituents, and surface new insights and perspectives.

Reform opportunity 31: Requiring faster government responses to petitions

That the House of Representatives amend its Standing Orders to require all petitions presented to the House and not debated to be referred to the responsible minister for a response within 60 days.

- As noted above, the current expectation is that the relevant minister responds to the Standing Committee on Petitions within 90 days, and ministerial responses are published in Hansard and on the House's website.⁷¹
- The current requirements provide a deadline of approximately three months for a minister to respond to a petition, so this proposal aims to promote greater government responsiveness to the voices of constituents by requiring a minister to provide a response within a shorter time period.
- Existing obligations regarding the publication of ministerial responses should continue to apply.

⁷¹ House of Representatives, Parliament of Australia, *Standing Orders* (2 August 2022), Standing Order 209.

2.8 Making Parliament more carer-friendly

- 2.8.1 The long hours and travel demands of working in Parliament make it challenging for those with caring responsibilities.⁷²
- 2.8.2 Despite recent improvements to Parliament's workplace,⁷³ further reforms are still needed to better support those with caring responsibilities. These aim to make Parliament's workplace more representative of the Australian community and ensure better outcomes in the long-term interests of the country.

Reform opportunity 32: Earlier agreement to the next year's sitting calendar

That each House amends their respective Standing Orders to require their sitting calendars for the following year to be agreed by the end of September each year.

- The House of Representatives Standing Orders currently allows the House to determine its sitting program, but in practice, the government develops the sitting program and presents it to the House for approval.⁷⁴
- Following a recommendation from the Jenkins Report,⁷⁵ the House of Representatives Procedure Committee considered issues relating to the parliamentary sitting calendar. This focussed more on sitting hours and patterns,⁷⁶ but noted calls for the fixing of a date by which a proposed sitting calendar would be presented to the House.⁷⁷
- Confirming the dates for the next year's sitting calendar currently occurs in an ad hoc manner, which can create difficulties for people with caring responsibilities.
- This proposal aims to allow people who work in Parliament to better plan their lives, including those with caring responsibilities. The sitting calendar may need to change to accommodate events not yet confirmed (such as international meetings requiring the Prime Minister's attendance), but this should not prevent more advance notice of likely sitting dates, as sitting calendars can and have been changed after adoption.

Reform opportunity 33: A review of, and regular reporting on, early education and care services at Parliament

That Parliament undertake a review of existing arrangements and infrastructure at Parliament House that support carers (such as the adequacy of early education and care services at Parliament House) and then undertake regular reports, to ensure that there are appropriate arrangements and infrastructure.

⁷² See e.g. Australian Human Rights Commission, *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces* (2021), available at <<https://humanrights.gov.au/set-standard-2021>> pages 171-2.

⁷³ See e.g. the Parliamentary Leadership Taskforce, which was established to oversee the implementation of recommendations from *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces*, available at <https://www.aph.gov.au/About_Parliament/Parliamentary_Leadership_Taskforce>.

⁷⁴ House of Representatives, Parliament of Australia, *Standing Orders* (2 August 2022), Standing Order 29; House of Representatives Standing Committee on Procedure, Parliament of Australia, *Raising the Standard: Inquiry into recommendations 10 and 27 of Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces* (2023), available at <https://www.aph.gov.au/Parliamentary_Business/Committees/House/Procedure/Setthestandard10and27/Report>, page 33.

⁷⁵ Australian Human Rights Commission, *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces* (2021), page 277.

⁷⁶ House of Representatives Standing Committee on Procedure, Parliament of Australia, *Raising the Standard: Inquiry into recommendations 10 and 27 of Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces* (2023), pages 33-42.

⁷⁷ House of Representatives Standing Committee on Procedure, Parliament of Australia, *Raising the Standard: Inquiry into recommendations 10 and 27 of Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces* (2023), page 42.

- Parliament opened an on-site childcare facility in 2009,⁷⁸ and the Australian Human Rights Commission recently suggested that the Presiding Officers, political party leaders, and parliamentary departments review carer-friendly infrastructure and arrangements across Australian parliamentary workplaces.⁷⁹
- A review would allow for consideration of how to better accommodate the needs of people with caring responsibilities who work in Parliament, and regular reporting would ensure that there is an ongoing mechanism available to consider the issue.

⁷⁸ See Rosalind Dixon, Kate Jackson, and Matthew McLeod, *Representing Care: Toward a More Family-Friendly Parliament* (2022), available at <<https://pathwaystopolitics.org.au/wp-content/uploads/2022/02/Representing-Care-Toward-a-More-Family-Friendly-Parliament-2022.pdf>>, pages 18-19.

⁷⁹ Australian Human Rights Commission, *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces* (2021), available at <<https://humanrights.gov.au/set-standard-2021>> pages 171-172.

