

# **MANAGING PARLIAMENT BETTER?**

A Business Committee  
for the House of Commons

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## **Preface**

This briefing has benefited from the input of

## Executive Summary

- The House of Commons is often criticised for being too controlled by the government. Parliamentary business is organised through the ‘usual channels’ – informal negotiations primarily between the whips of the two main parties. The provisions of Standing Order 14 mean that the bulk of parliamentary time is at the government’s disposal, though regular opposition and private members’ business is also protected. Appointments to committees are largely in the hands of the whips, though membership of select committees must be agreed by the House, and varying levels of internal accountability also exist within the parties.
- One proposed reform is to create a cross-party ‘business committee’ with formal powers over the allocation of parliamentary time and committee appointments. This briefing considers the possibility of creating such a committee, by looking at lessons from business committees in four other parliaments. We discuss the operation of existing cross-party business committees in the parliaments of New Zealand, Germany, Scotland and Australia.
- The origin of these four bodies varies significantly. The German committee can be traced back to the Reichstag of the late nineteenth century. That of New Zealand was created following the shift to proportional representation while the Scottish body was established along with the new parliament in 1999. The Australian committee is weaker and emerged following dissatisfaction with the lack of opportunities for backbench members’ business.
- In terms of functions, the Australian business committee has the most limited role, with a remit to allocate non-government business only. The other three are responsible for proposing the timetable for all business and also have significant responsibilities relating to committee membership.
- All four business committees are dominated by whips, though in Germany these are elected by members of the party groups. In all cases backbench representation is limited or nonexistent, and smaller parties and independent members may also be excluded. In any case, major party whips can control the agenda by meeting informally outside of the business committee, sidelining smaller groups and backbenchers. Ultimately, business committees tend to resemble institutionalised versions of the usual channels.
- All four committees seek to operate by consensus, though only in New Zealand is there a formal requirement for decisions to be taken by unanimity or ‘near unanimity’. In New Zealand and Australia, business committee decisions are automatically adopted while in Germany and Scotland they are subject to ratification and amendment in plenary.
- In practice, we find that existence of a business committee does not necessarily enhance parliament’s control of its own timetable and committees. Governments are likely to get their way over the opposition where majoritarian voting rules apply. The extent of minor party influence is primarily dependent on the balance in the parliament, and on the rights provided in standing orders.
- Given these findings, we suggest that creating a business committee for the House of Commons would have limited impact. At best, such a body could enhance the transparency of decision-making arrangements and guarantee minor parties and backbenchers some input. In fact in some respects the Commons offers a positive example of parliamentary autonomy, for instance in the chamber’s ability to overturn proposed membership of select committees.
- We conclude-

## Introduction

This briefing discusses the possibility of establishing a new committee at Westminster to oversee the management of parliamentary business, such as the parliamentary *timetable* and the membership and operation of parliamentary *committees*. The paper is primarily aimed at discussing reform for the House of Commons, but the issues could also have resonance in the House of Lords.

Although management of parliamentary business is rarely a headline-grabbing topic, there have been a number of recent controversies in this area. One of the most prominent was the argument over appointment of the select committees after the 2001 election, which resulted in a parliamentary rebellion and, later, in a failed bid to reform. After the May 2005 election (and more so in 1997), there was some disquiet on the backbenches concerning the long delay before the establishment of the new select committees, which essentially meant that serious committee work could not start until the autumn. There are also regular complaints from within parliament about the timetabling of legislation (particularly under the 'programming' arrangements, instituted under the first Blair government as part of its 'modernisation' agenda) and the lack of time for discussion of non-government business such as select committee reports and private members' bills. Another high profile case arose in September 2002 when the government came under pressure to recall parliament early from its summer recess to allow a debate on the Iraq situation. Although the government eventually acceded to these requests, attention was drawn to its extensive discretion over such decisions – leading to calls for reform.

In general there is concern about the degree of control which government has over the parliamentary agenda. One thing that some have suggested would alleviate this is creation of a cross-party committee to implement a more transparent alternative to the current 'usual channels' arrangements. This could offer certain advantages to the opposition parties, and potentially to



circumstances – but this will be agreed through the usual channels and generally reported in a further short business statement by the Leader of the House.

The Leader of the House also announces the dates of recesses in a business statement, and until recently this was done at relatively short notice. In October 2002, as a result of recommendations from the Modernisation Committee, it was agreed to improve transparency and planning for those inside and outside the House by announcing an annual calendar. The calendar for the 2002-03 session, with provisional dates for recesses, was announced shortly afterwards. However, the timing of such announcements remains at the discretion of the government.

In setting the business, government is constrained by the time allocated in Standing Orders to certain items. Question time (on a rotating basis to different government departments) has a fixed slot at the start of the sitting on Monday to Thursday. At the end of each sitting day there is a half hour ‘adjournment’ debate, with subjects chosen by backbench members through a ballot. The House now normally only sits on only 13 Fridays per year, when SO 14(4) provides that Private Members’ Bills have precedence over government business (the timing and organisation of this business is a cause of much frustration amongst members). In addition, on 20 days the opposition parties are entitled to fix the topic for debate (SO 14(2)). Seventeen of these 20 days are allocated to the main opposition party and three to the third party (meaning that the minor parties have no guaranteed days at their disposal, though they are occasionally given a slot at the discretion of other parties).<sup>3</sup> Finally, Standing Orders provide that three days per year are allocated to the ‘consideration of estimates’, which in practice usually means debates on select committee reports selected by the Liaison Committee of committee chairs.<sup>4</sup>

Despite this range of constraints, the government still has considerable latitude. In consultation with the usual channels it decides timing of all government bills and general debates – including whether time in addition to the estimates days is dedicated to debating select committee reports – and on which dates the 20 opposition days fall. The government may also announce at short notice its intention to make a statement on a subject of its choosing after question time (which results in changes to the timing of subsequent business). However, where there is a topical issue and no statement is forthcoming, a member may also table an ‘urgent’ question to call government to the House, with the Speaker deciding which such requests are granted. Since 1997 an average of just under 12 such requests were granted per session.<sup>5</sup>

Since 1997, the informal process of negotiation with respect to government bills has been supplemented by a formal procedure for programme motions, which allocate time for some or all stages of a bill. This was initially set out in renewable sessional orders but in October 2004 the Commons voted to make the procedure part of Standing Orders, giving it a greater degree of permanence.<sup>6</sup> In addition, the government can use guillotine motions as a reserve power to bring debate to an immediate close and move to a vote. Programme motions began as a consensual initiative, but now represent a formalised means of ensuring that government bills have time for all their stages and are regularly opposed by the opposition.<sup>7</sup> In general, there is disappointment with the outcome of programming since 1997. The initiative is not considered to have improved scrutiny of bills and there is concern that backbenchers are squeezed out by frontbenchers who take up the limited time available on a series of clauses. On the other hand, backbenchers may

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<sup>3</sup> By way of comparison, in 2003-04 (the last normal length session), parliament sat in total for 157 days.

