

# Parliament – the House of Representatives

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The House of Representatives forms one half of Australia’s bicameral (two-chamber) national Parliament. To exercise its important representative and law-making functions, its members (MPs) meet in Canberra for an average of only 67 days (20 sitting weeks) of the year. Often described as the ‘lower chamber’ or the ‘People’s House’, the eucalypt-green hues of its décor provide the critical backdrop for Australian government. The Prime Minister (PM) must be an MP, and the majority of government ministers in practice also. The House of Representatives shares many of the same law-making powers as the Senate, but is pre-eminent in budget roles. (Australia’s Constitution limits the Senate’s ability to introduce ‘money bills’ or laws that seek to appropriate funds for government expenditure).

In order to form a stable government, the PM must be able to survive a no confidence vote in the House, and normally control a majority of MPs to pass legislation. The Alternative Vote (AV) system used to elect MPs (see [Chapter 5](#)) has almost always delivered a clear majority for either the Liberal-National Coalition or the Australian Labor Party (ALP) in modern times – with the significant exception of 2010 to 2013 when a Labor government relied on support from a handful of Independent MPs to survive in a ‘hung parliament’.

## What does democracy require for the federal legislature?

(i) *Focusing national debate, and scrutinising and controlling major decisions by the executive*

- ◆ Elected representatives should normally maintain full public control of federal government services and state operations, ensuring public and parliamentary accountability through conditionally supporting the government, and articulating reasoned opposition, via its proceedings.
- ◆ The House of Representatives’ floor debates and question times should be a critically important focus of national political debate, articulating ‘public opinion’ in ways that provide useful guidance to the government in making complex policy choices.

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- ◆ Federal legislators should regularly and influentially scrutinise the current implementation of policies, and the efficiency and effectiveness of federal government services and policy delivery.
  - ◆ Individually and collectively, federal legislators should seek to uncover and publicise issues of public concern and citizens' grievances, giving effective representation both to majority and minority views, and showing a consensus regard for serving the public interest.
- (ii) Passing laws and controlling the executive's detailed policies*
- ◆ In the preparation of new laws, the federal legislature should supervise federal government consultations and help ensure effective pre-legislative scrutiny.
  - ◆ In considering legislation, the federal parliament should undertake close scrutiny in a climate of effective deliberation, seeking to identify and maximise a national consensus where feasible.
  - ◆ Ideally, pre-legislative scrutiny will ensure that the consequences of new laws are fully anticipated, changes are made to avert 'policy disasters' and risks are assigned to those societal interests which can most easily insure against them.

The chapter begins by surveying recent changes in the lower house and then moves on to summarise the key strengths, weaknesses, opportunities and threats surrounding its operations from a democratic point of view.

## Recent developments

In recent years, two key aspects of the House of Representatives' operations have dominated public attention – the long-run two-party and executive dominance over MPs, and the shorter term proliferation of delegated executive law-making during the COVID-19 period 2020 to 2022 – which for a time reduced the legislature's ability to control government and ministerial behaviour. The chapter considers each in turn, before moving to a summary of the strengths and weaknesses of the House of Representatives mapped against the criteria above. After this SWOT analysis, three sections explore key aspects of the House of Representatives' operations in more detail – daily Question Time; how the House scrutinises legislation; and how it seeks to engage with Australian citizens.

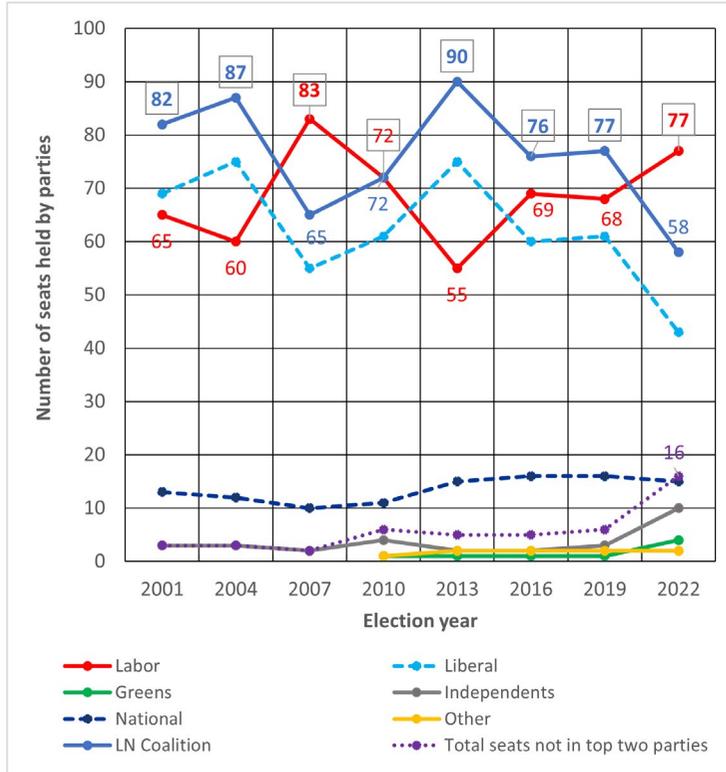
### **Executive and two-party dominance in the House of Representatives**

The Australian Constitution provides for the separation of different branches of government (the legislature, the executive and the judiciary) and puts in place some strong legal safeguards against unbridled executive power, including the doctrine of responsible government within the federal parliament (Hamer, B, 2004; Hamer, D, 2004; Kerr, 2009). However, (following British practice at the time of founding) the text of the Australian Constitution does not provide any explicit description of the relationship between ministers and the Parliament. As in the UK, disciplined political parties have thrived and become the key vehicles facilitating executive dominance of the House of Representatives (Prasser, 2012).

Debates within the House of Representatives often appear to be locked into binary political positions, with MPs generally voting on ‘whipped’, partisan lines, creating a ritualistic series of exchanges whose outcomes are almost always predictable in advance. The long-term predominance of the top two parties (Labor and the Liberal-National Coalition) has accentuated this pattern, with the Nationals the smaller component in the Coalition holding around 15–16 seats in recent elections (Figure 11.1). All other representatives were in single figures until 2022 (Figure 11.1). However, the Greens, Katter and Xenophon/Centre Alliance at least established a continuous presence across multiple recent elections. And in 2022, the electoral arrival of the Teal Independents boosted the independent total to 10 seats, and with the Greens winning four seats too, this meant that MPs outside the top two parties made up more than one-tenth of the House for the first time.

