

1962.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

HOUSE OF REPRESENTATIVES

STANDING ORDERS COMMITTEE

REPORT

TOGETHER WITH

PROPOSED REVISED STANDING ORDERS OF THE
HOUSE OF REPRESENTATIVES

Brought up and ordered to be printed, 28th August, 1962.

[Cost of Paper—Preparation, not given; 785 copies; approximate cost of printing and publishing, £330.]

Printed for the Government of the Commonwealth by W. G. MURRAY at the
Government Printing Office, Canberra

H. of R. 1 [GROUP I].—17610/69.—PRICE 3s. 6.

MEMBERS OF THE STANDING ORDERS COMMITTEE

Ex officio:

The Speaker (Sir John McLeay)—*Chairman*
The Chairman of Committees (Mr. Lucock)
The Leader of the House (Mr. Holt)
The Deputy Leader of the Opposition (Mr. Whitlam)

Appointed:

The Prime Minister (Mr. Menzies)
Mr. Clark
Mr. Drury
Mr. A. D. Fraser
Mr. Harrison
Mr. Makin
Mr. McEwen (Minister for Trade)

REPORT

(1) The Standing Orders Committee has completed a comprehensive review of the Standing Orders which was commenced in 1960 and recommends to the House for adoption the amendments proposed in the schedule attached to this Report.

The purpose of the review was—

As a general principle, the elimination of unnecessary form and the adoption of procedures allowing more effective consideration and debating time;

The establishment of new simplified procedures appropriate to the modern needs of the House;

The omission of obsolete provisions long since discarded by the House of Commons, and their replacement, where necessary, by Orders expressing modern practice;

The definition of established practice not stated in existing Orders;

The amendment of Orders which do not clearly express their purpose or which are in conflict with the practice of the House.

Explanations are given alongside each Standing Order which it is proposed to amend.

In order that the changes may be looked at in context, the schedule is in the form of proposed Standing Orders as a whole, the existing Orders which are not affected by the amendments being shown in their correct numerical position.

(2) Opportunity was taken to effect certain verbal alterations to make the wording consistent with modern usage, e.g., "Whenever the House shall be informed" is changed to "Whenever the House is informed" and "quorum of its Members who shall be present" becomes "quorum of its Members required." These purely formal changes are not specifically indicated in the schedule.

(3) The most important of the changes proposed are—

Standing Order (in whole or in part)—

289–291, 288A, 82, 217, 218, 223, 92,	} New financial procedures.
292–295A, 397–399, 93, 106AA, 105, 208	
133	Giving notice of motion.
208	Giving notice of intention to present a Bill.
212	First reading of a Bill.
215	Second reading of a Bill.
218A–para. (b)	Committee stage superseded in certain cases.
303	Grossly disorderly conduct.
13, 15, 18	Casting vote by Deputy Speaker.
315	Presentation of papers.

(4) Of these, the financial procedures are of the greatest interest. It is proposed that the complex and time-consuming procedures founded on the obsolete system of preliminary consideration of financial proposals in Supply, Ways and Means or other Money Committees before the Bill is introduced be discontinued, and that these committees be abolished. These procedures have, to a large extent, become pure form; the House preferring to debate the proposals at the Bill stage.

In their place will be simple procedures appropriate to modern conditions which will allow a financial Bill to be introduced in the same way as a non-financial Bill, i.e., the Bill would not be introduced to give effect to a preliminary money resolution in the Supply, Ways and Means, or Money Committees.

The financial committee system of the House of Commons which has been followed by the House of Representatives since 1901 was established in the seventeenth century during the constitutional struggle between the Crown and the Parliament. The principal purpose of the committee system was to enable the Commons to appoint its own Chairman and have a freer, and safer, discussion than was possible when the Speaker, the representative of the Crown, presided. Subsequently, the committee system became part of the Commons' procedure for expressing the financial initiative of the Crown.

The conditions that brought about the creation of the system have long since disappeared and the use of the committees to express the financial initiative is of no advantage in the House of Representatives. The financial initiative in its application to appropriation is expressed in section 56 of the Constitution stating that a vote, resolution, or proposed law for the appropriation of revenue or moneys shall not be passed unless the appropriation has been recommended by a Governor-General's Message and, in its application to a tax or duty, can be simply stated in a Standing Order—see proposed Order 291 in the schedule.

Typical of observations made by authorities in the United Kingdom is an extract from *The House of Commons at Work* by Dr. Eric Taylor, House of Commons—

“It may be doubted whether it (the financial resolution) affords any other practical advantage whatever to anyone except in so far as it opens an additional opportunity to Members for debating the Bill: and even this advantage is offset by the severe restrictions which the terms of the resolution impose upon the scope of amendment. Sir Ivor Jennings has suggested that the procedure could well be dispensed with.”

(5) The proposed financial procedures are briefly as follows:—

Appropriations for Annual Services.—Existing procedures involve reference of Governor-General's Messages to the Supply Committee, consideration of Estimates and Supply Proposals in the Supply Committee, then in the Committee of Ways and Means, and then in a Bill to give effect to the Committee's resolutions and appropriate the moneys.

The new procedure would be the announcement by the Speaker of a Governor-General's Message (which would not be referred to any Committee) recommending an appropriation for the purposes of an Appropriation Bill, or Supply Bill, to be presented by the Treasurer. What is now the Budget Debate in the Supply Committee would take place on the second reading, the details of the estimated expenditure being considered during the committee stage of the Bill.

Provision has been made for amendments of the widest scope to be moved to the second reading of these Bills in place of the narrow and technically limited amendment in Supply to reduce the first item which, under existing procedures, is the only amendment allowed.

