

Beyond the Bench: Crossbench influence on a contemporary House of Representatives

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Abstract The 47th Parliament marked a significant shift in Australian politics with the largest number of independent crossbench members elected to the House of Representatives, reshaping the dynamics of responsible and representative government. This shift coincided with declining public sentiment toward the major parties, signalling a desire of the Australian people for a more effective and accountable government. This article discusses the crossbench's impact on three key aspects of parliamentary procedure: Question Time, the matter of public importance debate and the consideration in detail of bills. The article suggests that the large crossbench has strengthened accountability and transparency in Parliament by bringing fresh perspectives and challenging the established norms and dominance of the major parties. The article concludes by speculating on the 48th Parliament and the need for further research to track the lasting effects of this transformative period in parliamentary history.

INTRODUCTION

The 47th Parliament marked a significant shift in Australian politics with a large number of independent crossbench members elected to the House of Representatives, reshaping the dynamics of responsible and representative government.

This shift coincided with a decline in public confidence and trust in government, consistent since 2007.¹ Voters are now exhibiting increased discontent and distrust

¹ Sarah Cameron, Ian McAllister, Simon Jackman and Jill Sheppard, 'The 2022 Australian Federal Election, Results from the Australian Election Study', *School of Politics and International Relations, ANU College of Arts and Social*

towards the offerings of the two major political parties, with the 2022 election recording the lowest vote for the major parties since 1910.² Satisfaction with Australia's democracy in general has also fallen in the last two decades – in 2007, 86 per cent of Australians were satisfied with democracy compared to a record low of 59 per cent in 2019, with only 25 per cent of people agreeing that government can be trusted.³ It is not surprising that citizens are now electing independents and minor parties in the hope that they may better prioritise the issues that their constituents care about, and enhance government accountability.

While concerning, this decline has paved the way for a re-evaluation of the effectiveness of a contemporary House of Representatives in holding the government to account for its actions and decisions. Since their election in May 2022, the House crossbench have unprecedentedly influenced key aspects of parliamentary procedure, showcasing the impact of a more diversified representation on responsible government. This article discusses three key aspects of parliamentary procedure: Question Time, the matter of public importance debate and the consideration in detail of bills. The article suggests that the large House crossbench has strengthened parliamentary accountability and transparency, ultimately leading to more favourable outcomes for those the Parliament serves—the Australian people. The article concludes by speculating on the 48th Parliament and the need for further research to track the lasting effects of this transformative period in parliamentary history.

THE HOUSE CROSSBENCH

The term 'crossbench' or 'crossbenchers' refers to members who do not align with either the Government or the Opposition. The word derives from their physical location

Sciences, December 2022, p. 27; Ruth Dassonneville and Ian McAllister, 'Explaining the decline of political trust in Australia'. *Australian Journal of Political Science* 56(3) 2021, pp. 281-283.

² Amy Nethery, 'If not now, when? If not us, who?' The teals' no-nonsense blow to the two-party system'. *Social Alternatives* 41(4) 2022, p. 15.

³ Sarah Cameron and Ian McAllister, 'Trends in Australian Political Opinion: Results from the Australian Election Study 1987–2019', *School of Politics and International Relations, ANU College of Arts and Social Sciences*, December 2019, p. 98; Dassonneville and McAllister, *Australian Journal of Political Science*, pp. 281-283.

in the House Chamber: the curved seats positioned between the two major parties.⁴ The crossbench includes members who are independents, as well as those belonging to minor parties, and they tend to sit slightly to the left of the Chamber on the non-government side. This positioning symbolises their independence from dominant political factions.

In Australia, members of the House are chosen directly by citizens who are of voting age.⁵ The federal election of the 47th Parliament marked a historical milestone and a key cultural change in Australian society. The Australian Labor Party and the Coalition experienced a decline in voter support and collectively secured only a little over two-thirds (68 per cent) of the primary vote, with a record 16 crossbenchers elected.⁶ This reflected a clear divergence in voter preferences from the major political players.