Robust exchanges between MPs also occur behind the scenes, including in cabinet and within the party room of the majority ruling political party, mostly outside of the parliamentary or public gaze. Individual MPs may be subject to formal or informal party disciplinary action for dissent seen as lack of loyalty or other indiscretions. The powerful influence exerted by the party room of the governing political party, and in particular by the cabinet, has dominated much political discourse in recent years (Parliament of Australia, no date, a). During the COVID-19 period, executive dominance modes of decision-making were also extended within the Australian federal system in the form of the ‘National Cabinet’, providing a ministerial-level forum for state, territory and federal governments around Australia to respond to the pandemic (see Chapter 13).

**Figure 11.1: Parties’ seats in the House of Representatives, 2000 to 2022**



Source: **Parliament of Australia** (no date, b), ‘Political Parties in the House of Representatives’, Info sheet no. 22 ‘Political Parties’.

Note: There were 150 Members in the House of Representatives until 2016, and 151 since 2019. A majority needed 76 votes throughout the period and parties above this level are shown in bold. For the party forming the ministry, numbers are shown boxed. There was a minority Labor ministry 2010 to 2013, with backing from other MPs.

In their day-to-day behaviours in the House of Representatives, MPs from the Liberal-National Coalition and the Australian Labor Party have almost always supported the official party ‘line’ even on controversial moral or ethical issues. However, there have been examples of weakened party cohesion, particularly when party leaders (both PMs or Leaders of the Opposition) were showing signs of declining popularity or support, or had just lost a general election. Government ‘backbenchers’ (MPs from the ruling government party not holding ministerial posts) have on occasion ‘broken the party line’, rebelling in order to attract attention to a particular issue of key interest to their electorate (**7 News, 2021**). At other times, a dissident vote may form part of a political manoeuvre to exercise influence over their political colleagues (**Sloane, 2022**).

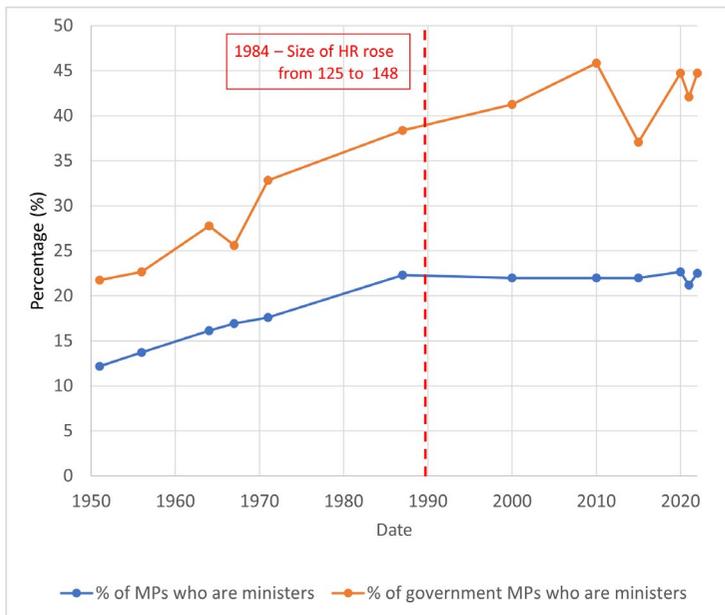
The parliamentary branch of the ALP has been dominated for decades by strongly developed ‘factions’ associated with different state groupings of MPs and left/right ideological positions (**Leigh, 2000**). In the 2010 to 2013 Labor Government, intra-party faction fights among MPs and senators produced rapid changes of leaders in the ‘Rudd-Gillard-Rudd’ period (**Gauja et al., 2012**). New party rules subsequently required the federal ALP leader to be chosen by a vote of grass-roots party members, and not just the ‘party room’ in Parliament (as was the case 2010 to 2016). But Anthony Albanese was elected unopposed as leader following Labor’s 2019 defeat (see **Chapter 6**). Following his party’s 2022 return to power, he promised to pursue a consensual style of governance, not least because of Labor’s knife-edge majority in the House.

Party caucus control has generally remained the order of the day for the Liberal and National parties (**Kam, 2009**). When the Coalition is in power, two different ‘party rooms’ support different leaders – the Liberals choosing the PM (who picks most ministers from Liberal ranks), and the Nationals choosing the Deputy PM (who picks a sub-set of ministers) (**PEO, no date**). Out of power, the party rooms also choose the leader and deputy leader of opposition. Outside Queensland, relatively few MPs are elected as National Party members. National Party members seek to emphasise rural Australian interests and some have strong opposition to green environmental issues.

While the Liberal-National Coalition historically strove to create an appearance of unity, more recently deepening divides on policy issues, including on the issue of climate change (**ABC News, 2021a**), led to increasing instability, sometimes with dramatic consequences (**Cockfield, 2021**). Two Liberal PMs in turn lost the confidence of the Liberal Party room and were replaced after ‘spill’ votes to eject them from leadership, Abbot in 2015 (**Hurst, 2015**; and see **Tiffen, 2017**) and Turnbull in 2018 (**Beaumont, 2018**). The Nationals have also seen ministers and leaders resign over scandals and policy divisions that threatened to disrupt relations between the coalition parties (**Guardian, 2020**).

Internal party politics, and personality-based disagreements and scandals, have sometimes hampered MPs from the more urgent tasks of policy development and community engagement (**Australian Financial Review, 2021b**). The hegemony of party-political interests associated with the Liberal-National Coalition and the ALP can work to dilute the effectiveness of scrutiny of legislation and other accountability mechanisms, including Question Time (see later in this chapter). Critics have also suggested that these factional tensions in both major parties have undermined the ability of the House of Representatives to effectively articulate ‘public opinion’ in ways that provide useful guidance to the federal government in making complex policy choices and to identify and maximise a national consensus where feasible (**O’Brien, 1986**). This has been especially apparent when it comes to complex policy challenges such as climate policies (**Hanna, no date**) or transitioning Australia’s economy – a challenge that has plagued both Labor and Liberal governments in recent years, despite polls indicating strong public

**Figure 11.2: Ministers as a share of all MPs in the House of Representatives, and of the governing party's MPs, 1951 to 2022**



Source: Compiled from *Parliament of Australia (2021a)*, 'Appendix 10 – Party affiliations in the House of Representatives' and *Wikipedia (2024)*, 'Albanese ministry'.