Tax or duty proposals.—Under existing procedures, these proposals are considered in the Ways and Means Committee and then in a Bill to impose the tax or duty.

Under the new procedures, the proposals, except those for tariffs and, possibly, sales tax, would be initiated by Bill. In order to protect the revenue, and as considerations relating to timing and drafting make a Bill, at the initiation stage, an unsuitable vehicle for this purpose, tariff and some sales tax proposals will be introduced by motion moved in the House. It is recommended that, except in special circumstances, the motion should be treated as a formal procedure for the purpose of initiating the duty or tax and that the proposals be considered and debated on a Bill to be introduced subsequently which will replace, but at the same time comprehend, the previous motion. On the Bill becoming an Act, it would be appropriate to discharge the Order of the Day for the resumption of the debate on the motion.

Special Appropriations.—Existing procedures involve reference of the Governor-General's Message to a money committee of the whole, consideration of a money resolution in that committee, and adoption of the resolution by the House. If the Message precedes the Bill, the Bill to give effect to the resolution is then introduced. If the Message is taken after the second reading, the committee stage of the Bill has to be interrupted and the House and money committee proceedings arising from the Message dealt with; the committee stage of the Bill is then resumed.

The new procedure proposes, simply, the announcement by the Speaker of a Message immediately after the second reading of a Bill which has been introduced in the same way as a non-financial Bill; the Message is read only and not referred to any committee.

(6) As, under the new procedures, tariff proposals would be initiated in the House instead of in a Committee of Ways and Means, and having in mind the revenue involved, the advice of the Solicitor-General was obtained on the question whether initiation in the House would constitute compliance with the relevant references to tariffs or tariff alterations in the Customs or Excise Acts. The Solicitor-General stated that the changed procedure would not necessarily involve any amendment of the Acts but that, as the Acts are taxing Acts, it may be felt that it would be desirable for the position to be made quite certain by appropriate amending legislation.

It is recommended therefore that, contingent on the adoption of the new financial procedures, amending legislation be introduced. Pending its enactment, it is proposed that Ways and Means be temporarily continued for the limited purpose of tariffs—see proposed Order 288A in the schedule.

(7) As will be seen from the explanation of the changes proposed in Standing Order 315 (Presentation of papers), legislative action will be necessary to remove a doubt whether the proposed procedure conflicts with certain statutory requirements. Suitable legislative action is recommended; pending enactment, provision is made by the note at the foot of the Standing Order to defer the operation of the new alternative procedure for tabling papers.

(8) If the Committee's proposals are adopted by the House, some re-numbering of the Standing Orders to achieve an unbroken numerical sequence will be desirable. The Committee recommends that this be done.

J. McLEAY,

Chairman.

HOUSE OF REPRESENTATIVES
STANDING ORDERS — PROPOSED AMENDMENTS (1962)

THE STANDING ORDERS SET OUT HEREUNDER ARE PROPOSED TO BE AMENDED IN THE MANNER INDICATED AS FOLLOWS:—

Words in italics to be omitted.

Words in bold type to be inserted.

Words in ordinary type are unchanged.

S.O. No.	STANDING ORDER.	EXPLANATION.
	“ CHAPTER I. “ GENERAL RULE FOR CONDUCT OF BUSINESS.	
1	“ In all cases not provided for hereinafter, or by sessional or other orders or practice of the House, resort shall be had to the practice of the Commons House of the Parliament of the United Kingdom of Great Britain and Northern Ireland in force for the time being, which shall be followed as far as it can be applied.”	
	“ CHAPTER II. “ PROCEEDINGS ON THE MEETING OF PARLIAMENT.	
1A	(This standing order, as proposed to be amended, is inserted in more appropriate position at end of Chapter II.— <i>See 10A.</i>)	
2	“ On the first day of the meeting of a Parliament for the despatch of business after a dissolution, pursuant to the Governor-General’s Proclamation, Members having met at the time and place appointed— (a) The Clerk shall read the Proclamation calling Parliament together. (b) The House shall await a message from the Deputies appointed by the Governor-General desiring the attendance of Members to hear the Commission read. (c) The House shall attend at the place named in the message to hear the Commission read. After the reading thereof the House shall return to its own Chamber. (d) The writ or copy-writ of election of each Member shall be laid upon the Table by the Clerk, and the Members shall then be sworn, or make affirmation, as prescribed by The Constitution. (e) The House shall then proceed to elect a Speaker. (f) Until a Speaker is elected, the Clerk shall act as chairman of the House. (g) The Speaker having presented himself to the Governor-General, and having reported that fact to the House, a Minister shall then inform the House at what time the Governor-General will declare the causes of his calling the Parliament together; and the House may then suspend its sitting until that time, when it shall again attend and await a message from the Governor General.”	

3 "On the first day of the meeting of Parliament for the despatch of business, not being next after a dissolution, pursuant to the Governor-General's Proclamation, Members of the House, having met at the time and place appointed, the Clerk shall read the Proclamation, and the Speaker having read prayers, the House shall await a message from the Governor-General."

4 "When a message is received summoning Members to hear the Speech, the Speaker and the Members shall attend at the place appointed by the Governor-General in the message."

5 "When the reasons for calling Parliament together are announced by Deputies appointed by the Governor-General, the same forms shall be observed by the House as when the Governor-General opens Parliament in person."

6 "The Speaker and the Members, having heard the Speech of the Governor-General or of his Deputies, shall return to the House."

7 "Before the Governor-General's Speech is reported some formal business shall be transacted."

8 "The Speaker shall report to the House the Governor-General's Speech, whereupon a committee shall be appointed to *prepare bring up* an Address in Reply thereto."

9 "The Address as agreed to by the House shall be presented to the Governor-General by the Speaker, accompanied by any Members who may think fit to attend, and the Speaker shall report to the House the Governor-General's reply to their Address."