<sup>4</sup> House of Commons Standing Order 54.

<sup>5</sup> Annual House of Commons Sessional Information Digests (1997-2005). London: House of Commons. These questions were previously known as Private Notice Questions.

<sup>6</sup> House of Commons Hansard, 26 October 2004, Cols. 1308-1405. The relevant changes to standing orders were opposed by all major opposition parties and a small group of Labour MPs.

<sup>7</sup> See Modernisation of the House of Commons Select Committee, *Programming of Legislation and Timing of Votes: Report and Proceedings of the Committee*, Second Report of Session 1999-2000, HC 589. This report advocated a more formalised procedure for programme motions. It was opposed by the Conservative minority on the committee.



sometimes feel freer to speak when a programme motion is in force, as by so doing they are not delaying the legislation. In practice, programming has had a minimal effect on executive domination of the timetable and is now no more based on consensualism than was the use of guillotine motions.

The usual channels can break down, the most recent example being in 1993-94; but the withdrawal of co-operation is usually a tactical decision by the opposition for political reasons and is short-lived. The arrangement tends to suit both sides and there is no pressure for change from frontbenchers.

The latest statistics available for a full session not interrupted by an election are for 2003-04. The time spent in the chamber breaks down as follows<sup>8</sup>:

- Business initiated by government (including legislation, debates, statements): 57.6 per cent
- Business initiated by the opposition: 11.6 per cent
- Business initiated by backbenchers (including questions, legislation, select committee debates and adjournment debates): 28.0 per cent
- Other business (including daily prayers): 2.8 per cent

Time in the chamber is thus dominated by government business. But new opportunities have been made available for private members in other forums. The modernisation process has created Westminster Hall – a parallel chamber allowing extra time for select committee reports to be debated and private members to raise constituency and specialist matters. Westminster Hall sits on Tuesdays, Wednesdays and Thursdays whenever Parliament is in session. Standing Order 10(13) specifies that up to six Thursdays per session should be set aside for the debate of select committee reports chosen by the Liaison Committee of select committee chairs. A longer-standing form of parallel chamber is the grand committee, which exists in three territorial guises (for Scotland, Wales, Northern Ireland). The usage and functions of these have varied but as a general rule meet only when business is explicitly referred to them by the House, in effect guaranteeing that government decides what role if any these bodies play.

### **The Committee System**

The whips also have significant control over the appointment of parliamentary committees, and where there is consultation, this largely takes place through the usual channels. Only government can move a motion to change Standing Orders, so a government motion is needed to create a new select committee or change the remit of an existing committee. pl2sJ-y10(13ger-9 0plen5(

committees the decision of the Committee of Selection is final.<sup>10</sup> Both the initial membership of select committees, and any subsequent changes in membership, are put to the House in government motions.

The decision about which party should hold the chair of which select committee (with an expectation that these too will be

interests of members.<sup>13</sup> More recently the Conservative Party's Commission to Strengthen Parliament, under the chairmanship of Professor the Lord Norton of Louth, echoed the need for an independent committee to allocate time on government bills.<sup>14</sup> A later Hansard Society Commission on Parliamentary Scrutiny proposed in 2001 that there should be a cross-party parliamentary steering committee with responsibility for managing the parliamentary timetable. This, it was suggested, would 'put the management of business on a formal footing and overcome many of the problems inherent in the informal agreements of the "usual channels"'.<sup>15</sup>

Both the matter of more cross-party consultation on parliamentary business, and of giving greater parliamentary accountability to select committee appointments, were considered in the 2001-05 parliament by the Modernisation Committee under Robin Cook. Following the revolt over the Dunwoody and Anderson appointments, the whole system of nomination to select committees was reviewed by the Modernisation Committee. It brought forward proposals to reform the system, by establishing a new Committee of Nomination chaired by the Deputy Speaker, with cross-party backbench representation. However these proposals were defeated on a free vote on 14 May 2002.<sup>16</sup> There were concerns about some of the details of the reforms (for example the exclusion of newer members of the House from the proposed new committee), but it is generally acknowledged that the whips on both sides played a behind-the-scenes role in orchestrating opposition to the proposals.<sup>17</sup>

The Modernisation Committee also considered the introduction of a business committee to create a more consensual and open approach to timetabling as part of the wider reform package put to the Commons on 29 October 2002. This initiative was particularly pressed on the committee by the Liberal Democrats, but cabinet opposition prevented the idea from being formally included in the report. Instead the report included a much vaguer commitment to 'collective consultations with other parties in the House on the broad shape of the legislative year, those bills intended to be published in drafopeate a b7.1(th)-nout someppoin3(ew o -5.u cH)b7.1(keptov

terms in the level of government domination of the legislative timetable.<sup>20</sup> The committee argued that the existence of business committees elsewhere ‘does not prevent Government from getting its business, but it does ensure greater openness and time for the proper scrutiny of Government’<sup>21</sup>. Consequently it recommended ‘that consideration be given to the establishment of business committees at Westminster’ (that is, for both Commons and Lords).<sup>22</sup> The government responded to this recommendation as follows: ‘The option of a business committee in the House of Commons has been considered over the years. The Government does not believe it would offer significant advantage over current arrangements’.<sup>23</sup> The remainder of this briefing seeks to use evidence from some other parliaments where business committees are already in operation to assess whether this is in fact the case.

## Four Business Committees and their Roles

In numerous parliaments overseas, cross-party committees exist which allow consultation on the timetable of parliamentary business, committee appointments, and other matters relating to the general management of parliament. Proponents of business committees as opposed to the House of Commons ‘usual channels’ approach tend to make a threefold argument. First, that *parliamentary control* over the agenda would be enhanced at the expense of executive dominance, increasing democratic accountability. Second, that business committees typically entail a greater degree of *inclusiveness* in terms of the actors involved in the agenda-setting process. And third, that the process of setting the timetable and establishing committees would benefit from the greater *transparency* of an official business committee.

This paper focuses on four business committees, in Scotland, Germany, New Zealand and Australia. The first three of these have far-reaching powers in relation to parliamentary management. The committee in Australia has a more limited remit to deal with organisation of non-government business. In examining the membership, powers and operation of these four bodies, the paper will seek evidence to test the government’s recent assertion that a business committee would not ‘offer significant advantage over current arrangements’.