Note: The size of the House increased from 125 to 148 seats in 1984, as shown by the red dotted vertical line.

support for achieving net zero carbon emissions by 2050 ([Lowy Institute, 2021](#); [Hanna, no date](#)). Yet the 2022 elections marked some change from the previously stark top-two party character of the House of Representatives, with new MPs for the Teal Independents securing election and increased conservative prominence for global warming, integrity in politics, and women's issues, previously seen as neglected by the coalition parties (see [Chapter 5](#)).

The small size of the House of Representatives has always accentuated the ease of party control over its operations. With just 151 MPs (far smaller than the 650 lower house members in the UK or the 450 in the USA), any grouping of 76 or more MPs commands a majority. In recent times, closer party competition has meant that few governments have had more than 85 MPs backing them. Under the 'Westminster system' all ministerial positions have to be filled by MPs or senators, covering 23 cabinet ministers, plus an 'outer ministry' of 7, and 12 Parliamentary secretaries – 42 positions in all. Two-thirds of ministers are MPs, so taking these 28 ministers out means that a government may have just 48 backbench MPs, and rarely more than 57. Any government will account for a fifth of all MPs, and after close-run elections for over two-fifths of the majority party's MPs ([Figure 11.2](#)). Put another way, a PM who can keep their ministers loyal (admittedly a hard thing to do at some key points), plus retain support from 12–20 more backbench MPs (depending on the majority party's size), can in theory retain control within their parliamentary party and thus the House. They have a well-developed system of party discipline enforced by whips to help them do that.

This system of 'whipping votes' and strong party discipline has recently been associated with bullying behaviour within the parliament ([Lambert, 2021](#)), particularly when used against female MPs by male colleagues in powerful ministerial positions (see [Chapter 13](#)). It remains to be seen whether the tight control historically exercised by Australian PMs over their parliamentary colleagues continues to characterise future House of Representatives.

Some commentators have argued that Australian voters are tired of the spectacle and drama of in-fighting within and between the major political parties, and have seen this mood as underlying a turn to non-party candidates to represent their interests – perhaps even an ‘age of Independence’ (Rodrigues and Brenton, 2010). Following the 2022 elections, the top party balance in the House was close. And the presence of Greens, Teal Independents and other independents contributed to the development of a more consensual style by the new Labor PM, Anthony Albanese, which seemed successful in securing him strong opinion poll support for his first year in office, but may be challenging to sustain over the full parliamentary term.

## COVID-19 and House operations

Members of the House of Representatives represent electoral divisions with an average of just under 109,000 voters, but they span across a whole continent. The largest area represented by one MP has been Durack in Western Australia spanning across approximately 1.6 million sq. km, while the smallest has been Grayndler in New South Wales with an area of 32 sq. km. Many MPs come from areas of NSW and Victoria quite close to Canberra, but most still have to fly in for the three bursts of sitting weeks each year. Parliamentary arrangements have always had to meet the travel needs of the farthest flung MPs, but they have always focused on face-to-face interactions in the main chamber and in committee sessions.

The COVID-19 pandemic had a profound impact on both the policy and law-making focus of the House of Representatives and how it conducted parliamentary business (Grattan, 2020). In August 2020, for the first time, the Australian Parliament fully embraced a ‘hybrid model’ of parliamentary sittings (Moulds, 2020a), because some MPs were unable to travel to Canberra for health reasons or due to COVID-19 border restrictions imposed by states on travellers from other states (ABC News, 2020). The hybrid model involved some in-person attendance by MPs in the chamber (with social distance protocols observed) and other MPs participating via secure video link. This way of working became an ongoing feature within the House as the pandemic progressed, with the inclusion of perspex screens at the dispatch box and other protective measures including masks being used during sittings in 2021.

The remote access features employed in the Chamber sessions of the whole House drew from the more familiar practice of remote sittings employed by parliamentary committees. For some time prior to the pandemic, committees had experimented with the use of video and telephone links to enable witnesses and MPs to contribute to committee discussions from remote locations. However, even with these new arrangements, House sitting days were reduced during the early stages of the pandemic, leaving some to raise questions about the extent to which a partially constituted House could continue to perform its important democratic functions and uphold the traditionally claimed virtues of the Westminster model of responsible government. And while the parliamentary committees in the Senate experimented with digital communication technologies and social media as they set about scrutinising ministers’ pandemic responses, the House committees were far less active or experimental in their approach to scrutiny of government action.

# Strengths, weaknesses, opportunities and threats (SWOT) analysis

Current strengths	Current weaknesses
<p>Historically the House of Representatives followed many of the adversarial traditions of the UK’s House of Commons, but evolved its own distinctive practices – which aim to promote orderly parliamentary business and debate (organised on party lines) and direct ministerial accountability. They are premised on the assumption that the best outcomes will emerge through a robust contest of opposing ideas. However, within these traditions bi-partisan cooperation has often emerged on less controversial legislation.</p>	<p>Historically, much of the House of Representatives’ time and energy have been consumed in strongly partisan behaviours that critics saw as often ritualistic, point-scoring or unproductive in terms of developing and enacting legislation (<b>Williams, 2020</b>) and that were found to be unacceptable and contributing to an unsafe working environment for women (<b>Jenkins, 2021</b>). Deliberative debate and efforts to achieve policy objectives in line with community needs and interests have often seemed to take second place to electioneering and maximising party interests.</p>
<p>Government legislation takes up half of the House’s annual 670 hours of sessions, and other routine House business and processes absorb another 20 per cent. Yet there has generally been a high level of collaboration of government and opposition and cross-bench to manage legislation and other business of the House. And a large number of Bills introduced by the government receive opposition or cross-party support (<b>Parliament of Australia, no date, c</b>). While government MPs have the power to apply guillotine motions to curtail debate, such measures are relatively rarely used, although government management of the House business can be used to stymie debate at times.</p>	<p>No MPs except ministers (notionally acting with the Governor-General’s approval) can propose legislation that increases government appropriations in any way, severely limiting individual MPs’ abilities to influence the implementation of public policy without first garnishing ministerial support. This means that although approximately 30 per cent of the business conducted in the House of Representatives has been allocated to private member business, few laws or policy changes result from proposals introduced by non-government members or backbenchers without ministerial support, except on some conscience issues (<b>Warhurst, 2008</b>).</p>
<p>The Speaker has an important role, enshrined in section 35 of the Constitution, and chairs the meetings of the House in line with that and the Standing Orders. Although regarded as a political appointment, successive Speakers have endeavoured to act with impartiality and have generally engendered respect from MPs regardless of their party.</p>	<p>The Speaker has been an MP drawn from the majority party, and so rarely acts strongly against its interests. As in the UK, almost all the key rules governing MPs’ behaviour are embodied in Standing Orders, which can be altered by a simple majority vote of MPs. So the government party has normally been able to construe or alter them in ways it prefers.</p>
<p>A key role of the Speaker has been to moderate oral Question Time in the House, where ministers must give immediate answers to queries without notice. A highly dramatic setting, Question Time offers citizens an important opportunity to judge whether their performance entitles the government to re-election (<b>Parliament of Australia, 2021b</b>).</p>	<p>Critics argue that Question Time proceedings can be shouty, combative and highly adversarial in nature, with many examples of condescending, irrelevant speech and disrespectful behaviours being displayed by members from the full spectrum of political parties (<b>Melleuish, 2021</b>). Historically, the Speaker has not usually been able to constrain the PM or other ministers to answer the specific question asked, rather than government responses making more general political points.</p>