10 "No *business general business* except of a formal character shall be entered upon before the Address in Reply to the Governor-General's Speech has been adopted."

10A
(Previously 1A.)

"On any occasion upon which Her Majesty the Queen intends to declare in person the causes of the calling together of the Parliament, *the House shall attend Her Majesty at the time and place appointed* references in Chapter II. of these standing orders to the Governor-General shall, to the necessary extent, be read as references to Her Majesty."

Redrafted as Address is formal and involves no preparation by the Committee.

Amendment permits Government Business to be entered upon before Address adopted. Commencing in 1960, the Standing Orders have been suspended at the start of every Session to enable this to be done. It has long been the practice to suspend Standing Orders to enable specified items of Government Business to be entered upon before the Address is agreed to. It is necessary for the Government to bring in Bills during the course of the Address in Reply debate in order to have business available for consideration when the Address is adopted. May 16/293 states—"The transaction of public business is carried on whilst the proceedings on the Address are in progress, Bills being introduced and Committees appointed."

Redrafted to clarify the intention that, when the Queen attends in person to open a Session of the Parliament, all necessary provisions of Chapter II. will apply in respect of the Queen.

"CHAPTER III.

" ELECTION OF SPEAKER AND OF CHAIRMAN.

11

" The election of Speaker shall be conducted in the following manner:—

- (a) At the opening of Parliament, after the Members present have been sworn, or whenever the office of Speaker becomes vacant, a Member, addressing himself to the Clerk, shall propose some Member, then present, to the House for their Speaker, and move that such Member ' Do take the Chair of this House as Speaker ', which motion shall be seconded. A Member when proposed and seconded shall inform the House whether he accepts nomination.
- (b) The Clerk shall then ask ' Is there any further proposal ? ', and if there is no further proposal, the Clerk shall say ' The time for proposals has expired '. No Member may then address the House or propose any other Member, and the Clerk shall, without question put, declare the Member so proposed and seconded to have been elected as Speaker, and such Member shall be conducted to the Chair by his proposer and seconder, and shall take the Chair of the House as Speaker.
- (c) If more than one Member is proposed as Speaker the Clerk shall, after the second proposal and after each subsequent proposal (if any) is made and seconded, ask ' Is there any further proposal ? ', and if there is no further proposal, the Clerk shall say ' The time for proposals has expired '.
- (d) When the time for proposals has expired, debate may ensue, but it shall be relevant to the election.
- (e) No Member may speak for more than five minutes.
- (f) At any time during the debate a motion may be made by a Minister rising in his place, and without notice, and whether any other Member is addressing the Chair or not ' That the question be now put '.
- The Clerk shall then put the question, without debate, ' That the question be now put '. In the event of the numbers being equal the question shall be decided in the negative.
- Upon the carrying of the question ' That the question be now put ', or upon the cessation of the debate otherwise, the election shall be proceeded with as provided in this standing order.
- (g) Before the House proceeds to a ballot the bells shall be rung as in a division.
- (h) When only two Members are proposed and seconded as Speaker, each Member shall deliver to the Clerk a ballot-paper in writing, containing the name of the candidate for whom he votes and the votes shall be counted by the Clerks at the Table; and the candidate who has the greater number of votes shall be the Speaker, and be conducted to the Chair.

The purpose of this amendment is to provide that, in accordance with practice, the votes be counted by the Clerks at the Table.

- (i) When more than two Members are so proposed and seconded, the votes shall be taken in like manner, and the Member who has the greatest number of votes shall be the Speaker, provided he has also a majority of the votes of the Members present; but if no candidate has such majority, the name of the candidate having the smallest number of votes shall be excluded from subsequent ballots, and a fresh ballot shall take place; and this shall be done as often as necessary, until one candidate is declared to be elected as Speaker by such majority, when such Member shall be conducted to the Chair.
- (j) If at any ballot it is impossible by reason of the equality of votes to determine which name shall be excluded from subsequent ballots, a special ballot shall take place at which there shall be submitted only the names of those candidates who have received equal votes. At such special ballot each member shall write on his ballot-paper only the name of the candidate he wishes to retain. The candidate whose name appears upon the smallest number of ballot-papers shall then be excluded from subsequent ballots.
- (k) At any time after the result of the first ballot is declared, but before the commencement of the second or other subsequent ballot, a candidate may withdraw his name from the election which shall then proceed as if he had not been nominated.
- (l) If by reason of equality of votes a ballot or special ballot is rendered inconclusive, the Clerk shall so declare, and unless by a withdrawal another ballot or (as the case may be) another special ballot is rendered unnecessary, he shall cause such other ballot or special ballot to be taken. If after the counting of votes the equality continues he shall so declare. Thereupon the sitting shall be suspended for 30 minutes and when the House re-assembles the votes shall be taken again, unless this is rendered unnecessary by a withdrawal.
- (m) Whenever at any stage a withdrawal leaves only one candidate remaining he shall without further voting, be declared elected as Speaker, and shall then be conducted to the Chair.
- (n) Having been conducted to the Chair, the Member elected returns his acknowledgments to the House for the honour conferred upon him, and thereupon sits down in the Chair, and then the Mace (which before lay under the Table) shall be laid upon the Table.
- (o) The Speaker having been congratulated, a Minister shall inform the House at what time the Governor-General will be pleased to receive the House for the purpose of presenting the Speaker to His Excellency, and the sitting of the House shall then be suspended until that time.
- (p) Before proceeding to any business, the Speaker with the House, shall present himself to the Governor-General; and, on returning, shall pass through the Chamber, and, having resumed the Chair, shall report his presentation to the Governor-General."