2.9 Making more effective use of parliamentary time

- 2.9.1 The Parliament of Australia sits less frequently than the legislatures of other countries. For example, since 1901, the average number of sitting days per year in the House of Representatives has been 67, while the average number of sitting days in the Senate has been 57.⁸⁰ The United Kingdom House of Commons has averaged over 153 sitting days per year since 1900.⁸¹ Canada's House of Commons has averaged over 107 sitting days per year since 1867.⁸² This means that Parliament may sometimes be short on adequate sitting hours, which can result in rushed legislative processes, or governments seeking to guillotine debate or use debate management motions to limit debate time.
- 2.9.2 However, increasing the number of sitting days would likely have other implications, such as undermining reforms to improve Parliament's workplace, make it more carer-friendly and enhance its diversity, and could detract from the other public duties of parliamentarians, such as the time that they spend in their constituencies.
- 2.9.3 To balance these competing considerations, it is proposed that Parliament consider reform opportunities that would allow it to use its time more effectively, which also recognises that shorter contributions to debate by parliamentarians can be just as effective as, if not more effective than, longer contributions.
- 2.9.4 While some have proposed electronic voting as a way to make parliament more efficient, this can create some unintended consequences. For example, divisions in the chambers allow for incidental interactions between parliamentarians. Votes in the chambers offer all Members and Senators the ability to sit out of their allocated seats, meaning a government backbencher, Opposition parliamentarian, or crossbencher may raise an issue with a Minister or the Prime Minister by sitting next to them or engaging in discussion while moving about the chamber for votes. This can lead to more communication, more cooperation, more negotiation and better outcomes in Parliament.

Reform opportunity 34: Reducing speaking times and debate times

That each House consider reducing speaking times and debate times for items of business.

- The respective Standing Orders for both the House of Representatives and the Senate allow parliamentarians to speak for specified lengths of time for various items.⁸³
- These help determine the extent to which parliamentarians can contribute to parliamentary business, but need to be balanced against other considerations, such as allowing Parliament to allocate appropriate time to all the matters that require its attention.
- Options for this reform opportunity include:
 - reducing the time for any speaking limit currently above five minutes by five minutes
 - reducing the length of the Matter of Public Importance debate.
- This reform opportunity aims to encourage the effective use of parliamentary time.

Reform opportunity 35: Removing the requirement in the House of Representatives for a motion to be seconded

⁸⁰ Up until the end of 2024. NB – Senate sitting days do not include Estimates days: Parliamentary Library, Department of Parliament Services, Parliament of Australia, *Parliamentary Handbook* (2025), available at <https://handbook.aph.gov.au/StatisticalInformation/SittingPattern>.

⁸¹ Up until 24 May 2024 – see House of Commons Library, UK Parliament, *Research Briefing: Number of sitting days in the House of Commons by session since 1900* (24 May 2024), available at <https://commonslibrary.parliament.uk/research-briefings/sn04653/>.

⁸² Up until the end of 2024 – see Parliament of Canada, *ParlInfo: Sittings by Calendar Year*, available at https://lop.parl.ca/sites/ParlInfo/default/en_CA/Parliament/SittingsByYear.

⁸³ See e.g. *House of Representatives Standing and Sessional Orders* (2 August 2022), Standing Order 1.

- The House of Representatives Standing Orders currently require various matters to be seconded, but provide that some matters (such as a motion for consideration of amendments to a bill made or requested by the Senate) do not need to be seconded.⁸⁴
- Requirements for matters to be seconded are currently inconsistent, and can unnecessarily occupy parliamentary time.
- Removing requirements in the House of Representatives for a motion to be seconded would support the more efficient use of parliamentary time, and is consistent with requirements in the Senate.⁸⁵

Reform opportunity 36: Allowing second reading speeches to be incorporated into Hansard

That each House amends their respective Standing Orders to allow a second reading speech to be incorporated into Hansard if the speech has already been made in the other House.

- Currently, ministers and other parliamentarians who introduce bills into Parliament make a second reading speech about the bill that sets out key matters relating to the bill, such as the purpose of the bill and a summary of the bill's features.⁸⁶ Senators are able to incorporate second reading speeches into Hansard.⁸⁷
- This can mean that parliamentary time can unnecessarily be occupied by reading out second reading speeches that are then published, although this needs to be balanced against the public interest in the accountability provided by having ministers make second reading speeches to Parliament.
- Allowing second reading speeches to be incorporated into Hansard if they have already been made in the other House of Parliament would allow Parliament more time to focus on debating substantive issues relating to bills.

Reform opportunity 37: Ensuring manageable parliamentary agendas

That each House ensures that when new items of business are added to the routine or order of business in a chamber, a corresponding reduction in time for other items should be made.

- Parliament has to manage competing priorities, and this requires careful management of parliamentary business.
- To support this, where new items of business are added to the routine or order of business in a chamber, a corresponding reduction in time for other items should be made.
- For example, to compensate for the loss of time to votes on private members' and senators' business and debate on petitions on Thursday mornings in the House of Representatives chamber, the Matter of Public Importance debate could not be scheduled on Thursdays in the House.

⁸⁴ See e.g. House of Representatives, Parliament of Australia, *House of Representatives Standing and Sessional Orders* (2 August 2022), Standing Orders 116, 151 and 159.

⁸⁵ Rosemary Laing (ed), *Odgers' Australian Senate Practice*, 14th Edition (30 June 2022), page 235.

⁸⁶ The mover of the bill can speak for up to 30 minutes for the second reading speech in the House of Representatives, and up to 15 minutes in the Senate – see *House of Representatives Standing and Sessional Orders* (2 August 2022), Standing Order 26(b); Senate, Parliament of Australia, *Standing Orders* Standing Order 1; Senate, Parliament of Australia, *Standing Orders*, Standing Order 189.

⁸⁷ See e.g. Senate, Parliament of Australia, *Parliamentary Debates* (12 September 2023) <<https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=ld%3A%22chamber%2Fhansards%2F27129%2F0175%22>> Page 4311.



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