<p>Legislative scrutiny, including through parliamentary committees and the bicameral system, has remained an important constraint on governments' behaviour. It has caused the inclusion of safeguards in new laws that promote parliamentary oversight and set limits on the use of executive power. Legislation has often been passed following amendments moved in response to House or Senate Committees and with cross-party agreement. The House has 17 committees that consider legislation and scrutinise departmental activities and spending.</p>	<p>Party dominance of the committee stage of legislation can mean that poorly drafted laws reach the statute book unchanged. Although MPs accept many Senate amendments to bills that have previously been passed by the House, most of these changes usually come in the form of amendments proposed by government ministers (Moulds, 2020b). Ministers may be unwilling to adopt even sensible legislative amendments if the government of the day 'has the numbers' to pass the legislation in its original form. So, the interactions between the two chambers of parliament can – but do not always – result in constraining executive dominance.</p>
<p>Committee hearings in public allow a wide range of groups in society to give evidence and put their case directly to legislators, in a high-profile public setting. Committee chairs and secretariat staff are increasingly embracing innovative ways of reaching out to seldom-heard communities for their views.</p>	<p>Government MPs have normally formed the majority in all House committees, giving the government effective control over their activities and recommendations. Party discipline has often worked to limit these committees from achieving an independent voice, applying robust scrutiny to government policy or representing a more impartial position in response to the evidence received.</p>
<p>The budget process makes up a large and important part of House proceedings and MPs have much more collective influence on government spending than the Senate can have. Budget reports to parliament are detailed and form an important part of federal administration accountability.</p>	<p>Budget debates in the House often descend into party-political battles, with little detailed focus on budget performance, or the policy objectives justifying specific expenditure.</p>
<p><b>Future opportunities</b></p>	<p><b>Future threats</b></p>
<p>The COVID-19 pandemic saw the House of Representatives experiment with the use of digital technologies to facilitate remote participation in sittings and debates, and to connect with community members and experts engaging with House Committees (Mills, 2020). The experience demonstrated the potential to use digital technology to diversify the range of people engaging with the House and its processes. If developed further there could be a potential for MPs to reach younger people and groups previously disconnected from House affairs, as well as adding extra channels for the already well-informed.</p>	<p>As the COVID-19 pandemic fades into the past, so too have hopes that the experience would provide a catalyst for the House of Representatives to embrace digital technologies to help Australians understand the business of the House. Many Australians remain disillusioned with and disconnected to their national parliament and their state counterparts.</p>

<p>The pandemic also provided new opportunities for Australia to rethink its federal structure, including the way the House of Representatives engages with state premiers and Chief Ministers from the territories. (Many Australians were also forced to pay much closer attention to the announcements from the state’s premiers and parliament than they were accustomed to, sparking some voter frustration – see <a href="#">Chapter 13</a>). However, this also fostered an important ‘liaison role’ for members of the House. Some House MPs were able to act as important conduits between their constituents and federal ministers and cabinet during the pandemic – for example, by raising the interests of individuals particularly harshly impacted by decisions at both the state and federal level. Combined with the growth of more independent MPs, a renewed focus on ‘local’ issues (and on a more bi-partisan issue) by members of the House of Representatives could provide some counterweight to overly strong party-political dominance and encourage more active community engagement.</p>	<p>During the COVID-19 pandemic, state premiers and parliaments exercised their constitutional authority to make laws in response to emergencies and to insulate their populations from others. Apart from issues around controlling entry to Australia, some commentators argued that this left the federal parliament wondering what its job was. This was perhaps particularly problematic for the House of Representatives, where MPs are obliged to rather ‘artificially’ express the interests of their electorates at the ‘national level’, despite their constituents’ immediate focus being on the delivery of services and decisions being made at the state and territory level.</p>
<p>A growing trend towards independent candidates winning House seats might also increase the diversity of parliament, raise the profile of new policy issues and public interests and temper the influence of the major parties.</p>	<p>Traditional party-structured parliamentary processes in the House of Representatives may not adapt very well to the presence of MPs who ‘blur’ the party divide after a close election outcome, as with the new group of Teal Independents elected in 2022 (<a href="#">Nikkei-Asia, 2022</a>).</p>
<p>In the Uluru Statement from the Heart (<a href="#">2017</a>) First Nations peoples called for a constitutionally enshrined First Nations Voice to Parliament and a Makarrata Commission to supervise a process of agreement-making and truth-telling. If implemented, these measures could begin to chart a pathway towards genuine reconciliation between First Nations Australians and the broader community.</p>	<p>The Australian Parliament historically excluded Indigenous Peoples’ voices (<a href="#">Maddison, 2010</a>). However, recent elections have seen some modest increases in Aboriginal representation in the federal parliament. By July 2022, three MPs (and eight senators) were First Nations peoples (<a href="#">PEO, 2022</a>; <a href="#">Larkin and Galloway, 2021</a>). Despite this, progress on realising the constructive dialogue and historical redress-making called for in the Uluru Statement (<a href="#">2017</a>) remains slow and partial. In early 2023, the federal parliament enacted legislation that triggered a constitutional referendum on the proposal to establish a First Nations Voice. In October 2023, under the constitutionally prescribed referendum procedure, the people of Australia voted to oppose the First Nations Voice proposal (see <a href="#">Chapter 4</a>). This outcome has created uncertainty about the future implementation of other aspects of the Uluru Statement from the Heart (<a href="#">2017</a>), particularly at the federal level.</p>

Legislatures are complex institutions and their detailed processes carry out a range of functions. The chapter next considers three key operations of the House – daily Question Time; the way that the House scrutinises legislation including through the committee system and budgetary control processes; and how the House goes about representing and engaging with Australian citizens.