“ A Member shall be appointed by the House in each Parliament to be the Chairman of Committees, who shall take the Chair of all Committees of the Whole. Should more than one Member be proposed as Chairman, the election shall be as provided for the election of Speaker.”

“ At the commencement of each Parliament, or whenever the office becomes vacant, a Member shall be appointed by the House to be the Chairman of Committees to take the Chair of all committees of the whole.

The Chairman shall be appointed in the following manner:—

- (a) A motion shall be moved, without notice, that a Member be appointed Chairman of Committees of this House, which motion shall be seconded.
- (b) The Speaker shall then ask if there is any further motion, and if there is not, shall say that the time for motions has expired. No Member may then address the House or move any motion for the appointment of a Member as Chairman, and the Speaker shall, without question put, declare the Member named in the motion which has been moved and seconded, to have been appointed Chairman of Committees.
- (c) If more than one motion for the appointment of the Chairman is moved and seconded, the Speaker shall, after the second motion, and after each subsequent motion (if any), ask if there is any further motion, and if there is not, shall say that the time for motions has expired.
- (d) When the time for motions has expired, debate may ensue, but it shall be relevant to the election.
- (e) No Member may speak for more than five minutes.
- (f) At any time during the debate, a motion without notice may be moved by a Minister rising in his place, and whether any Member is addressing the Chair or not, ‘ That the question be now put ’, which question shall be put forthwith and decided without amendment or debate.
Upon the carrying of the question ‘ That the question be now put ’, or upon the cessation of the debate otherwise, the appointment of the Chairman shall be proceeded with as provided in this standing order.
- (g) Before the House proceeds to a ballot the bells shall be rung as in a division.
- (h) When only two motions for the appointment of Chairman are moved and seconded, each Member, other than the Speaker, shall deliver to the Clerk a ballot-paper in writing, containing the name of the Member named in one or other of the motions for whom he votes, and the votes shall be counted by the Clerks at the Table; and the Member who has the greater number of votes shall be the Chairman of Committees.
- (i) When more than two motions for the appointment of Chairman are moved and seconded, the votes shall be taken in the same manner, and the Member who has the greatest number of votes shall be the Chairman of Committees, provided he has also a majority of the votes of the Members present; but if no Member has such majority, the name of the Member having the smallest number of votes shall be excluded from subsequent ballots, and a fresh ballot shall take place; and this shall be done as often as necessary until one Member has such majority when he shall be the Chairman of Committees.

The existing Standing Order provides for the election of a Chairman of Committees using the ballot procedure prescribed for the election of Speaker. This procedure, however, in its application to the election of the Chairman conflicts with the Constitution. At the request of the Standing Orders Committee, the Solicitor-General on 7/1/55 gave an opinion on this matter.

Standing Order No. 11 if strictly applied to the election of the Chairman (a) requires the Clerk to preside, (b) the Speaker to have a deliberative vote, and (c) in the event of a tie, for a further ballot. The Solicitor-General stated that in all these respects the Standing Order conflicts with the Constitution which intends that (a) the Speaker shall preside at all sittings of the House, (b) the Speaker shall have a casting vote only (Sec. 40), and (c) ties shall be decided by the Speaker’s casting vote (Sec. 40).

The Standing Order has been amplified to show clearly that the ballot system as applied in practice to the election of Chairman is conditioned by these Constitutional requirements.

- BR10/41
- (j) If, after any ballot, other than a ballot which takes place in accordance with paragraph (k) of this standing order, in which the names of only two Members are submitted, there is an equality of votes, the Speaker shall give his casting vote and the Member for whom he gives his casting vote shall be the Chairman of Committees.
- (k) If, after any ballot in which the names of more than two Members are submitted, it is impossible by reason of an equality of votes to determine which name shall be excluded from subsequent ballots—
- (1) If there is an equality of votes for two Members, the Speaker shall give his casting vote and the name of the Member for whom he does not give his casting vote shall be excluded from subsequent ballots, and
 - (2) If there is an equality of votes for more than two Members, a special ballot shall take place at which there shall be submitted only the names of those Members who have received equal votes and in which each Member shall write on his ballot-paper only the names of the Members he wishes to retain. The name of the Member who receives the smallest number of votes shall be excluded from subsequent ballots. If, by reason of a continued equality of votes, the special ballot is inconclusive, then, unless a name is withdrawn, the sitting shall be suspended for 30 minutes. When the sitting is resumed, the votes shall be taken again unless this is rendered unnecessary by a withdrawal.
- (l) At any time after the result of the first ballot is declared, but before the commencement of any subsequent ballot, a Member whose name was submitted in the first ballot may withdraw his name and all further proceedings shall take place as if a motion for his appointment as Chairman had not been moved.
- (m) Whenever a withdrawal leaves only one Member in respect of whom a motion for appointment as Chairman is before the House, that Member shall be declared to have been appointed Chairman of Committees.”

STANDING ORDERS 13-16 AND 18.

During the preparation of the Review of Standing Orders, a doubt arose as to whether a Member acting as Deputy Speaker in the circumstances provided for by Standing Orders 13-16 and 18 had a casting vote pursuant to the relevant provisions in sections 36, 40 and 50 of the Constitution. An Opinion obtained from the Solicitor-General stated that a Member acting as Deputy Speaker in accordance with Standing Orders 14 and 16 has a casting vote, that Standing Order 13 requires amendment to place the matter beyond doubt, that a Deputy Chairman appointed in accordance with Standing Order 15 could, by suitable amendment of the Standing Order, be given a casting vote when acting as Deputy Speaker, and that a Member acting as Deputy Speaker in accordance with Standing Order 18 has not a casting vote but could be given one by a substantial change in the Standing Order.