### The Business Committee of New Zealand

The House of Representatives in New Zealand has 120 seats. Following electoral reform in 1993 it has been elected by the Mixed Member Proportional (MMP) system (or Additional Member System), with 69 members representing constituencies and 51 elected from national party lists. Under this arrangement, unlike the previous ‘first past the post’ arrangement, single party majority governments are unlikely. There are currently eight parties represented in parliament, with the Labour Party being the largest group and governing with the support of minor parties. The main opposition is the National Party.

The Business Committee in New Zealand dates back to the introduction of the new electoral system. A review of parliamentary Standing Orders was conducted in anticipation of the change and recommended the establishment of such a body. Its purpose would be to deal with the ‘greater complexity in party arrangement in an MMP Parliament’, and to introduce more ‘forward planning’ into the proceedings of the House.<sup>24</sup> Before 1995, the ‘Whips’ Committee’ was formally

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<sup>20</sup> House of Lords Committee on the Constitution, *Parliament and the Legislative Process*, 14<sup>th</sup> Report of Session 2003-04, HL 173-I, paragraph 116.

<sup>21</sup> Ibid. paragraph 118. This point was originally made in House of Lords Committee on the Constitution, *Devolution: Inter-Institutional Relations in the United Kingdom*, Session 2002-03, HL 28, paragraph 146.

<sup>22</sup> House of Lords Committee on the Constitution, *Parliament and the Legislative Process*, op cit, paragraph 123.

<sup>23</sup> House of Lords Committee on the Constitution, *Parliament and the Legislative Process: The Government’s Response*, 6<sup>th</sup> Report of Session 2004-05, HL 114, paragraph 40.

<sup>24</sup> New Zealand House of Representatives Standing Orders Committee, *Review of Standing Orders: Report of the Standing Orders Committee*. Wellington: House of Representatives (1995), p. 20.

responsible for House business. But in fact it never met, and informal meetings between whips and leaders dictated the running of Parliament, much as they do in the UK. The Standing Orders review noted that national assemblies in the Netherlands, Denmark, Norway and Germany had all successfully used a form of business committee to keep parties informed of the business of the House and to enable them to contribute to decisions on the legislative programme.

The original objectives for the new committee were:

- to recommend to the House a programme of sittings for each calendar year;

Parliament. When the Consultative Steering Group

## **Business Committee Membership and Procedure**

There are both strong similarities and some notable differences between the make up of business committees in our four sample countries. Relevant variables include the balance between frontbench and backbench members, between government and opposition parties, between large and small parties, and the role of the Speaker or other non-partisan representatives of the parliament as a whole.

In terms of decision-making processes, the key questions are whether decisions are usually taken by consensus, and how disputes are resolved. Also of relevance is whether the committees' decisions are debated and voted on in parliament, and whether any record of their meetings is published.

### **New Zealand**

In New Zealand the Business Committee is convened and chaired *ex officio* by the Speaker of the House. Apart from this, however, the formal membership criteria confirm the primacy of the parties. Standing Orders stipulate that all parties with at least six MPs are entitled to have a representative on the Business Committee. In addition, parties with fewer than six members, and that are in a government coalition, are entitled to choose one representative between them. Other parties with fewer than six members, together with independent members, have the same right. In practice this means that parties surmounting the electoral threshold for entry to parliament of five per cent in the national list vote are directly represented on the Business Committee. Independent MPs and (as is more likely) parties entering Parliament by winning a small number of constituencies can be excluded.

In practice, however, in all four of the parliaments elected since the first MMP election the Business Committee has opted for inclusivity, allowing smaller parties individual representation on the committee. In the current parliament, for example, the sole party (out of eight) without direct representation on the committee has only a single MP (and he is a government minister so cannot be said to be excluded from the business management processes). It has also become usual for the Deputy Speaker and the Assistant Speaker to attend Business Committee meetings. By convention, the Leader of the House, always a senior cabinet minister, is a full participant in the work of the committee, as generally is the shadow Leader of the House. Despite a heavy workload, the Leader is usually present and leads much of the discussion. S/o tonvduitbetween thisateue lnd





There is thus no fixed size of the Bureau. In the first session (1999-2003), it had four party representatives (Labour, SNP, Conservative and Liberal Democrat), and no group representatives. Since then, the make-up has become more diverse. In the 2003 election the Scottish Greens and the Scottish Socialists won seven and six seats respectively, entitling each to a Bureau representative. And since September 2004 there has also been an independents group with representation on the Bureau as the number of independent MSPs had risen to the requisite five. Consequently, in addition to the Presiding Officer (who holds a never-yet-used casting vote) there are currently seven voting members. In practice, the membership changes quite frequently as parties shuffle their frontbench teams but all members are very much spokespersons for the party line.<sup>33</sup>

While each of the main parties is represented by a single member, their voting strength on the Bureau relates to the party's number of seats. Each member wields this as a 'block vote', rather than splitting it in any way. The prevailing philosophy is that business arrangements should, as far as possible, be made on a consensual basis, without resort to formal votes – a practice bolstered by the Executive's in-built majority, and the Bureau meeting in private. There were 26 formal votes in the first four-year session but the first three years of the second session have seen only two such divisions on the Bureau. In such a model, agreement is assumed to be reached on the basis of debate and discussion, which makes the composition of Bureau meetings of particular significance. The Presiding Officer's role is potentially much greater than that of a passive chair, and the presence of non-voting members (Deputy Presiding Officers and deputy business managers) may also affect the tone of debate and decisions taken. However, throughout the 1999 Parliament, and probably to some extent now, there were pre-meetings between the business managers to discuss the agenda of the meeting in advance, at which the Presiding Officer was not present.

One critique made of the Bureau is that it operates in a manner contrary to the Parliament's underlying culture of openness and transparency, with limited accountability to Parliament (especially backbenchers) and public. Not only does it meet in private (as it is required to do by Standing Orders), but it also did not, until April 2001, publish any details of its deliberations other than through announcements of its decisions. As a result of freedom of information legislation, the Scottish Parliament website now carries agendas, meeting papers and minutes, but these date back only to June 2004 and the information published has been criticised for being minimalist. The Parliament's Procedures Committee has urged more openness in the Bureau's operation, with options such as publication of agendas in advance, and power for it to decide to meet in public.<sup>34</sup>

### **Australia**

The Selection Committee has 11 members and a composition precisely fixed in Standing Orders. These state that it is chaired by the government party's Deputy Speaker and the other members will include the chief government whip, chief opposition whip, the third party whip (representing

whips, leaving only two places for backbench members. For this reason, the Selection Committee is often informally described as the ‘committee of whips’ and is sometimes the forum for negotiations and consultations among whips on matters outside the formal remit of the committee.

Decisions of the Selection Committee are made – without exception – on the basis of consensus. Although Standing Orders permit divisions on the committee, there have been none since its formation in 1988.