## Question Time

When the House of Representatives is sitting – that is, from February to April (the Autumn sittings), May to June (the Budget sittings) and August to December (the Spring sittings) – the first hour of every day has been reserved for Question Time when MPs can put oral questions without notice to the PM or ministers, who are all expected to attend. The Leader of the Opposition has been guaranteed three questions to the PM, and other slots are allocated by the Speaker to MPs in strict party alternation. Whereas the British PM must attend the House of Commons for questions only for one half an hour per week, Question Time in the Australian House has historically provided a more important and intensive level of parliamentary oversight and accountability. However, the informational quality of the exchanges often leaves observers frustrated and disappointed (Turpin, 2012).

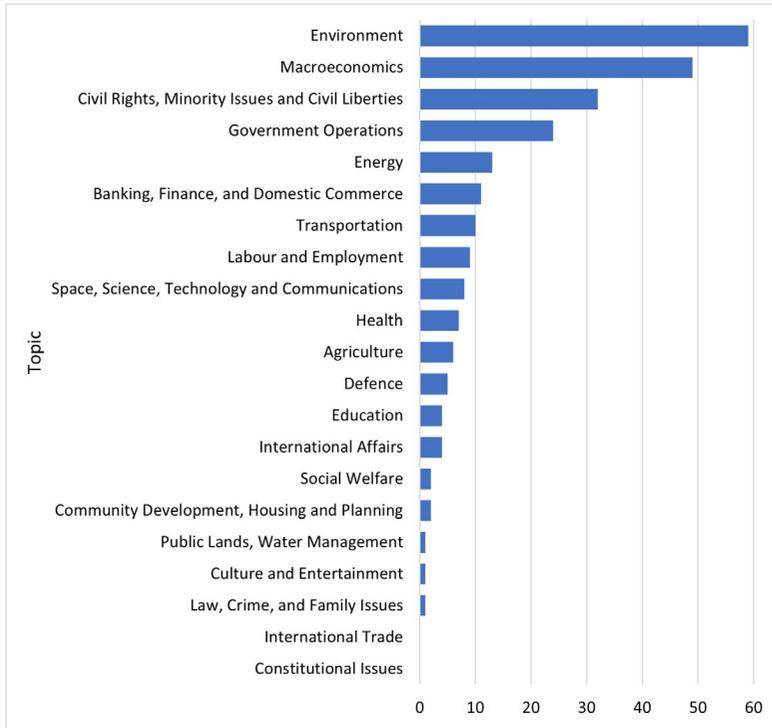
Question Time in the House has often descended into a type of ‘gladiatorial combat’, where the two party leaders battle for the attention of their parliamentary colleagues and attending journalists, lying in wait to capture the best ‘one liners’ for the evening news (Allington, no date). Question-and-response exchanges have almost always been lively, and sometimes raucous, with government and opposition MPs using a wide range of theatrical techniques to ‘drown out’ or intimidate their political opponents. Unsurprisingly, clips from Question Time have formed a key part of the Australian broadcast media’s staple diet. They have powerfully shaped and coloured most voters’ views of what federal parliamentary proceedings are like.

Both government and opposition front-benchers must carefully prepare their strategies for Question Time. The PM and ministers have relied for some relief on the rule that the Speaker must take questions from government and opposition MPs’ in strict alternation. Empirical studies have shown that 97 per cent of questions from government party MPs are ‘Dorothy Dixer’ or bogus questions (named after a historical past master of the art, American journalist Elizabeth Meriwether Gilmer, alias ‘Dorothy Dix’). They have typically invited premiers or ministers to commend the efficacy of one or another aspect of government policy, the alleged success of a government initiative, or the great benefits bestowed on that MP’s own electoral division by government budget largesse (Serban, 2019, pp.156–59, 206–09). Both ministers and the opposition front bench strategise at length in the morning before Question Time, with the opposition choosing attack lines for the day (especially for their leader) and the PM and colleagues anticipating questions and devising rebuttals. As a result, many of the most memorable exchanges in the House have been highly scripted. Every now and then, however, a more spontaneous response has emerged, as in the case of the now-famous ‘misogyny speech’ delivered in 2012 by former PM Julia Gillard in response to a motion moved by the then Leader of the Opposition Tony Abbott (Gillard 2012; Wikipedia, 2023a).

During Question Time in the House, most attention has always focused on the questions put by the leader of the opposition, their front benchers and backbench MPs to the PM, although