This summary of the Opinion is amplified in the explanation of each Standing Order affected.

“ CHAPTER IV.

“ ABSENCE OF SPEAKER AND OFFICERS.

13

“ Unless and until the House otherwise orders, the Chairman of Committees shall, as Deputy Speaker, perform the duties and exercise the authority of Speaker in relation to all proceedings of the House, until the next meeting of the House, whenever the House shall be informed by the Clerk at the Table of the unavoidable absence of the Speaker; and so on from day to day, on the like information being given to the House, until the House shall otherwise order: Provided that, if the House shall adjourn for more than twenty-four hours, the Deputy Speaker shall continue to perform the duties and exercise the authority of Speaker for twenty-four hours only after such adjournment.”

“ Whenever the House is informed by the Clerk at the Table of the absence of the Speaker, the Chairman of Committees as Deputy Speaker shall, subject to any other order of the House, perform the duties of the Speaker during that absence.”

Standing Order 13—Chairman as Deputy Speaker during unavoidable absence of Speaker.—

The inclusion in the Standing Order of words providing that the Deputy Speaker shall perform the Speaker’s duties, &c., “ in relation to all proceedings of the House ” imposes a restriction not permissible under the Constitution in that it excludes duties imposed by the Constitution on the Speaker otherwise than in relation to the actual proceedings of the House, namely Section 33—issue of Writs, and Section 37—receiving Member’s resignation. The authority of a Member chosen under Section 36 flows from the Section, not from the resolution by which he is chosen. The authority so conferred is one to perform all the duties. The House has no power to choose a person to perform some only of those duties.

After dealing with argument whether the restriction in the Standing Order invalidates the choice or whether the effect is merely to nullify the restriction, the Solicitor-General states that in the last resort the matter whether the Deputy Speaker has a casting vote would be one for the House to decide but that, from the legal point of view, the Standing Order should be amended by the omission of the restricting words.

The Solicitor-General held a similar opinion in relation to similar words contained in a Resolution subsidiary to Standing Order 13 which is passed, when the Speaker is to be absent for a period, to avoid the necessity for his absence to be reported to the House each day.

Standing Order 13 has been re-drafted to remove the unconstitutional restriction (“ in relation to all proceedings of the House ”). As the absence of the Speaker may be of such a nature that, on non-sitting days, he is unable to carry out all his duties as Speaker, the provision in the existing Order limiting the performance by the Deputy Speaker of the Speaker’s duties, &c., to 24 hours after an adjournment, has also been omitted to enable the Deputy Speaker to perform the Speaker’s duties, &c., until such time as the Speaker’s absence effectively ends. This alteration gives effect, in part, to and would replace the subsidiary Resolution referred to in the previous paragraph which is usually passed when the Speaker is to be absent for more than a day.

12

14

“ Should both the Speaker and the Chairman of Committees be unavoidably absent, the Members present, if a quorum, may at once proceed to elect one of their number to act as Speaker for that day only, the question being put to the House by the Clerk. Otherwise the House stands adjourned to the next sitting day.”

Standing Order 15—Deputy Chairman as Deputy Speaker during continued absence of Speaker—

Authority to the Deputy Chairman to take the Chair as Deputy Speaker is not at present conferred by the Standing Orders. The Solicitor-General advised that a resolution to this end would constitute a valid exercise of the power in Section 36 and that the Deputy Chairman, when acting as Deputy Speaker in pursuance of the resolution, would have a casting vote. However, as the Solicitor-General has also advised that the power in Section 36 can be exercised by a Standing Order, it is proposed that the need for a resolution be avoided by adding to Standing Order 15 a provision similar to that contained in Standing Order 16.

15

“ If the House be informed by the Clerk of the likelihood of the continued absence of the Speaker, the House may forthwith appoint another Member to act as Deputy Chairman of Committees during such continued absence. The Deputy Chairman of Committees shall take the Chair as Deputy Speaker whenever requested so to do by the Chairman of Committees in his capacity as Deputy Speaker during a sitting of the House, without any formal communication to the House.”

16

“ The Chairman of Committees shall take the Chair as Deputy Speaker whenever requested so to do by the Speaker during a sitting of the House, without any formal communication to the House.”

17

“ The Speaker shall nominate at the commencement of every *Session* Parliament not less than four Members any one of whom shall act as *Temporary Chairman of Committees* when requested so to do by the Chairman of Committees, and may, at any time during the Parliament, nominate additional Members. The Speaker may revoke the nomination of any Member.”

Consistent with the appointment of the Speaker, the Chairman of Committees and Standing Committees for the Parliament, this amendment enables the Speaker to nominate Temporary Chairmen each Parliament instead of each Session; it also empowers the Speaker to make changes during the course of a Parliament.

18

“ *If the Chairman of Committees be absent, the Speaker* The Speaker, if the Chairman of Committees be absent, or the Chairman of Committees when acting as Deputy Speaker, may call on any one of the Temporary Chairmen to take the Chair as Deputy Speaker.

Standing Order 18—Temporary Chairman as Deputy Speaker—

This Standing Order which provides for one of several Members to be chosen by the Speaker to act as Deputy Speaker if the Chairman be absent does not constitute a choosing by the House as required by Section 36 and is not an exercise of power in accordance with that Section. As that power is the only effective power, it follows that a Temporary Chairman would obtain no authority to take the Speaker's Chair and as the question of a casting vote cannot arise a Temporary Chairman as Deputy Speaker *has not a casting vote*.

The legal objection to Standing Order 18 could be removed by providing for the Temporary Chairmen to be called in a sequence determined in the Standing Order, e.g., in alphabetical order of the names, to be called in that order if available.