Decisions by the Selection Committee do not require subsequent House approval. Similarly to in New Zealand, decisions are simply reported to the House and automatically adopted, with no debate or vote.<sup>35</sup> Theoretically, when the committee’s report is presented in plenary, a member could ‘seek leave’ to comment on it but this has never happened. Unlike other parliamentary committees, minutes or transcripts of Selection Committee debates are not made public. After each meeting, a document setting out the decisions taken is published, which then forms the report made to the House.

The composition of the four business committees reflects the fact that all are designed as forums for inter-party negotiation rather than bodies to represent the collective voice of the parliament. Frontbench spokespersons – principally whips – predominate. The exception is the German case where party representatives are elected by colleagues rather than being appointed by party leaders, but in all four business committees considered there is little sense in which these members represent the collective backbenches rather than their own party interests.

On the other hand, all four business committees are chaired by the parliament’s Speaker or equivalent (or Deputy Speaker in the Australian case). This contrasts with the House of Commons, where the Speaker has no such institutionalised role in the management of business. Minor parties are also more integrated into the business management systems of the Scottish, New Zealand and German parliaments than is the case in the House of Commons (though proportionately, minor parties in the Commons are less significant).

Voting strength on all four business committees in one way or another corresponds to party representation in the parliament. However, the ability of the government to prevail in the event of dispute depends upon the strength of formal or convention-based requirements for consensus (strongest in New Zealand and Germany). A further variable is what happens once the business committee takes a decision. In Scotland and decisions are subject to ratification in the House, strengthening the sense of parliamentary ownership of its own time and committees. In New Zealand and Australia, on the other hand, decisions of the respective business committees are automatically adopted. As previously noted, the Commons falls between these models, as business statements are not voted upon but decisions relating to committee appointments are.

Finally, none of the four business committees studied are subject to the same transparency requirements as ordinary parliamentary committees. In all cases however, the membership and functions of the business committees is at least clearly laid out in the rules and on the respective websites, which is not the case for the usual channels and Committee of Selection in the House of Commons.

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<sup>35</sup> This is made explicit in Australian House of Representatives Standing Order 222(f).

**Table 1: Membership of Business Committees**

	New Zealand: Business Committee	Germany: Council of Elders	Scotland: Parliamentary Bureau	Australia: Selection Committee
Size of parliament	120	656	129	148
Size of committee	10-15 (dependent on party strengths)	c.30 (dependent on number of vice-presidents)	5-10 (dependent on party strengths)	11 (fixed in Standing Orders)
Who chairs?	Speaker	President (Speaker)	Presiding Officer (Speaker)	Deputy Speaker (from government party)
Share of seats by party?	All parties with 6+ members are guaranteed one seat, plus one for small government parties and one for small non-government parties. In practice, small parties are given a seat each.	23 seats divided proportionally to party strengths.	All parties with 5+ members get a seat, as do other groups of 5+ members.	One whip from each of the three main parties, plus 4 additional government and 3 non-government members. In practice, eight places are filled by whips.
Who represents parties?	Generally whips, plus Leader of House and Shadow	Principally whips	Generally 'business managers' or whips	Principally whips
How are members chosen	Nominated by party leaders	Elected by party groups	Nominated by party leaders	Whips nominated, others elected by party groups in secret ballots
Who represents government?	Chief Whip and Leader of the House	Junior minister (distinct from government party representatives)	Business minister or whip of each Executive party	Chief whip
Other members	None, though Deputy rincipi	(O)8 refBTn :ers	N1 40.5 0.47998 re3s2ps of 5+	

## **Business Committees and Parliamentary Time**

The core role of all four committees is to influence the way time in the chamber is spent and to balance the needs of different individuals and groups. In each case the committee is limited by those items of business that are already fixed (for example in Standing Orders). This is a bigger constraint in some cases than others, and the co

There are a range of other matters that the Business Committee discusses. These include the weekly allocation of oral questions to the parties, where Standing Orders specify that twelve oral questions can be accepted per day and that these should be distributed proportionately on the basis of party strength. Additionally the Business Committee decides the speaking times and order of speakers from the various parties for general debates,<sup>41</sup> the sessional order for parliamentary scrutiny of treaties, and requests for pieces of legislation to be voted on together as omnibus bills.

Finally, the committee discusses the general sitting programme for the year. Discussion of this usually begins in about October of the previous year when the Leader of the House brings a proposed plan to the Business Committee (having already discussed it with cabinet and the caucuses of the government parties). Sometimes minor changes are made at the Business Committee itself.

It is clear from interviews that, as in the Commons' usual channels, agreement amongst the Business Committee participants is usually achieved simply because it is in the interests of both sides – government and opposition parties – to resolve issues in order that they all end up with speaking and legislative time in the House. But it also should be noted that, although the Government dominates parliamentary time and activities, it is constrained at times by the wishes of the minor parties on which it depends to keep its majority.

## **Germany**

In the Bundestag the first two days of each sitting week are dedicated to party meetings. Plenary sessions are usually only held on Thursdays and Fridays, with Wednesdays principally dedicated to committee meetings. Regular question times are fixed for Wednesdays 1:30 – 2:30pm and Thursdays 2 – 3:30pm. On Wednesday this is preceded by a brief debate on the prior cabinet meeting (1 – 1:30pm). Each plenary day usually also includes an hour of 'topical debate', on an issue proposed by one of the parties. The Council of Elders itself meets on Thursdays and within this framework sets the agenda for plenary sessions a week in advance. It establishes an annual calendar of business at an early stage. The total number of weeks of sittings varies between 22 and 24, with a rhythm of two on, one or two off.

Since its earliest origins the Council has operated within a broad framework set down in rules and Standing Orders. These included an initial rule in the 1860s that committee reports on legislation had priority over other business, then that one day per week was dedicated to non-legislative motions by members, then that the priority order of bills was determined by the order in which

At its weekly meetings the Council formally reviews all the submissions from government, the parties, committees and individual members for plenary time. The Council also agrees the length of debate on each item and the number and order of speakers. Decisions on the timetable are taken by consensus – no votes are held, as the Council formally does not have decision-making power. The ability of members to challenge the agenda in plenary, along with the strict provision of minority rights, also create incentives for consensus.