**Figure 11.3: The top ten topics asked of the PM and of other government ministers during the 2013 House sessions**

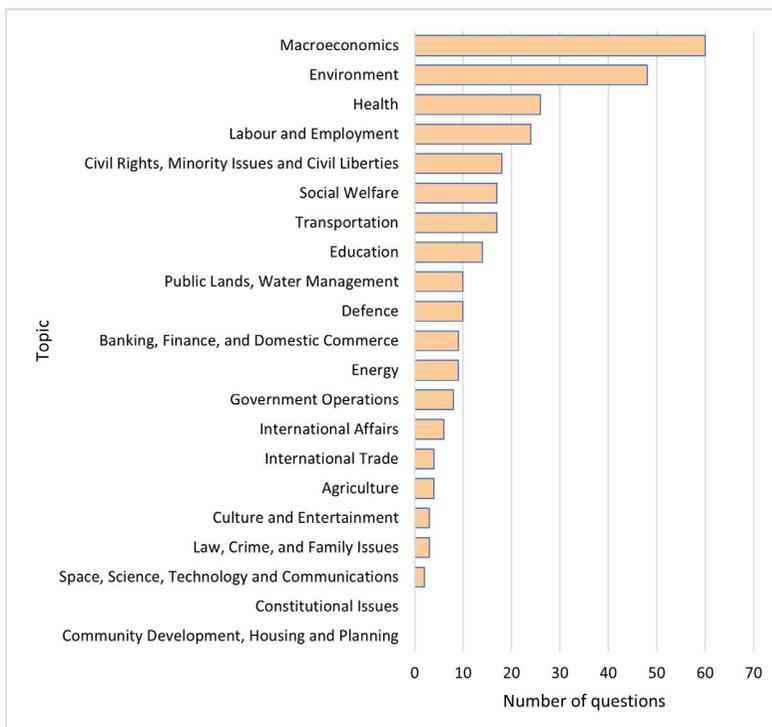
**(a) Asked of PM**



Source: Compiled from Serban (2021) 'The practice of accountability in questioning prime ministers: Comparative evidence from Australia, Canada, Ireland, and the United Kingdom', *British Journal of Politics and International Relations*, vol. 25, no. 1, pp.1–22, Figure 3.

Note: We are most grateful to Ruxandra Serban for permission to reproduce a redrawn version of her data. Data are drawn from 540 questions asked in the 2013 sessions of parliament, under the Julia Gillard government.

**(b) Asked of other ministers**



questions to other ministers have also sometimes been critical, especially if a mistake has been made or a scandal has occurred. The most recent detailed study (Serban, 2019, 2021) covered the 2013 sessions under the Gillard Labor government. Figure 11.3 shows that the focus was overwhelmingly on topical issues of the day, with the PM alone answering almost half of the questions put in that year (46 per cent, or just under 250 over the year) and ministers the rest (just over 290 questions).

Figure 11.3 also shows the numbers of questions asked across the top 10 topics covered in the study period. That year was dominated by the then Labor government's withdrawal of its carbon tax proposals under acute pressure from major Australian business interests, creating perhaps an unusual prominence for environmental matters. Second in the ranking were macroeconomics concerns. Although other ministers were responsible for different aspects of the national economy, including the Treasurer, often these questions were still directed towards the PM as head of government. Questions raised on matters relating to civil rights and minority issues and economic-related questions have often dominated the questions directed at the PM. By contrast, Figure 11.3 shows that while the top two topics also concentrated on the environment and macroeconomics, there was a second marked clustering around employment, health and social welfare issues, shown in the bottom part of the Figure.

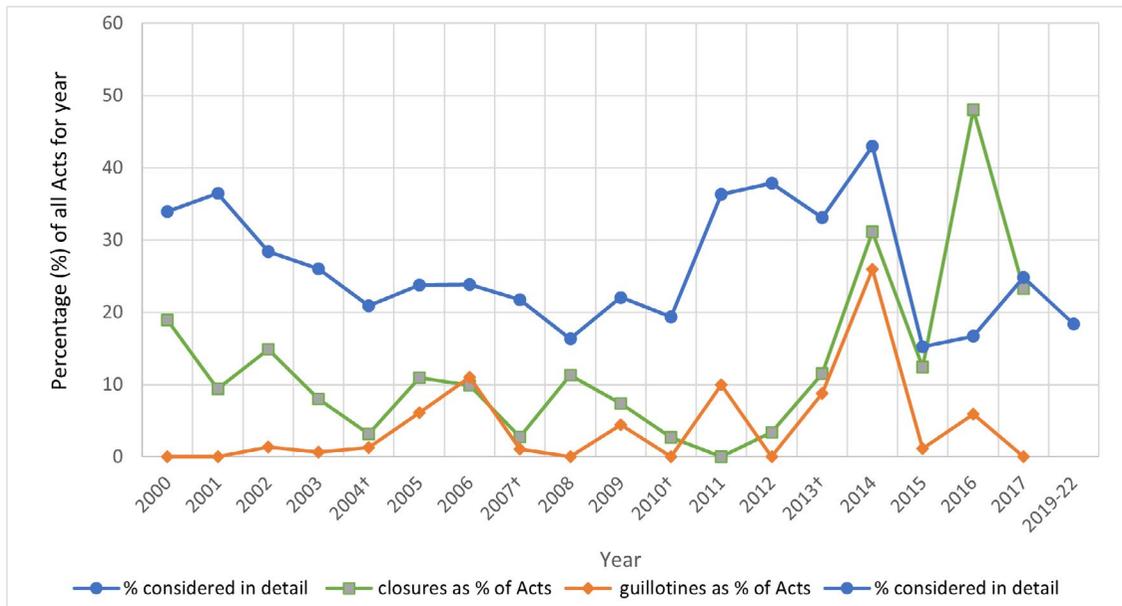
While the Serban study provides an important glimpse into the flavour of Question Time during a single House session, the nature and focus of questions directed at PMs and ministers has also varied over time in response to the dynamic political issues of the day. For example, in late 2019 and early 2020, PM Morrison was asked many questions about his response to the bush fires. In 2021–22, there was a strong emphasis on questions to the PM about COVID-19 and later many related to the allegations of sexual harassment and gender discrimination within the parliament.

## Chamber debates and scrutinising legislation

In the last 20 years, the House of Representatives passed an average of 159 new Acts per year, with the number range of such new laws as low as 102 (in the 2016 election year) and as high as 206 (in 2012). Given that the House sits for an average of only around 630 hours a year, and that only half this time has been allotted to government legislation, this throughput has always implied relatively brief consideration time for most prospective laws. In fact, only around a third of these pieces of legislation were 'considered in detail', which normally indicates a more controversial or complex piece of law-making.

Government whips can use 'closure' motions to shut down debates so that the ministry can maintain its legislative timetable, and their use has risen to average 32 motions a year in the decade since 2013. A more drastic measure is the guillotine – a procedure that allows a majority of MPs (and hence the government) to stop debate on a bill automatically at a pre-determined time, however, many of its clauses have been considered or not considered. On average in the last decades this procedure was used fewer than 10 times. However, Figure 11.4 shows that there was a good deal of variation from year to year, with extended debates, closure motions and guillotine motions normally related to the volume of legislation. Some peak years for all these indices of more intense partisan conflict occurred in 2016, 2014 and 2011. The number of formal votes (divisions) was also high in these years (at somewhat above or below 190 votes).