Among these were 10 independents, seven of whom secured previously safe Liberal Party seats and garnered attention as part of what media outlets dubbed the ‘teal wave’.⁷ This alluded to their distinctive campaign colour representing a combination of blue (stemming from the Liberal Party) and green (their views on climate).⁸ Notably, all seven are women. The remaining elected crossbench comprised of four Australian Greens members (up from only one member in the previous Parliament), one member of Centre Alliance and one member of Katter’s Australian Party (see Table 1 for the composition of the 47th Parliament by party).

⁴ Glenn Kefford, Hannah Murphy-Gregory, Ian Ward, Stewart Jackson, Lloyd Cox, Andrea Carson, *Australian Politics in the Twenty-First Century: Old Institutions, New Challenges*. Cambridge, UK: Cambridge University Press, 2018, p. 48.

⁵ David Clark, *Introduction to Australian Public Law*. Chatswood, NSW: LexisNexis Butterworths, 5th ed, 2016, p. 11.

⁶ Australian Electoral Commission Tally Room. ‘2022 Federal Election House of Representatives – final results’. Accessed at: <https://results.aec.gov.au/27966/Website/HouseDefault-27966.htm>.

⁷ Royce Millar, ‘Inside the teal wave: How the independent revolution happened’. *Sydney Morning Herald*, 22 May 2022. Accessed at: <https://www.smh.com.au/politics/federal/inside-the-teal-wave-how-the-independent-revolution-happened-20220522-p5ani0.html>.

⁸ Calla Wahlquist, ‘Teal independents: who are they and how did they upend Australia’s election?’. *The Guardian*, 23 May 2022. Accessed at: <https://www.theguardian.com/australia-news/2022/may/23/teal-independents-who-are-they-how-did-they-upend-australia-election>; James C. Murphy, ‘The independent “teal” candidates have shaken up the 2022 Australian election campaign, but there are plenty of idiosyncrasies among them’. *Pursuit*, 18 May 2022.

The members of the teal wave were described by the Coalition as ‘fake independents’ as they were ‘well organised and well funded’ by corporate outsiders, such as Climate 200.⁹ Despite this portrayal, it is important to note that the teal wave are not formally registered as a political party under the Australian Electoral Commission. While they share resources and align on key issues such as climate action, government integrity and gender equality, the teal members lack a firm set of policies, discipline and loyalty. Thus, unlike conventional party structures, the teal wave can vote according to their own political judgment. Political journalist Michelle Grattan (2023) aptly described them as a ‘loose network’.¹⁰

In addition to the initial 16 crossbench members elected in May 2022, the crossbench further expanded throughout the Parliament by two members who resigned from the major parties. In December 2022, the Hon Andrew Gee MP made the decision to leave The Nationals, opting to sit as an independent as he did not agree with the Coalition’s position on the referendum to enshrine an Indigenous voice to Parliament in the Constitution.¹¹ Additionally, Mr Russell Broadbent MP, having lost preselection in November 2023, chose to step away from the Liberal Party to sit on the crossbench as an independent.¹²

⁹ Royce Millar, ‘A secret party? Immoral? Explaining who the ‘teal’ independents really are’. *Sydney Morning Herald*, 6 May 2022. Accessed at: <https://www.smh.com.au/politics/federal/a-secret-party-immoral-explaining-who-the-teal-independents-really-are-20220505-p5aio4.html>.

¹⁰ Michelle Grattan, ‘View from The Hill: is the political system letting down the Australian public?’. *The Conversation*, 30 October 2023. Accessed at: <https://theconversation.com/view-from-the-hill-is-the-political-system-letting-down-the-australian-public-215790>.

¹¹ Paul Karp, ‘Nationals MP Andrew Gee quits party citing its opposition to Indigenous voice’. *The Guardian*, 23 December 2022. Accessed at: <https://www.theguardian.com/australia-news/2022/dec/23/nationals-mp-andrew-gee-quits-party-citing-opposition-to-indigenous-voice>.

¹² Paul Karp and Benita Kolovos, ‘Veteran MP Russell Broadbent quits Liberal party to sit on crossbench’. *The Guardian*, 14 November 2023. Accessed at: <https://www.theguardian.com/australia-news/2023/nov/14/liberal-mp-russell-broadbent-quits-party-crossbench-monash>.