The adoption of a system under which Temporary Chairmen are called to act as Deputy Speaker in a sequence determined in the Standing Order (alphabetical, seniority, &c.) would have unsatisfactory features. As none but the Speaker himself has ever been required to give a casting vote, it is suggested that the convenience of the House and Members would be better served if, *whilst recognizing that a Temporary Chairman would not have a casting vote* when in the Speaker's Chair, the present procedure were retained.

As in practice, a Temporary Chairman is called to the Speaker's Chair by the Chairman of Committees when acting as Deputy Speaker, as well as by the Speaker, an amendment to provide for this practice is proposed.

19

“ When a vacancy has occurred in the office of Speaker during a session, the Clerk shall report the same to the House at its next sitting, and the House shall either forthwith, or at its next sitting, proceed to the election of a new Speaker in the manner hereinbefore provided.”

20

“ When a vacancy has occurred in the office of Speaker during recess, the Clerk shall, on the opening of the next session, report the same to the House on its return from hearing the Governor-General's Speech, or from attending to hear the Commission read, as the case may be, and the House shall forthwith proceed to the election of a new Speaker in the manner hereinbefore provided.”

S.O. No.	STANDING ORDER.	EXPLANATION.
20A	“ When a vacancy has occurred in the office of Speaker during any adjournment following which the date and hour of the next meeting is to be, or may be, fixed by the Speaker, the date and hour of the next meeting shall be fixed by the Chairman of Committees.”	This new Standing Order authorizes the Chairman of Committees, should a vacancy occur in the office of Speaker during an adjournment, to fix the time of the next meeting if this should be necessary. There is no provision at present to meet this situation and, to enable the House to meet, Prorogation and a new formal Opening would be necessary.
21	“ In case of unavoidable absence of the Clerk, his duties shall be performed by the Clerk Assistant or, should the latter be absent, by the Second Clerk Assistant.”	
22	“ During any vacancy in the office of Clerk all powers, functions, and duties of the Clerk shall be exercised and performed by the Clerk Assistant.”	
<p>“ CHAPTER V.</p> <p>“ STANDING COMMITTEES.</p>		
23	“ A Standing Orders Committee, to consist of the Speaker, the Chairman of Committees, the Leader of the House, the Deputy Leader of the Opposition, and seven other Members, shall be appointed at the commencement of each Parliament, and such committee shall have power to act during recess, and to confer with a similar committee of the Senate.”	
24	“ A Committee of Privileges, to consist of <i>seven nine</i> Members, shall be appointed at the commencement of each Parliament to inquire into and report upon complaints of breach of privilege which may be referred to it by the House.”	This Standing Order at present stipulates that the Committee of Privileges shall consist of seven Members. It has been the practice, however, since 1954 for nine Members to be appointed, the motion being moved by leave.
25	“ A Library Committee and a House Committee, each to consist of the Speaker and six other Members, shall be appointed at the commencement of each Parliament, and such committees shall have power to act during recess, and to confer with similar committees of the Senate.”	
26	“ A Printing Committee, to consist of seven Members, shall be appointed at the commencement of each Parliament, to which shall stand referred all petitions and papers presented to the House, or laid upon the Table. The committee shall report from time to time as to what petitions and papers ought to be printed, and whether wholly or in part, and the committee shall have power to confer with a similar committee of the Senate.”	
27	“ The quorum of a standing committee shall be three unless otherwise ordered.”	

S.O. No.

STANDING ORDER.

EXPLANATION.

“ CHAPTER VI.

“ ROLL, PLACES OF MEMBERS, LEAVE OF ABSENCE, VOTES AND PROCEEDINGS, AND RECORDS.

28

“ A Members’ roll for each State shall be kept by the Clerk, showing the name of the Member elected for each Division, the dates of his election, of making the oath or affirmation, and of ceasing to be a Member and the cause thereof.”

29

“ The attendance of Members at each sitting of the House shall be recorded in the Votes and Proceedings.”

30

“ The front seats, nearest to the right hand of the Speaker, shall be reserved for Ministers.”

31

“ Any question with regard to the seats to be occupied by Members shall be determined by the Speaker.”

32

“ *Members shall be entitled to retain the seats occupied by them at the time of their taking their seats for the first time after election.*”

“ A Member shall be entitled to retain the seat occupied by him at the expiration of the previous Parliament.”

Re-drafted to clarify the right of a Member to retain the seat in the Chamber occupied by him in the previous Parliament, should he so desire.

33

“ Leave of absence may be given by the House to any Member, on motion without notice, stating the cause and period of absence; and such motion shall have priority over all other business.”

Amendment specifies that motion for leave of absence may be moved without notice. This conforms with the priority provision and with practice.

34

“ A Member shall be excused from service in the House, or on any committee, so long as he has leave of absence.”

35

“ Any Member, having leave of absence, shall forfeit the same if he attend the service of the House before the expiration of such leave.”

36

“ All proceedings of the House shall be recorded by the Clerk, and such records shall constitute the Votes and Proceedings of the House, and shall be signed by the Clerk.”

37

“ The custody of the Votes and Proceedings, records, and all documents whatsoever laid before the House shall be in the Clerk, who *during a session* shall neither take, nor permit to be taken, any such Votes and Proceedings, records, or documents, from the Chamber or offices, *without the express leave of the House, or during recess or any adjournment*, without the leave of the Speaker: Provided on the that application of a department any original document laid on the Table, if not likely to be further required by Members, may in the Speaker’s discretion be returned to such department.”

Requirement regarding leave of the House is omitted as unnecessary, the matter being left in the hands of the Speaker at all times.