**Figure 11.4: The proportion of Acts considered in detail in the House of Representatives, and closure or guillotine curbs on debate, as a percentage (%) of all Acts passed (2000–2022)**



Source: Compiled by ADA team from Parliament of Australia (no date, d) 'Appendix 17 – Consideration of legislation by the House' and (2022) 'Bills considered in detail 46th Parliament'.

## Committee scrutiny

The House of Representatives has a system of committees made up of members from across different political parties and organised around 17 thematic or ministerial portfolio areas, such as Agriculture and Water Resources, Health, Aged Care, Social Policy and Legal Affairs. In theory, House committees have provided forums for more detailed consideration of proposed legislation and policy issues and an opportunity for scrutiny of proposed laws or expenditure priorities. The parliamentary committee system also has had the potential to play an important role in undertaking scrutiny of executive action and to identify impacts on and breaches of individual rights (Grenfell and Moulds, 2018).

However, in practice, the House committee system suffered from a number of weaknesses, many of which related to executive dominance and the party political allegiances of committee members overriding other considerations. Even when a parliamentary committee has been able to identify specific legislative amendments or draw attention to the misuse or overuse of executive power, the impact of such recommendations has been muted if the government chose to ignore its report or had 'the numbers' in the House of Representatives and the Senate to continue to pursue its legislative and policy agenda. These weaknesses were particularly pronounced with House committees chaired by government members, and where government members hold the majority. While some House committees may appear to consider proposed government bills closely, they have rarely questioned major government policies or objectives. For example, no House committees undertook detailed scrutiny of the government's pandemic response in 2020–21.

Special select committees can achieve stronger results, particularly when established to inquire into specific issues or proposed legislation or they offer an alternative source of information to government, as on counter-terrorism (Moulds, 2020b). For example, in December 2020, a House select committee was set up to look into mental health and suicide prevention. Through its public hearings, this committee provided opportunities for the community to interact with parliament, and offered new information on a challenging policy issue. Sometimes such activity led to ‘behind the scenes’ negotiations on policy between government backbenchers and ministers that has led to policy or legislative changes. However, even when a House committee has been able to conduct a meaningful public hearing and generate a detailed written report, MPs may be limited by party allegiances in their ability to give effect to such recommendations.

The relatively muted scrutiny activity of the House committees can be contrasted with the work of Senate committees, which have sometimes had majorities of non-government members – making them more likely to be able to apply rigorous scrutiny and oversight of executive action, and to hold government to account for its expenditure and policy implementation. A good example was the Senate Committee on COVID-19 which actively scrutinised government policy responses (see Chapter 12). However, House MPs have also been involved in 21 Joint Committees (involving members of both the House and the Senate), including the Parliamentary Joint Committee on Human Rights. It has a legislated mandate to consider all proposed new laws (and some delegated legislation) against human rights standards. That committee has been invested with the power to conduct public inquiries into legislation giving rise to significant human rights concerns, including laws proposing to limit freedom of speech or promote freedom of religion

## Budget processes and scrutiny

Constitutionally, the budget procedures of the House of Representatives offer an important opportunity for the parliament to exercise oversight over federal government expenditure, ensuring public and parliamentary accountability. A key constitutional provision makes clear that proposed laws appropriating money may not be initiated in the Senate and must only be introduced with the consent of the Governor General (which effectively means by a minister). This means that proposals to spend public money have always started their journey in the House of Representatives, but their implications are regularly scrutinised by the Senate, including through the Senate Estimates process (see Chapter 12). Traditionally, each May, the Treasurer outlines the government’s planned and projected expenditure in his or her second reading speech for the Federal Budget appropriation bill, commonly known as the Budget Speech. This traditional Budget Speech timing has been disrupted considerably in recent times in response, at least in part, to the COVID-19 pandemic.

The federal parliament has also been supported by the Parliamentary Budget Office (PBO) which improves transparency around fiscal and budget policy issues by providing confidential costing services to all parliamentarians (Stewart, 2013; Stewart and Jager, 2013). It publishes a report after every election that shows the fiscal implications of major parties’ election commitments. The PBO also conducts and publishes research that enhances the public understanding of the budget and fiscal policy settings.

Although the parliament has the ultimate control of government expenditure should it veto appropriation bills, in practice, the government has what is known as the ‘financial initiative’

([Department of Finance, no date](#)). Only the government can request that an appropriation be made, or increased, or propose to impose or increase taxation. As in the UK (from which this rule historically derives), legislation proposed by MPs outside government cannot increase public spending.

In a number of instances the government has been accused of misusing this ‘financial initiative’ capability, for example, by building-in broad discretionary funds that can be distributed by ministers potentially on the basis of party-political interests rather than community needs (sometimes described as ‘pork barrelling’ ([Connolly, 2020](#))). Controversies in 2018 to 2019 over the ‘sports roort’ allegations and roads funding focused on marginal electorates to benefit the coalition parties (see [Chapter 13](#)) highlighted a looseness and apparent lack of legal force attaching to conventions for ensuring non-political administration and accountability around some discretionary expenditures.

## Representing a diverse society

The demographic characteristics of MPs never reflected the diversity of Australia’s population in earlier periods, and they have only partially improved in recent times. A majority of House members have continued to be white, middle-class, middle-aged males. First Nations peoples were historically excluded, and even in 2024 there are only three First Nations MPs. More recently, the under-representation of Chinese-Australians and Indian-Australians was particularly pronounced. In the 2019 to 2021 Parliament, only 47 MPs were female compared to 104 males, just 31 per cent, despite women constituting just over half of the Australian population. In 2022, women MPs increased to 58 (38 per cent of the House), making up nearly half of Labor MPs (36 out of 77), and 11 out of 17 Independent and others ([Wikipedia, 2023b](#)). However, only just over one in five Liberal MPs was a woman, and only one in eight National MPs.

Academic studies have documented that an unequal political community reflects and reproduces social inequality, and can entrench and exacerbate structural disadvantages limiting the full engagement of many Australians, including those living in regional and remote areas, those from culturally and linguistically diverse backgrounds and First Nations peoples. There have been some examples of successful efforts by House of Representatives’ members to counteract these imbalances by reaching out to a more diverse cross-section of their constituents (see [Hendriks and Kay, 2019](#)). Yet, for many people within the Australian community, the official rhetoric that emphasises the importance of citizen participation has rarely been realised in practice ([Hendriks, Dryzek and Hunold, 2007](#)).