Table 1. Membership of the House of Representatives in the 47th Parliament by party¹³

Party	No. of members
Australian Labor Party	77
COALITION	
Liberal Party of Australia	25
Liberal National Party of Queensland	21
The Nationals	9
CROSSBENCH	
Australian Greens	4
Centre Alliance	1
Independent	12
Katter's Australian Party	1
TOTAL CROSSBENCH	18
TOTAL MEMBERS	151

The election of nearly triple the number of crossbench members compared to the 46th Parliament (where there were only five crossbench members) demonstrates a clear shift in the political landscape and is indicative of the major parties struggling to resonate with evolving preferences. The demands of new generations of voters may also have had an influence. The election of the 47th Parliament was the first time in which baby boomers (aged 65 and over) were outnumbered by millennial voters (aged

¹³ As of August 2024.

25 to 39) and Generation Z voters (aged 18 to 24) who recorded a large decline in Coalition support.¹⁴

One of the most immediately notable features of the 47th Parliament was the adoption of Sessional Order 65A to increase crossbench engagement in the Chamber.¹⁵ While it is not unusual for an incoming government to review and amend the Standing Orders, the unprecedented number of members in the crossbench triggered a review to increase opportunities for engagement in parliamentary debates, and 65A was one of a raft of such changes.¹⁶

Sessional Order 65A requires the Speaker of the House of Representatives to give priority to crossbench members during Question Time, members' statements in the House and Federation Chamber, members' constituency statements and grievance debate in the Federation Chamber and adjournment debate in both chambers. For the matter of public importance discussion in the House, the Speaker should have regard to the proportion of crossbench members when selecting a matter to be discussed.

The following sections will examine the impact of Sessional Order 65A on crossbench engagement during Question Time and the matter of public importance discussion. Following those, the article will discuss how the expanded crossbench has impacted the legislative process through the consideration in detail phase.

QUESTION TIME

Since their election, crossbench members have played a key role in holding the government accountable through their increased participation in parliamentary processes such as Question Time. This shift not only challenges the dominance of the major parties, but also has the potential to rebuild public confidence in Parliament.

A strong democracy relies on executive accountability through representative and responsible government. For responsible government to be effective, the party or

¹⁴ Cameron, McAllister, Jackman and Sheppard, 'The 2022 Australian Federal Election, Results from the Australian Election Study', p. 23; Amy Nethery, 'If not now, when? If not us, who?' The teals' no-nonsense blow to the two-party system'. *Social Alternatives* 41(4) 2022, p. 15.

¹⁵ T. Burke, *Parliamentary Debates*, House of Representatives, 27 July 2022, p. 71.

¹⁶ T. Burke, *Parliamentary Debates*, House of Representatives, 27 July 2022, p. 71.

coalition of parties that hold a majority must maintain the confidence of the Lower House and remain responsive to public opinion.¹⁷ Individual accountability extends to Government Ministers, who are responsible to the Parliament for both their decisions and the performance of their respective departments. Ministers are held accountable through parliamentary processes, with the most public forum being Question Time. This session, running for just over an hour from 2pm every sitting day, provides an opportunity for the Opposition and members of the crossbench to expose issues and grievances, and as noted by parliamentary scholar, May, serves as a medium to ‘press for action’ from the government.¹⁸

In recent years, Question Time has faced criticism for not being effective as an accountability measure.¹⁹ This is mainly due to the increasingly adversarial and aggressive nature of the debate. For example, in August 2024, the Speaker of the House of Representatives, the Hon Milton Dick MP acknowledged that ‘there is a distinct audible noise when members of the crossbench or the non-major parties ask their questions’.²⁰ Teal independent, Ms Allegra Spender MP similarly noted that ‘the conduct that is demonstrated in this chamber, particularly during question time, is unlike any workplace I’ve ever been in’.²¹

The increasing use of orchestrated ‘Dorothy Dixers’ may have also contributed to the growing distrust of Question Time. Dorothy Dixers are scripted questions prepared by Ministers for government members to ask them. The questions are strategically designed to portray government policies and actions favourably, or to embarrass the

¹⁷ Clark, *Introduction to Australian Public Law*, p. 12.