In practice agreement on the agenda is extremely quick as there have been many discussions beforehand. Over the last two decades, the role of the Council of Elders has increasingly become a formality in this respect. The floor leaders meet together twice a week to discuss the current and the forthcoming week's business. At these meetings a written agreement is reached, which is simply endorsed when the Council meets. The lead in drawing up the agenda thus does not lie

The more general point is that Standing Orders do not specify, as at Westminster, that subject to stated exceptions government business must take precedence. The nearest the Rules come to any such suggestion is the rule that on 12 half days committee business 'is given priority over the business of the Scottish Executive'.<sup>46</sup> This could be interpreted as an implicit acknowledgement that once fixed time is allocated, the residue belongs to the Executive. But this is a controversial point in Scotland, with critics exhorting the Parliament 'to make it clear, in its SOs, that all time belongs to the Parliament itself'.<sup>47</sup>

The Bureau presents to the Parliament a forward 'business programme' for a specified period, including the agenda for meetings of the full Parliament, and timetables for consideration by the Parliament or any committee of any legislation. This programme is not devised by the Bureau secretariat but, as at Westminster, originates in the Minister's office. This draft may be amended by the Bureau and is then put to the Parliament. Generally, each business programme covers a two-week period. The information provided for the second week in particular can sometimes be relatively sparse, such as 'ministerial statement' or 'non-Executive business', with details being gradually filled in as the day approaches. The Bureau sets the timetable for consideration of bills (including individual members' bills) in committee and in plenary. It also agrees the allocation of members' (i.e. adjournment) debates between parties, using a strict proportionality formula. The allocation of these debates to individuals is then left to the parties themselves.

A business motion reporting the decision of the Bureau is moved in the plenary, usually at five o'clock on a Wednesday. Business motions can only be moved by a Bureau member and, as at Westminster, this is generally an Executive representative. Though business motions are often passed without debate or division, amendments can be moved. A brief debate is permitted if any member wishes to speak against the motion or if any amendments with ten or more supporters have been tabled. The business motion is generally accepted, but challenges do regularly occur; in 2005, for instance, six out of 36 business motions of this kind were opposed and pushed to a vote.<sup>48</sup> Primarily on the basis of the business programme, the Clerk publishes a 'daily business list', though this can be (and not infrequently is) amended at late notice by the Parliament, on a Bureau motion. The Presiding Officer can also make late changes to cope with emergency business.

The basic principles of business management in the Scottish Parliament reflect a balance between conflicting demands for time. These arrangements have to recognise the need for the Executive to govern, the right of Parliament to scrutinise the work of ministers, the ability of committees to carry out their work and of individual members to raise matters of concern (and introduce legislative proposals). In practice, strict party proportionality is adhered to in allocating members' business and opposition time. The Bureau usually (though not invariably) follows recommendations from the Conveners' Group (of committee chairs) as to how the 12 committee half-days should be disposed of. In fixing the timing of business, the Bureau must also take into account some of the principles of the Parliament, for example: to be 'family friendly' with limited late night sittings, to achieve balance between plenary and committee work, with both seen as equally important, and to allow balance between members' work in the Parliament and in their constituencies.

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<sup>46</sup> Scottish Parliament Standing Order 5.6(1)(a).

<sup>47</sup> Barry Winetrobe, *Written Submission to Procedures Committee Parliamentary Time Inquiry* (2005). Available at: [www.scottish.parliament.uk/business/committees/procedures](http://www.scottish.parliament.uk/business/committees/procedures).

<sup>48</sup> These figures relate solely to the weekly business motions setting out the business programme for the following two weeks' business. Other types of 'business motion' – for instance amending the existing business programme, or setting out time for a specific business motion – are not included in these figures.

Recesses are announced well in advance – for example on 21 December 2005 recesses were agreed until January 2007 by the Parliament on a Bureau motion. Standing Orders oblige the Bureau to have regard to dates of school holidays in deciding on recess dates.<sup>49</sup>

### **Australia**

The weekly timetable of the Australian House of Representatives is fixed in Standing Orders to a relatively high level of precision. In a sitting week, the House meets for four days with a question period and a 30-minute adjournment debate at fixed times each day. Except on Mondays, the question period can be followed by a debate on a ‘matter of public importance’ on a subject that can be proposed by any member (though not, by convention, ministers). The rest of Tuesday, Wednesday and Thursday plus Mondays from 6-



committee and delegation reports for the following Monday. In carrying out its tasks the Selection Committee is required to have regard to factors including the importance of the subject matter proposed for debate, the extent of other discussion on this matter, the constitutional competence of the House of Representatives and the party balance in the House.<sup>54</sup>

Priority is given on the day to bills proposed by private members (defined as those members other than Speaker, ministers, or parliamentary secretaries) but this can fall far short of a parliamentary debate. The procedure for giving notice allows members five minutes to give their bill its first reading. (It is worth noting that since 1901, only 20 non-government bills have ever secured parliamentary passage – seven originating in the House, eight in the Senate, and five proposed by the Speaker and Senate President.)<sup>55</sup> Standing Orders are also relevant, particularly Standing Order 104A, which requires the Selection Committee to give notices for new bills priority over other notices and to ‘provide for alternation between government and non-government Members’.<sup>56</sup> Like private members’ bills, most private members’ motions never come to a final vote. The time reserved for debates is typically used by movers to publicise their bill or motion and, in most instances, few other members participate.

It is interesting to contrast the relative powerlessness of the House of Representatives Selection Committee with the Selection of Bills Committee in the Australian Senate, where government generally has no majority. This committee determines which bills are referred to legislative committees to be the subject to public evidence. It is ‘based on an informal committee of party whips which meets each sitting day’.<sup>57</sup> The government whip takes the chair and its members comprise three Senators from each of the two major party blocs and one from the minor party

non-government business. As in New Zealand and the UK, the decisions it takes are not voted on but simply reported to the House.

It also seems clear from the examples discussed that it is unrealistic to expect a business committee to institute agreement on the agenda to such an extent that it becomes entirely predictable. Generally minor day-to-day alterations to the timetable to accommodate changes in circumstances remain possible. This system allows necessary flexibility and topicality, but may also cause frustrations. Negotiations over these changes, like the decisions of the business committee itself, are always likely to reflect the interests of the key power brokers in the parliament: the leading members of the main parties.

## Business Committees and the Committee System

The other key area of interest with respect to business committees is their role in the establishment and regulation of parliamentary committees. This section examines that role with respect to the four parliaments that we are considering. In particular, we are interested in the role played by the business committees in establishing the equivalents to Commons select and standing committees and determining their membership, chairs and agendas.

### New Zealand

In New Zealand the 1985 Standing Orders, along with those agreed before the implementation of MMP, have produced an increasingly influential select committee system. The subject committees have three roles: scrutiny, legislation, and inquiry. Each reinforces the potential power and authority of the other. Further, with party proportionality on the committees, and some chairs held by non-government parties, the committees do not always behave as governments would want. This tension between governing and opposition parties is reflected in some contested Business Committee decisions which have been referred to the Judicial Committee of the Executive Council for resolution.

