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Business Committee

Response to the Review of Standing Orders

Hansard Society

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**HANSARD  
SOCIETY**

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# EVIDENCE TO THE BUSINESS COMMITTEE, NATIONAL ASSEMBLY FOR WALES RE: REVIEW OF STANDING ORDERS

JULY 2010

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The Hansard Society is the UK's leading independent, non-partisan political research and education charity.

We aim to strengthen parliamentary democracy and encourage greater public involvement in politics.

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We welcome the review of the Assembly's Standing Orders (SOs). Having examined the SO's and the review's terms of reference our comments cover three key areas:

- 1) The use of Assembly time;
- 2) Topicality and the revitalisation of the Assembly chamber and role of the backbencher;
- 3) Accountable leadership and public engagement.

## **1. THE USE OF ASSEMBLY TIME**

Ideally parliamentary procedures should be dynamic and capable of reacting to changing circumstances such as shifts in the balance of power and the political composition of the legislature. In this context we believe that the Standing Orders would benefit from the introduction of greater flexibility with regard to the allocation of time.

At present time is allocated according to a 60:40 formula. However, depending on the future political make-up of the Assembly and the composition of the Welsh Assembly Government this may prove too inflexible and unbalanced. For example, if at some future time there were to be a three-party coalition government then a 40% time allocation to the opposition may be too great. The 60:40 formula protects minority time and interests but in such a political scenario it might do so to the detriment of effective scrutiny of the government and its programme. Consideration also needs to be given to how the balance of time is used between scrutiny of government policy and scrutiny of legislation and whether the Standing Orders allow sufficiently for adjustments in either direction as members require.

## **2. TOPICALITY AND THE REVITALISATION OF THE ASSEMBLY CHAMBER AND ROLE OF THE BACKBENCHER**

Procedure naturally has to take account of the core divide between Government and Opposition, but it should also be capable of taking account of the needs and interests of groups of members (for example government backbenchers) as well as individual members.

The Assembly, like all other legislative bodies in this country, struggles to interest the media in its day to day work. In part this may be because of the narrow range of procedures utilised in Plenary and the restraint this consequently imposes on the topicality of business each day. The vitality of Plenary sessions are also hindered by the fact that the concept of the senior, independently minded backbencher has yet to fully develop at the Assembly and that two thirds of its members currently support the administration.

Drawing on examples from other legislatures around the world, a number of relatively small-scale innovations to procedure might help revitalise Plenary business and augment the role of backbenchers.

### **CANADA**

#### Adjournment Proceedings (also known as 'The Late Show')

Any member who is unhappy with the response he or she receives from a Minister during Question Time may give notice of their intention to raise the issue during the period of

business reserved at the end of the day for adjournment proceedings (30 minutes at the end of each sitting day except Fridays). The member must give written notice to the Speaker within an hour of the end of question time of his/her request. Any member who has not received a response to a written question within 45 days can also automatically transfer their question to debate during this time. The proceedings are so popular that the Speaker often receives more requests than can be accommodated and therefore has some discretion in determining which debates will be heard. Within the 30 minute period up to three separate debates may be held, with each debate lasting no more than 10 minutes. The member raising the issue speaks for up to four minutes, the minister responds also for up to four minutes, followed by a minute each of rebuttal. Points of order and privilege cannot be raised in this period. If the full 30 minutes is not required the House simply adjourns early. Incorporation of a 20 or 30 minute period of adjournment proceedings would not intrude unduly on the daily Assembly timetable but might provide useful opportunities for members to raise issues of concern. In the context of holding the Government to account, the process is also a useful restraint mechanism to ensure that ministers give as full a response to oral questions as possible for fear that they might have to return to the Assembly session at the end of the day to discuss the issue further.

### Members Statements

Here all private members are eligible to speak for no more than a minute to make a statement on 'current' issues, thus highlighting questions or issues of topical concern. The first fifteen minutes of each Senate sitting, prior to Oral Questions, is allocated to Members Statements. In deciding who to call the Chair of the House is guided by potential speaker lists provided by the respective party whips and seeks to call members on a politically equitable basis. The length of members statements used to be longer but the procedure was variously amended in the 1970s and 1980s to address abuses of the system. The procedure is now very limited and does not intrude significantly into the day's business but does provide a valuable opportunity for members to ensure that topical issues of the day are raised in the Chamber. The Assembly might consider a version of this model. Given the size of the Assembly a 15 minute session divided up into three statements of no more than five minutes duration might be appropriate. Usefully it does provide a means for members to raise issues that are of important concern on the day but do not necessarily rise to the level of 'urgent' business.

### Take Note Debates

Scheduled at least 48 hours in advance, take note debates provide an opportunity for members to scrutinise and influence policy and where appropriate to make the views of members known to the government before they bring forward a bill. The debates provide an opportunity for members to debate topical national issues rather than legislation and provide a useful alternative to emergency debates when the issues are topically important but not a matter of urgency or emergency.

## **AUSTRALIA**

### Matter of Public Importance (MPI) Discussions

In the Australian House of Commons MPI debates provide an opportunity for members to debate current and topical matters of concern. In principle a member from any side can request a debate though in practice they tend to be utilised only by the Opposition. An MPI debate can be held on every sitting day except Monday, usually after Question Time. A request has to be submitted to the Speaker by noon. When the Speaker raises it in the

House after Question Time the debate must command support from at least eight other members in the chamber in order to proceed. The debate is restricted to one hour and usually no more than six members in total participate, three from each side.

The Australian Senate has an alternative version of MPI debates. Here, up to 75 minutes is set aside each Wednesday for a debate with up to five Senators being able to speak on issues of topical concern.

### **3. ACCOUNTABLE LEADERSHIP AND PUBLIC ENGAGEMENT**

In line with the commitment to be accessible and effective in representing the people of Wales, and to allow the public to engage with the work of the Assembly, a significant reform might be considered in future regarding the position of the Presiding Officer.

In June 2009 the Hansard Society organised the first ever public hustings for the election of the Speaker of the House of Commons. The hustings was held at the House of Commons (Portcullis House) but was open to the public using a first come, first served booking system and was streamed live by BBC Parliament. The wider public were also invited to get involved by submitting their questions for the hustings to the Society via our website with the questions then chosen by staff and the hustings chair. The hustings is not included in the Westminster Standing Orders. However, in its recent review of the election of the Speaker and Deputy Speakers, the House of Commons Procedure Committee did recognise the value of the hustings and the role played by outside organisations such as the Hansard Society in organising them.<sup>1</sup>

The Assembly might wish to consider incorporation of a public hustings as part of its procedures for the selection of future Presiding Officer's not least because the role has such an important public engagement and ambassadorial aspect to it. The public hustings provide an opportunity for candidates to set out their manifesto explaining how they see the role and why they seek it, and answer questions from the electorate. It would provide a valuable, high profile opportunity to engage the public in the work of the Assembly and the role of the Presiding Officer. In an Assembly of just 60 members there may not always be a contest in which case some form of public engagement meeting could nonetheless be arranged at which the nominee might talk about their ideas for the role in the future.

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<sup>1</sup> House of Commons Procedure Committee (2009-10), *Election of the Speaker and the Deputy Speakers*, HC 341, pp.9-10.