¹⁸ Department of the House of Representatives, D. R. Elder and P. E. Fowler (eds), *House of Representatives Practice*, Canberra: Department of the House of Representatives, 7th ed, 2018, p. 543.

¹⁹ Gregory Melleuish, ‘As question time becomes political theatre, does it still play a vital role in government?’. *The Conversation*, 1 August 2019. Accessed at: <https://theconversation.com/as-question-time-becomes-political-theatre-does-it-still-play-a-vital-role-in-government-121177>.

²⁰ M. Dick, Commonwealth, *Parliamentary Debates*, House of Representatives, 14 August 2024, p. 63.

²¹ A. Spender, Commonwealth, *Parliamentary Debates*, House of Representatives, 21 August 2024, p. 65.

Opposition. Members themselves are generally dissatisfied with their use²² and there is nothing in the Standing Orders that prevents them from being used.²³

In 2010, with the Labor government reliant on the six-member crossbench in the hung Parliament, Standing Orders were amended so that independent members were allowed priority call to ask the sixth question during Question Time each day.²⁴ This practice was maintained from the 43rd to the 46th Parliaments.

In July 2022, Sessional Order 65A gave crossbench members priority call on three questions to enable a more even debate.²⁵ Initially, priority call was given on the fifth, 13th and 21st questions but was later amended to the fifth, 13th and 17th questions as Question Time frequently did not continue to 22 questions.²⁶

As an example, during the first six Question Times following the introduction of 65A, crossbench members only gained their full three question allocation twice. On 5 September 2022, independent teal wave member Ms Zoe Daniel MP introduced the amendment to Sessional Order 65A.²⁷ Dr Monique Ryan MP (also a member of the teal wave) seconded the motion and argued in the House:

The 47th Parliament has the largest crossbench yet seen in this House, reflecting the fact that one-third of Australians voted for a representative who was independent from the major parties at the most recent federal election. The millions of Australians who make up our electorates have expressed a desire to see politics done differently. ... We hold the trust of the public that we use this time

²² House of Representatives Standing Committee on Procedure, *A window on the House: practices and procedures relating to Question Time*, Parliament of Australia, Final Report, March 2021, p. 36.

²³ House of Representatives Standing Committee on Procedure, *A window on the House: practices and procedures relating to Question Time*, p. 39.

²⁴ A. Albanese, *Parliamentary Debates*, House of Representatives, 18 November 2010, p. 3027; Department of the House of Representatives, *House of Representatives Practice*, p. 546.

²⁵ Department of the House of Representatives, *House of Representatives Standing Orders*, Parliament of Australia, 2 August 2022, SO 65A.

²⁶ Z. Daniel, Commonwealth, *Parliamentary Debates*, House of Representatives, 5 September 2022, p. 812; Department of the House of Representatives, *House of Representatives Standing Orders*, SO 65A.

²⁷ Z. Daniel, *Parliamentary Debates*, House of Representatives, 5 September 2022, p. 812.

effectively and responsibly. Our electorates want and deserve better than the time wasted in question time. We wish to facilitate a more productive question time in which the important and pressing issues of our time can be discussed in detail and with respect. This country needs an effective opposition and question time needs to include real questions and real answers. The interests of our individual electorates will be better served by a redistribution of questions such as to increase the ability of this crossbench to hold the government to account.²⁸

As aptly put by Dr Ryan MP, despite the limitation on the number of questions available, the allocation of three questions to the crossbench results in fewer opportunities for scripted Dorothy Dixers, and fewer opportunities for Opposition members to ask questions that are ‘generally frame[d] in such a way that they can air their grievances openly and forcefully’, often provoking responses that do not properly address the question.²⁹ In addition, in an analysis of questions asked by the crossbench and the Opposition in Question Times from 1991 to 2020, Hebden and Perche found that crossbench members are ‘far more likely to use their questions to seek factual information. They also elicit a much better standard of response’.³⁰ This evidence indicates that a greater presence of crossbench members in the current Parliament may assist in resisting what would otherwise be complete or partial dominance of the executive and ensures a less combative tone of some parliamentary processes.