## Germany

The Council of Elders has control over matters relating to committees only within the confines set out in Standing Orders. The Standing Orders state that the Bundestag has the final say with regards to the size, number, and chairmen of committees. But it is the task of the Council to reach an agreement on this. In particular, reaching an agreement on which parliamentary group is to chair each committee is one of the first major tasks of the Council at the beginning of each parliament. In practice, as with the timetable of business, cross-party agreement is achieved in whips' meetings before a proposal goes to the Council to be formalised. It is then sent to the Bundestag for final approval. Chairs must be allocated proportionately between the parties, and (much as at Westminster) each party chooses the committee(s) they want to chair and an accommodation is reached where possible between the whips based on the preferences expressed. If this system fails chairs are allocated according to a strict proportionality formula. Either way there is little discretion left to the Council of Elders. It also has no role in choosing the individual chairs – these are selected within the party groups. Committees are formally responsible for electing their own chairs, but by convention they always respect the right of the relevant party to make this decision.

Standing Orders also require that the composition of each committee is proportional to the relative strength of the parliamentary groups in the Bundestag. The actual members of committees are again appointed directly by the parliamentary party groups themselves, with no reference to either the Council of Elders or the plenary chamber.<sup>58</sup> Appointment of committee members is therefore considered a purely internal party matter. Maverick party members cannot be excluded completely, as all members serve on a committee. However MPs who are not members of parties, or whose parties have insufficient numbers to be officially recognised as a party group, used not to have committee representation. Following a ruling of the Federal Constitutional Court these individuals can now be nominated as an 'advisory' committee member by the Bundestag President, with no voting rights.

Once nominated, the chair has nominal control over the committee, but its timetable is drawn up by the Council of Elders. Convening outside of this timetable requires the permission of the President of the Bundestag. The Council of Elders also sets the timetable for individual bills in committee, and how many (if any) hearings with witnesses will be held. Issues for investigation may be referred to the committee by the plenary, and committees may also choose issues for investigation of their own. Only in the former case, however, will time in the plenary be made to discuss their conclusions.

## Scotland

In Scotland the Parliamentary Bureau has a similar role to the New Zealand Business Committee in relation to the Parliament's committees, which are divided into mandatory and subject committees.<sup>59</sup> Mandatory committees, of which there are eight, have specialised functions and must be established by the Bureau within a specified period of an election.<sup>60</sup> Subject committees, as in Germany and New Zealand, combine executive and legislative scrutiny roles (in Westminster terminology, they combine the functions of select and standing committees). Unlike in the Commons, Standing Orders do not specify which subject committees are to be created, only that the Bureau may propose the establishment of (any) ]TJ-20 esg -1.125 TD-0.0005 Tc0 Tw(commi



As in the other countries considered here, it remains primarily a matter of internal party democracy who is selected to serve on a committee. However in Australia the parties do ballot internally for their quota of committee seats (typically six government members and four non-government members). And as in the UK, committee memberships must be agreed by the House as a whole. This typically authorises the decisions of the parties, but does allow unsuccessful members an opportunity to state their case.

The New Zealand Scottish and German business committees all formally have extensive powers over membership of committees whilst that of Australia has no role in this area. In all of the three former cases, it is the business committee that formally proposes the composition of committees. However, in practice, all do little more than follow standing order requirements for proportionality and approve the individual party lists submitted by whips. In the German case, the individual appointments to committees bypass the business committee (and the chamber) altogether and are simply made by the parties. As at Westminster, in all four countries one party will generally not seek to interfere in the committee nominations of another, even where they could. So this remains a question of internal democracy in the party groups.

As with the establishment of the parliamentary agenda, in the case of New Zealand the Parliament in plenary is denied the chance to debate and vote on the Business Committee's decision. This is also the case in Germany. In this respect the House of Commons (along with the Australian House of Representatives, insofar as it has committees at all) provides a model of greater parliamentary autonomy. And as the 2001 revolt demonstrates, the Commons chamber is not averse to exercising this when provoked. The Scottish Parliament has also witnessed noisy debates and attempted amendments to Parliamentary Bureau motions relating to select committee membership and remits. This demonstrates again that how business committees are held to account by the plenary is at least as important as who sits on them or what their powers are, when considering their role in increasing parliament's control of its own affairs.

**Table 2: Formal Powers of Business Committees**

	New Zealand: Business Committee	Germany: Council of Elders	Scotland: Parliamentary Bureau	Australia: Selection Committee
How often meets	Weekly	Weekly	Weekly	Weekly
Annual calendar of sittings	Recommends to the House a programme of sittings for the year.	Establishes an annual calendar early in the session.	Bureau motion sets out recess dates, largely in line with school holidays.	No role
Annual programme of government business	No role	No role	No role	No role
Government bills	Agrees order of business including government legislation.	Decides plenary programme, which bill goes to which committee and for how long.	Decides plenary programme, which bill goes to which committee and for how long.	No role in this. Its powers are limited to non-government business.
Private Members' Bills	Decides how many taken, and timing.	As for government bills. Private Member's Bills must be signed by five per cent of the Bundestag.	As for government bills.	Responsible for timetabling members' bills on Mondays.
Share of speaking time	Agrees share between parties for weekly 'general debates' only.	Share between parties agreed by Council at start of the parliament, based on proportionality requirement in Standing Orders.	No role	No role
Speakers	Agrees order of speakers for general debates only.	No role	No role	No role
Party balance on committees	Agrees for each committee subject to proportionality requirement in SOs.	Proportionality is fixed in Standing Orders.	Agrees for each committee subject to proportionality requirement in SOs.	No role

Members of committees	Agrees size and membership for each committee on recommendation of whips.	Proposes size and membership for each committee based on strict proportionality. Members are chosen by party groups.	Proposes size and membership for each committee on recommendation from whips. Decision is put to Parliament.	No role
Chairs of committees	No role. Committees elect their own chairs, with by convention opposition parties chairing some committees.	Decides on distribution of chairs between parties according to proportionality requirements. Committees then formally elect their own chairs	Recommends to Parliament the party from which each chair will come using proportionality rule. Committees then formally elect their own chairs.	No role
Other	Allocates oral questions among parties on basis of proportionality.	Allocates 'topical debates' (but on strict basis of proportionality). Agrees the Bundestag annual budget. Various other administrative responsibilities.	Allocates members' debates between parties on basis of proportionality. In consultation with the Conveners' Group (of committee chairs), approves other matters such as committee advisers.	-

## **The Merits of Business Committees: More Power to Parliament?**

Considering the aspirations of reformers, and contrasting the experiences described above, the impact of a business committee on the culture of parliament can be seen to fall into three broad areas. These are parliamentary control, inclusiveness and transparency. Why these features are thought to be associated with business committees, and whether the committees considered here live up to these ideals, are considered in this section. The final section then provides a brief discussion of the options for a business committee in the House of Commons.