S.O. No.	STANDING ORDER. “ CHAPTER VII. “ SITTING AND ADJOURNMENT OF THE HOUSE.	EXPLANATION.
38	“ Unless otherwise ordered, the House shall meet for the despatch of business on each Tuesday and Wednesday at half-past two o'clock p.m.; and on each Thursday at half-past ten o'clock a.m.”	
39	“ The Chair shall be taken at the time appointed on every day fixed for the meeting of the House; <i>but if, at the expiration of five minutes after that time, there be not a Quorum, but if a quorum of Members is not present, and if within five minutes, the bells having been rung, a quorum is still not present,</i> the Speaker shall adjourn the House to the next sitting day: Provided that if the Speaker is satisfied there is likely to be a quorum within a reasonable time he shall announce that he will take the Chair at a stated time; but if at that time there be not a quorum the Speaker shall adjourn the House to the next sitting day.”	The Standing Order is redrafted to express its intention more clearly and to include provision for ringing the bells.
40	“ Upon the Speaker taking the Chair each day, and a quorum of Members being present, he shall read the following Prayers:— Almighty God, we humbly beseech Thee to vouchsafe Thy blessing upon this Parliament. Direct and prosper our deliberations to the advancement of Thy glory, and the true welfare of the people of Australia. Our Father, which art in Heaven: Hallowed be Thy Name. Thy Kingdom come. Thy will be done in earth, as it is in Heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive them that trespass against us. And lead us not into temptation; but deliver us from evil: For Thine is the kingdom, and the power, and the glory, for ever and ever. Amen.”	In accordance with practice, amendment requires presence of Quorum before Speaker reads the Prayers. (Votes and Proceedings, 1913, p. 63).
41	“ A Member shall not be permitted to withdraw from the Chamber within five minutes after the time appointed for the meeting of the House unless a House is formed.”	
42	“ If it appears on the report by the tellers of a division of the House that a quorum of Members is not present, the Speaker shall adjourn the House till the next sitting day; and no decision of the House shall be considered to have been arrived at by such division.”	
43	“ If any Member takes notice that a quorum of Members is not present, the Speaker shall count the House; and, if a quorum be not present within two minutes, he shall adjourn the House till the next sitting day.”	
44	“ When the Speaker is informed by the Chairman of Committees, in consequence of a report by the tellers of a division of the committee, or after counting the committee, that a quorum of Members is not present, he shall order the bells to be rung, and, if after the expiration of two minutes a quorum be not present, he shall adjourn the House till the next sitting day; but if a quorum be then present, the Speaker shall forthwith leave the Chair and the committee resume.”	

- 45 "When the attention of the Speaker, or of the Chairman of Committees, has been called to the fact that there is not a quorum of Members present, no Member shall leave the Chamber until the House has been counted area within the seats allotted to Members until a quorum is present or two minutes have elapsed."
- 46 "The doors of the House shall be unlocked whenever the Speaker or the Chairman is engaged in counting the House or the committee, and the bells shall be rung as in a division."
- 47 "The House can only be adjourned by its own resolution, except in the cases mentioned in standing orders Nos. 39, 42, 43, 44 and 304, when the Speaker adjourns the House without putting a question."
- 48 (Omitted 28th May, 1952.)
- 49 "A motion for the adjournment of the House may be moved only by a Minister. No amendment can be moved to this motion."
- 50 "A motion, for the purpose of fixing the next meeting of the House, may be moved by a Minister at any time without notice."
- "CHAPTER VIII.
"RULES OF DEBATE AND PRIVILEGE.
"ORDER.
- 51 "Order shall be maintained in the House by the Speaker, and in a committee by the Chairman of Committees; but disorder in a committee can be censured by the House only on receiving a report."
- 52 "Whenever the Speaker rises during a debate, any Member then speaking, or offering to speak, shall sit down, and the House shall be silent, so that the Speaker may be heard without interruption."
- 53 "When the Speaker is putting a question no Member may walk out of or across the Chamber."
- 54 "When a Member is speaking, no Member may converse aloud or make any noise or disturbance to interrupt him."
- 55 "Every Member shall make obeisance to the Chair in passing to or from his seat."
- 56 "No Member may pass between the Chair and any Member who is speaking."
- 57 "Every Member of the House, when he comes into the Chamber, shall take his seat, and shall not at any time stand in any of the passages or gangways."
- Amendment more clearly expresses practice.
- Amendment expresses practice and Rulings.

" MANNER AND RIGHT OF SPEECH.

- 58 " Every Member desiring to speak shall rise and address himself to the Speaker."
- 59 " By the indulgence of the House, a Member unable conveniently to stand, by reason of sickness or infirmity, will be permitted to speak sitting."
- 60 " When two or more Members rise together to speak the Speaker shall call upon the Member who, in his opinion, first rose in his place; but it shall be in order to move, that any Member who has risen ' be now heard ', or ' do now speak ' and the question shall be put forthwith and determined without amendment or debate."
- 61 " A Member shall not read his speech."
- 62 " A Member may speak to any question before the Chair which is open to debate, when moving a motion which will be open to debate, when moving an amendment, when he rises to order, upon a matter of privilege or upon a matter submitted under standing order 106A, but not otherwise."
- 63 " *By the indulgence of the House* Having obtained leave from the Chair, a Member may explain matters of a personal nature, although there be no question before the House; but such matters may not be debated."
- 64 " No Member may speak twice to a question before the House, except in explanation or reply."
- 65 " A Member who has spoken to a question may again be heard, to explain himself in regard to some material part of his speech which has been misquoted or misunderstood, but shall not introduce any new matter, or interrupt any Member in possession of the Chair, and no debatable matter may be brought forward nor may any debate arise upon such explanation."
- 66 " A reply shall be allowed to a Member who has moved a substantive motion or the second or third reading of a bill, and the reply shall be confined to matters raised during the debate."
- 67 " *A reply shall be allowed to the Mover of a substantive Motion, although the debate thereon, by being adjourned, becomes an Order of the Day.*"
- 68 " In all cases the reply of the mover of the original question closes the debate."
- 69 " No Member may speak to any question after the same has been put by the Speaker and the voices have been given in the affirmative and negative thereon."