MATTER OF PUBLIC IMPORTANCE DEBATE

Representation is at the heart of why parliament exists and the way in which political representation and responsible government is exercised is central to the way

²⁸ M. Ryan, Commonwealth, *Parliamentary Debates*, House of Representatives, 5 September 2022, p. 812.

²⁹ Gabrielle Appleby, Alexander Reilly, Laura Grenfell, *Australian Public Law*. Docklands, Victoria: Oxford University Press, 2018, p. 237.

³⁰ Nicholas Hebden and Diana Perche, ‘Looking through the ‘Window on the House’: assessing the standard of Question Time in the Australian House of Representatives, 1991–2020’. *Australian Journal of Political Science* 58(4) 2023, pp. 343, 354.

Australia's democracy functions. Closely linked to Question Time is the matter of public importance (MPI) debate – a platform for private members to submit to the House a matter which is of current public concern for discussion.

MPI is held shortly after Question Time on every sitting day (except on Mondays) for approximately an hour. It can become political and argumentative as topics are often used by the opposition as 'a weapon of accountability' and a 'more effective extension of Question Time'.³¹ House of Representatives Practice similarly observed that in practice, the 'great majority of matters discussed are proposed by members of the opposition executive and are usually critical of government policy or administration'.³²

This practice raises concerns about the limitation it imposes on members to actually represent their constituents in the Chamber. The MPI debate originated in 1901 to allow members to adjourn the House for the purpose of discussing urgent public matters. However, it appears that it is now used by the opposition to attack the government, rather than prompt consideration of important matters or meaningfully hold the government to account.

As discussed earlier, Sessional Order 65A extended opportunities for crossbench members to propose topics to be discussed during the MPI debate by requiring the Speaker to have regard to the number of crossbench members when selecting matters proposed. Since the commencement of the 47th Parliament, crossbench members have successfully proposed 12 topics out of 51 MPIs, addressing concerns voiced by the Australian community.³³ These topics span a spectrum of issues such as immigration detention, housing, cost of living, eating disorders, climate change and the environment, health care, tobacco advertising, and the safety, security and wellbeing of affected communities at a time of international conflict. The topics align with the original purpose of the MPI debate as a 'procedural mechanism to expedite debate on immediate concerns'³⁴ as they address real-world issues that directly impact the lives of citizens.

³¹ John Craig, 'Playing with the Rules'. *Australasian Parliamentary Review*, 21(2) 2006, pp. 78-79.

³² House of Representatives, *House of Representatives Practice*, p. 591.

³³ As of December 2023.

³⁴ J. Craig, 'Playing with the Rules', pp. 78-79.

In comparison, the partisan wording used by the opposition creates a confrontational tone to the debate. For example, some of the topics proposed by the opposition between July 2022 and February 2023 include '[t]he government's abandonment of its promise to cut power bills by \$275', '[t]his Government's failure to deliver on their commitments to the Australian people on cost of living and energy prices',³⁵ '[t]he Government's cruel decisions which are hurting regional, rural and remote Australia',³⁶ and '[t]he continuing consequences of the last Labor Government's defence spending cuts.'³⁷

Notably, during an MPI debate on helping households transition away from fossil fuels to cheaper renewable energy, Labor MP Hon Julian Hill emphasised the significance of a sensible and substantive parliamentary debate, stating that:

*... it is terrific to have a sensible topic for debate for once on the MPI ... It's obvious that it's the teals and the crossbench bringing this debate, not the opposition, because it is a sensible topic for the parliament to spend an hour debating.*³⁸

This demonstrates the value of the crossbench in representative democracy and potentially restoring public faith and trust in Parliament by actively engaging in meaningful discussions on important issues and contributing to a more robust and authentic democratic process.