### **Parliamentary control**

The most obvious reason for having a business committee is to have a mechanism whereby a body representing parliament is handed control of key decisions rather than government having this control. But this effect is perhaps less noticeable than would be imagined in the countries considered here. At the end of the day, government control over parliament is primarily exercised through party channels and by the fact that (at least normally) it has a partisan majority in the house. Thus it is seen in all four of our example countries that government will still tend to dominate the parliamentary agenda and 'get its way', as a result of having a majority on the business committee as well as in the chamber itself. In New Zealand, for example, the new Business Committee has moderated the dominance of the political executive over Parliament – but this has depended greatly on whether or not the governing parties hold a majority of seats in the House. In periods of minority government, the power of the Business Committee is likely to be significantly greater. However if such circumstances occurred at Westminster, the power of the opposition parties would be likely to be enhanced through the usual channels as well.



to the exclusion of others, and for government to divide and rule. In both Scotland and New Zealand the new business committees have become significant forums for the exchange of information and the negotiation of parliamentary matters (often beyond their formal powers<sup>66</sup>). It is interesting that in New Zealand minor parties always attend the meetings of the Business Committee. As one of those interviewed said, the primary role of the Business Committee is to share information. From this respect it is easy to see why it is the Liberal Democrats at Westminster who have been most keen on the creation of a similar committee.

There clearly are tensions in respect of representation of different groups. It is difficult for all voices in a parliament to be heard on a business committee, where there are many small parties or independents. This difficulty has become evident in the Scottish Parliament since 2003, and was also seen when new parties entered the German Bundestag. In Scotland in the first session there were four main parties, all represented on the Bureau, but since 2003 this has risen to six and then seven. This has made negotiations more difficult, and there has been some unhappiness about Bureau decisions, for example among the minor parties when they found themselves under-represented on committees. The representation of six parties and the Independents on the Bureau in theory ensures that the process takes account of a wider range of views and interests, but it also can encourage more informal 'fixes' between the coalition and main opposition parties outwith formal Bureau meetings.

The representation of minor parties in negotiations is only one form of inclusiveness, however. Equally important to many of those seeking reform in the UK is a better representation of backbench voices in the management of parliamentary business. This is less visible in the examples provided here from other parliaments. In all four cases the business committee is dominated by whips, and in the New Zealand and Scottish cases there is no backbench representation at all on the committee. Meetings therefore comprise of negotiations between these representatives, with wider consultation left as an internal party matter. The presiding officer may provide some voice for parliament as a whole, but as we have seen informal pre-meetings may see even this figure cut out of negotiations. On both the management of time and appointments to committees the result can be that independent-minded backbenchers are excluded, unless they can win their case behind the scenes in party meetings. In Germany and Australia there is a mixed membership of whips and backbenchers on the business committee but it is clearly the former who play the leading role. In Germany, however, the situation is influenced by the fact that whips themselves are elected by the party groups and are distinct from the executive in the case of governing parties.

Early blueprints for the Scottish Parliament proposed a parliamentary business committee based on the principle of dispersal of power, with elected party representatives each yielding a single vote.<sup>67</sup> But the final model arrived at was a tight 'party leadership' driven model, with representatives of parties holding proportional block votes. Despite the aspiration to move away from Westminster-style politics, the priorities of elite-driven functional efficiency won over broader notions of power-sharing and inclusiveness in the end.

## **Transparency**

Perhaps the final reason for supporting a business committee model over the 'usual channels' approach is that it provides for greater transparency. To what extent does this succeed, based on the case studies that we have looked at? Again the answer seems to be mixed. The immediate

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<sup>66</sup> An example from Scotland is the protocol on relationships between constituency and regional MSPs, which was the subject of intense, private negotiation.

impact in this area is that the existence of the committee makes it clear who is responsible for decisions about parliamentary business and when decisions are taken. It can help to clarify the distinction between the political executive and parliament, being seen as embodying parliamentary authority. However, there are downsides of business committees with respect to transparency as well.

In all of the cases we have looked at it could be said that the business committee is, in essence, an institutionalisation of the 'usual channels'. Much is still inevitably discussed informally outwith formal meetings (between business managers, and within party groups), and once agreement has been reached discussions at the meetings can be short. The decisions of the committee may only be occasionally questioned or challenged in the Parliament – where this is allowed at all. There is a danger, therefore, that the business committee simply becomes a 'rubber stamp' for the decisions that would have been taken anyway. There is a tension here: the more transparent (and perhaps the more inclusive) the meetings of a business committee are, the more the real decisions may actually be taken elsewhere.

In part the problem arises because the existence of business committees raises expectations. Promises of transparency may also be difficult to live up to in practice. In Scotland concerns have been expressed that the Bureau is too secretive and that the public, as well as backbenchers, are denied influence in its deliberations. Whilst the system is clearly an advance on a totally private 'usual channels' arrangement, the Parliament's business management is certainly not as transparent and participative as was initially (and probably, unrealistically) intended. In reviewing the Parliament's founding principles its Procedures Committee has recommended that the Bureau should be made more transparent, publishing agendas and a fuller record of decisions taken, and even considering holding meetings in public.<sup>68</sup> However, such changes might simply drive real negotiation further behind the scenes whilst failing to satisfy a sceptical public.

## **Conclusion: A Business Committee for the House of Commons?**

Having reviewed the operation of business committees in four other parliaments, it remains to question whether such a committee could improve the operation of the House of Commons and, if this is felt desirable, what form such a committee might take. The evidence provided in this briefing demonstrates that this is not a straightforward issue. It can be argued that business committees boost parliamentary control over the agenda, inclusiveness of decision making and transparency about how key decisions are taken. But the systems considered here all have shortcomings as well. Perhaps one important lesson when considering reform is that Westminster has some positive features not seen in other parliaments, and that we should beware of losing some of them if new procedures are adopted – instead appreciating and seeking to build on them. The lack of transparency with respect to committee appointments in Germany, for example, or the inability to debate the agenda in New Zealand, are features that few would wish to see imported into the UK.

If we did choose to move to a business committee model, there are a number of key questions that would need to be addressed. The case studies considered in this briefing help us to identify the issues that we would need to think about, and some of the pitfalls that should be avoided.

The first question is perhaps who would sit on a business committee for the House of Commons. These bodies exist to give representation to each of the main 'players' in a parliament

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<sup>68</sup> Scottish Parliament Procedures Committee, *The Founding Principles of the Scottish Parliament*, op cit. .