The practical implications of a lack of diversity can be very serious for the working culture of the House of Representatives. Since 2019, there has been a sharp focus on the workplace culture within the Australian Parliament, and in particular, the high incidence of sexual harassment and gender-based discrimination experienced by female members of parliament and their staff. This impacted directly on sitting ministers and senior government figures, as well as prompting renewed discussions about past incidences and practices. Grave allegations were made by Brittany Higgins and others about their experiences of gender-based violence and discrimination while working within the federal parliament ([ABC News, 2021b](#)). They led to a series of marches across the country where Australian women demanded that their government and their elected representatives listened to their calls for gender equality. An

independent inquiry into Parliament House culture was established by the Australian Human Rights Commission ([Jenkins, 2021](#)) and a National Summit on Women's Safety took place in September 2021.

In 2021, the parliament enacted the Respect at Work Bill 2021, designed to respond to some of the findings of the Australian Human Rights Commission's 2020 national inquiry report on sexual harassment *Respect@Work* ([AHRC, 2020](#)). Members of the House of Representatives have also reflected on their cultural practices and offered practical changes to procedures like Question Time designed to be more inclusive of a broader range of members ([Parliament of Australia, 2021b](#)). However, some advocates considered these changes before the 2022 federal election to have been inadequate to address the structural and cultural shortcomings that have given rise to gender-based discrimination in the past ([Australian Financial Review, 2021b](#); [Guardian, 2021](#)).

The growing public demand for a more diverse and inclusive Parliament follows previous debates around the eligibility of MPs who held 'allegiances' to countries other than Australia. In *Re Canavan* and *Re Gallagher* the courts were asked to rule on the 'foreign allegiance prohibition' contained in section 44 of the Constitution ([Nikias, 2019](#)). Previously this had been seen as relatively benign. However, it was interpreted by the High Court in 2017 as rendering ineligible any person who held citizenship from a foreign country, even in circumstances where a law of a foreign power dictates that the person is a citizen, and even if they had done no positive act to confirm that foreign allegiance ([Twomey, 2018](#)). As a result, eight sitting federal legislators became ineligible to sit in the parliament, triggering a series of by-elections across the country. There remains ongoing debate as to whether and how this interpretation of constitutional eligibility to run for the Canberra Parliament should be changed in the future, and what it might mean in a diverse multicultural nation like Australia – where a significant proportion of citizens were born overseas or have strong family connections to other countries ([Morgan, 2018](#)).

## New ways of communicating with the public

The COVID-19 pandemic in 2020 to 2022 led to an increase in political engagement among Australians and increased use of digital tools for communication ([Evans et al., 2020](#)). The Parliament's 2019 Digital Strategy provided a statement of intent for the future delivery of digital services for the legislature and has since been updated ([Parliament of Australia, 2019](#)). It was based around the need to ensure that the parliament remains a safe and accessible workplace, and an institution with which the Australian community can engage. The Strategy recognised that digital technology has been and remains a 'critical enabler for parliamentary business', and that Australian citizens legitimately expect to be able to engage with Parliament's work through digital as well as older processes.

As Evans et al. ([2020](#), p.24) note, digital media has been deployed successfully by citizen-led initiatives and new digital parties as a mobilisation tool for enhancing community engagement with parliaments around the world. They offer new opportunities for 'eParticipation' with the Australian House of Representatives. For example, the e-petition system employed in Australia since 2016 has resulted in an exponential increase in petitions being considered by the House Petitions' Committee and referred to ministers each year (Parliament of Australia, no date, e). This system has generated over 2,000 exchanges between community members and parliamentarians since being digitalised in 2016.

However, as the digital infrastructure of the federal parliament has expanded, so too have the potential risks associated with cyber-attacks and foreign influence. In February 2019, and again in March 2021, federal parliament computer networks were compromised in what the media reported were likely the result of a foreign government attack. In its 2020 to 2021 Annual Report, the Australian Security and Intelligence Organisation (2023) reported eight major attacks from 2014 to 2022 and numerous disruptions, echoing its comments in 2019 that the growth in the number of Australians working from home during the global COVID-19 pandemic has increased Australia's exposure to a range of hostile actors in cyberspace. They warned that state and non-state malicious cyber actors may attempt to take advantage.

## Conclusion

Public confidence in the House of Representatives perhaps began to recover after the 2022 election, but it has remained fragile. Longstanding issues associated with lack of diversity and a white, middle-class, male-oriented culture in the legislature have continued to undermine efforts by some MPs to improve connections between the people and the 'People's House'. As in many democracies (Belin and de Maio, 2020), this fragile trust was tested during the COVID-19 pandemic, where emergency executive law-making and state/federal tensions characterised much of Australia's pandemic response. Explosive revelations about sexual harassment within parliament, and gender-based discrimination have also had a negative impact on public perceptions of parliamentary culture and practice. Expense scandals relating to the allocation of funds by ministers to projects in marginal seats also raised questions about the effectiveness of existing accountability and oversight structures, and led to calls for additional statutory safeguards, including establishing a federal Independent Commission Against Corruption, resisted by Liberal/National ministers but enacted by Labor ministers after 2022. The Labor government under Albanese also promised changes, including a more consensus style of working and rigorous standards of behaviour, yet such good intentions are often hard to sustain amidst the cut and thrust of partisan politics.

Some digital experiments and experiences have offered new opportunities to explore how to improve the visibility of House proceedings among everyday Australians and might provide pathways for more meaningful interaction between the community and members of parliament. However, the ongoing dominance of party-politics, potently expressed through highly adversarial House debates and Question Time proceedings, remains a barrier to ensuring that the House of Representatives provides a forum for national policy debate and generates useful guidance to the government in making complex policy choices. For many young Australians contemplating a career in parliament or looking to identify solutions to complex social problems such as climate change and intergenerational equality, the House of Representatives retains an image of a hostile and unproductive space.

## Judicial decisions

*Re Canavan* [2017] HCA 45

*Re Gallagher* [2018] HCA 17

# Notes

We are most grateful to Dr Ruxandra Serban for permission to reproduce a redrawn version of her data from her **2020** ‘How are prime ministers held to account? Exploring procedures and practices in 31 parliamentary democracies’ and **2021** ‘The practice of accountability in questioning prime ministers: Comparative evidence from Australia, Canada, Ireland, and the United Kingdom’, papers, and for discussing her findings with the editors.

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