CONSIDERATION IN DETAIL OF BILLS

Parliament has historically been under the tight control of the strong discipline exercised by the two major parties, particularly in relation to voting lines. Appleby, Reilly and Grenfell note that 'Australian political parties have some of the strongest party discipline among their Westminster cousins in the UK, Canada and New

³⁵ M. Dick, Commonwealth, *Parliamentary Debates*, House of Representatives, 4 August 2022, p. 736.

³⁶ M. Dick, Commonwealth, *Parliamentary Debates*, House of Representatives, 29 November 2022, p. 3773.

³⁷ M. Dick, Commonwealth, *Parliamentary Debates*, House of Representatives, 14 February 2023, p. 792.

³⁸ J. Hill, Commonwealth, *Parliamentary Debates*, House of Representatives, 5 September 2022, p. 4941.

Zealand.³⁹ However, the large House crossbench has introduced diversity that may challenge this traditional narrative.

A majority of the Chamber order of business is allocated to government business such as the passing of legislation, and has priority over committee, delegation and private members' business (including the introduction of private members' bills) except on Monday mornings from 10.00 am to 12.00 pm. The passing of proposed bills by private members is rare as they typically do not have the backing of at least some of the members of government to carry a motion. In the 46th Parliament, for instance, private members introduced 165 bills and none were passed by the House. Between the 39th Parliament (which commenced on 10 November 1998) and the 46th Parliament, only 14 private members' bills were successfully enacted.⁴⁰

Despite this, the large House crossbench is wielding an influence on the processes of lawmaking in a different way due to the absence of strict party control mechanisms and flexibility to move amendments or vote against the passing of bills. This departure from traditional party dynamics can be seen in the analysis of time spent on the consideration in detail of government bills.

Following the first and second reading, if it is the wish of the House, a bill may be subject to a consideration in detail stage where specific provisions of the bill are considered and amendments are moved and voted on.⁴¹ In the first 18 months of the 47th Parliament, the crossbench moved 532 amendments to government bills and 150 amendments were agreed to. By contrast, during the entire term of the 46th Parliament, only 103 crossbench amendments were moved and two were agreed to.⁴²

This data highlights the tangible impact of the presence of a larger crossbench in the House and emphasises their measurable contributions to the process of making legislation and responsible government.

³⁹ Appleby et al, *Australian Public Law*, p. 246.

⁴⁰ Australian Law Reform Commission, 'Lawmaking by Parliamentary Term'. Accessed at: <https://www.alrc.gov.au/datahub/topics-of-interest/lawmaking-by-parliamentary-term/>.

⁴¹ House of Representatives, *House of Representatives Practice*, p. 373.

⁴² Data sourced from the Department of the House of Representatives Procedure Office, correct as of December 2023.

CONCLUSION

The downward trend in public sentiment towards Parliament has paved the way for the election of the largest number of crossbench members in history, signalling a desire of the Australian people for a more effective and accountable government.

At first glance, the crossbench may appear to have little influence over the work of the Parliament due to their size and not having the backing of a major party. As well as this, with the Labor government holding a majority (unlike the hung Parliament in 2010 to 2013), it is not reliant on the crossbench to support the government, pass legislation or oppose no-confidence motions. However, as demonstrated in this article, the election of the crossbench has brought fresh perspectives and flexibility, thereby challenging the established norms and dominance of the major parties in parliamentary processes such as Question Time, the MPI debate and the consideration in detail of bills. Voting patterns since 1990 indicate a continual shift away from the major parties and therefore crossbench members are now increasingly important for Australia's political system.⁴³ These shifts may well serve as a signal to the major parties that it is time for a change.

This article encourages a broader exploration of how the crossbench has shaped the House of Representatives during the 47th Parliament, including the wider impacts that the introduction of Sessional Order 65A has brought. Looking ahead to the 48th Parliament, it prompts questions about the potential growth and stability of the crossbench. What would the impact be on parliamentary procedure if the Labor government loses seats and relies on the crossbench to form a majority government? If citizens' voting patterns persist, independent members holding the balance of power could become the norm.

⁴³ Cameron, McAllister, Jackman and Sheppard, 'The 2022 Australian Federal Election, Results from the Australian Election Study', p. 17.