– in all cases here meaning the party groups. The most obvious beneficiaries would be the Liberal Democrats, who would gain representation under any model of composition, given their current 63 seats, and thus be less excluded than currently from negotiation between Labour and the Conservatives. The status of the smaller parties and independents is more ambiguous, given that no party has more than nine seats and collectively these groups (of those that take their seats) hold only 25 seats. Adopting an inclusive (New Zealand style) approach would make for a large meeting, and a more likely approach would be to exclude very small parties (as in Germany) or give them one collective representative (as in Scotland).

A bigger question is what logic should be applied to representation on a business committee. In all of the parliaments considered here, representatives are chosen within the parties and the resulting committees are dominated by whips. The creation of a committee along these lines would lead to a greater formalisation of the role of the parties at Westminster, which still formally privileges the individual member and gives little recognition to the party groups. If representation was party-based the committee would probably do little to represent backbenchers. Unless Standing Orders sought to interfere in the internal decisions of parties (which is unlikely) there could be no guarantee of democracy in the selection process for members of the business committee. If representation of individual members was felt desirable it might be possible to devise a system whereby they were elected by the whole chamber on a cross-party basis – even if such members were in a minority. But this in turn would clearly undermine the rights of parties to select their own representatives. The likeliest model might be the one currently applied to select committees – that the parties decide internally but the chamber has the final say. But however members are chosen, parties on the committee will tend to form voting blocks. If some party colleagues were felt to be unreliable, the examples shown here demonstrate that there is nothing to stop an informal meeting of whips doing deals before meetings in much the same way as they do now. Meaningful representation of backbenchers in such an arrangement therefore remains extremely difficult.

A further question is who should preside over meetings of a business committee. On the basis of the examples discussed here there is a clear precedent that this should be the presiding officer of the chamber. This would give the Speaker of the House of Commons some input into the timetabling of business that he doesn't have now, which could have some advantages. However, some express concerns that such a change would 'politicise' the role of the Speaker in undesirable ways, as s/he would have to resolve disputes between the party whips. There is no clear evidence of this from the examples we have considered, though the presiding officer's role differs in important ways in each case. Evidence from Scotland and Germany suggests, in any case, that the presiding officer can easily be excluded from major decisions through informal pre-meetings between the whips.

The bigger question is what responsibilities might be given to the committee. As outlined here, there are two broad areas of responsibility: agreement of the timetable, and appointment of committees. With respect to the former a business committee might agree the overall timetable of government (and non-government) bills, the week-by-week timetable, and the allocation of

committee on non-government business, as exists in Australia, could be convened to discuss these matters alone.<sup>69</sup> This might over time develop a wider remit, although no such development has occurred in the Australian case.

With respect to committees, a new business committee could take on all or most of the roles of the current Committee of Selection, in proposing members of select and standing committees. Whether this proved more satisfactory to members would be very much dependent on who sat on the committee and how its decisions were taken. A business committee such as those considered in this paper would look remarkably like the Committee of Selection – a meeting of whips which endorses the decisions already taken within the parties. In none of the cases we have looked at did the business committee foster a greater sense of ‘parliamentary’ ownership over committee appointments, and in two cases such appointments were not even approved by the plenary chamber, as select committee appointments are in the UK.

This example illustrates one of the most important lessons from our case studies: that the presence of a business committee is unlikely to be the most important feature in determining how inclusive an ethos a parliament has, and the extent to which it has ownership of its own procedure. In each case that we have considered the business committee is dependent on the framework created by parliamentary standing orders, and often has little discretion in making decisions. Other aspects of standing orders may therefore be far more important. For example, in Germany it is the rights of minority groups to gain a proportional share of the plenary agenda which ensures that discussions between the whips (and formally on the Council of Elders) are considered in light of their needs. Such provisions are in stark contrast to House of Commons Standing c



- Scottish Parliament Procedures Committee, *The Founding Principles of the Scottish Parliament: the application of Access and Participation, Equal Opportunities, Accountability and Power Sharing in the work of the Parliament*, SP Paper 818 (2003).
- Scottish Parliament Standing Orders (Second Edition). Edinburgh: The Scottish Parliament (May 2006). At: [www.scottish.parliament.uk/business/so/so\\_final.pdf](http://www.scottish.parliament.uk/business/so/so_final.pdf).
- Selection Committee, *General principles relating to the selection of private Members' business* (adopted on 20 February 2002), at: [www.aph.gov.au/house/committee/selc/generalprinciples2002.doc](http://www.aph.gov.au/house/committee/selc/generalprinciples2002.doc).
- The Scotland Act 1998. London: The Stationery Office (1998 Chapter 46).

## Secondary Literature

- Blackburn, Robert, and Andrew Kennon with Sir Michael Wheeler-Booth, *Parliament: Functions, Practice and Procedures*. London: Sweet & Maxwell (2003, 2<sup>nd</sup> Edition).
- Kelso, Alexandra, ' "Where were the Massed Ranks of Parliamentary Reformers?" – "Attitudinal" and "Contextual" Approaches to Parliamentary Reform', *Journal of Legislative Studies*, 9:1 (2003), 57-76.
- Limon, D., and W. R. McKay, *Erskine May: Parliamentary Practice (22nd Edition)*. London: Butterworths (1997).
- Loewenberg, Gerhard, 'Agenda-Setting in the German Bundestag: Origins and Consequences of Party Dominance', *Journal of Legislative Studies*, 9:3 (2003), 17-32.
- Marsh, D., and M. Read, *British Private Members' Balloted Bills: A Lottery with Few Winners, Small Prizes, but High Administrative Costs*, Essex Papers in Politics and Government, University of Essex (1985).
- Rush, Michael, and Clare Ettinghausen, *Opening Up the Usual Channels*, London: Hansard Society (2002).
- Schüttemeyer, Suzanne S., 'Hierarchy and Efficiency in the Bundestag: The German Answer for Institutionalizing Parliament' in G. W. Copeland and S. Patterson (eds.), *Parliaments in the Modern World: Changing Institutions*. Ann Arbor: University of Michigan Press (1994).
- Shephard, Mark, 'Parliament' in *Scotland Devolution Monitoring Report: November 2004*. At: [www.ucl.ac.uk/constitution-unit/monrep/scotland/scotland\\_november\\_2004.pdf](http://www.ucl.ac.uk/constitution-unit/monrep/scotland/scotland_november_2004.pdf).
- Winetrobe, Barry, *Realising the Vision: A Parliament with a Purpose. An Audit of the First Year of the Scottish Parliament*. London: Constitution Unit (2001).
- Winetrobe, Barry, *Written Submission to Procedures Committee Parliamentary Time Inquiry* (2005). Available at: [www.scottish.parliament.uk/business/committees/procedures](http://www.scottish.parliament.uk/business/committees/procedures).