This amendment gives effect to the modern practice.

It is proposed that " leave of the Chair " be substituted for " indulgence of the House " which is vague and difficult of precise determination. May 16/379 states that " the House is usually indulgent and will permit a statement provided that leave has previously been obtained from the Chair."

Right of reply to mover of second and third reading of a Bill is included to conform to practice.

It is proposed that this Standing Order be omitted as unnecessary, the right of reply being clearly established by Standing Order No. 66.

70

" It shall be competent to a Member, when he seconds a motion or amendment before the House, without speaking to it, to address the House on the subject of such motion or amendment at a later period during the debate."

71

" No Member may allude to any debate or proceedings of the same session unless such allusion be relevant to the matter under discussion, *nor to any speech made in Committee except by the indulgence of the House for personal explanation.*"

72

" No Member may allude to any debate or proceedings of the current session in the Senate, or to any measure pending therein: **Provided that this standing order shall not prevent reference to a ministerial statement in the Senate.**"

73

" *No Member shall read from a report of any speech made in Parliament unless such report is relevant to the matter upon which the Member is speaking.*"

74

" *No Member shall read extracts from newspapers or other publications, except Hansard, referring to debates in the House or in Committee except upon a matter of Privilege.*"

75

" No Member may reflect upon any vote of the House, except upon a motion that such vote be rescinded."

76

" No Member may use the name of Her Majesty, her representative in the Commonwealth, or her representative in a State, disrespectfully in debate, nor for the purpose of influencing the House in its deliberations."

77

" No Member may use offensive words against either House of the Parliament or any Member thereof, against any member of the Judiciary, or against any statute unless for the purpose of moving for its repeal."

78

" All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly."

" An Introduction to the Procedure of the House of Commons " (Lord Crompton) p. 195, states:—" A Member, while speaking, may not allude to a debate of the same Session upon any question or Bill not then under discussion The rule against this breach of order is not always strictly enforced and it is not applied to debates on different stages of a Bill."

May 16/454 also states that the allusion rule does not apply to the different stages of Bills.

As the Committee restriction contained in the present Standing Order appears to be out of date and unnecessarily restrictive, it is proposed that it should be omitted. This will allow *relevant* reference to any debates of the same Session, including debates at earlier stages of the Bill under discussion.

The addition to this Standing Order applies the rule stated in May 16/455—" In view of the fact that the Government often find it convenient for Ministers to make in the House of Lords official statements of their policy, it is now permissible for Members to refer to and criticize such Government announcements."

It is proposed that Standing Orders Nos. 73 and 74 be omitted. No. 73 does not prevent the reading of a report which is *relevant* and this aspect is covered by No. 71. No. 74 expresses a practice which was discontinued by the Commons in 1840 (May 16/454)

S.O. No.	STANDING ORDER.	EXPLANATION.
79	“ When any offensive or disorderly words are used, whether by a Member who is addressing the Chair or by a Member who is present, the Speaker shall intervene.”	
79A	“ When the attention of the Speaker is drawn to words used, he shall determine whether or not they are offensive or disorderly.”	This new Standing Order is proposed in view of past conflicting rulings as to the position of the Speaker when attention is drawn to offensive words. May 16/465 states that, when the attention of the Speaker is directed to a breach of order, he at once gives his decision.
80	“ The House will interfere to prevent the prosecution of any quarrel between Members arising out of debates or proceedings of the House or of any committee thereof.”	
81	“ No Member may refer to any other Member by name, but only by the name of the electoral division he represents.”	
82	<p>“ No Member may digress from the subject matter of any question under discussion: Provided that—</p> <p>(a) on the motion for the adjournment of the House to terminate the sitting moved by a Minister matters irrelevant thereto may be debated, and</p> <p>(b) on the motion for the second reading of a bill to grant and apply a sum for the service of a year, except a bill relating only to additions, new works, &c., matters relating to public affairs may be debated.”</p>	<p>Amendment is consequent on new financial procedures.</p> <p>Makes it clear that the wide debate previously allowed in the Supply Committee on proposals for annual appropriation and supply will be allowed on the second reading of Appropriation and Supply Bills (except Works Bills).</p>
83	“ No Member may anticipate the discussion of any subject which appears on the Notice Paper: Provided that in determining whether a discussion is out of order on the ground of anticipation, regard shall be had by the Speaker to the probability of the matter anticipated being brought before the House within a reasonable time.”	
84	“ Any Member may require the question or matter in discussion to be read by the Speaker or Chairman at any time during the debate, but not so as to interrupt a Member speaking: Provided that this standing order shall not apply when the terms of the question or matter have been circulated among Members.”	The proviso is added to the Standing Order to obviate, in accordance with the usual practice, any necessity for the Chair to read a lengthy Question when the terms thereof have been circulated among Members.
85	“ No Member may interrupt another Member whilst speaking, unless (1) to call attention to a point of order or privilege suddenly arising; (2) to call attention to the want of a quorum; (3) to call attention to the presence of strangers; or (4) to move a closure motion; or (5) to move ‘ That the business of the day be called on ’.”	The amendment remedies an omission from this Standing Order when the “ Urgency ” Standing Order was amended some years ago.
86	“ The Speaker, or the Chairman, after having called the attention of the House, or of the committee, to the conduct of a Member, who persists in irrelevance, or tedious repetition either of his own arguments, or of the arguments used by other Members in debate, may direct him to discontinue his speech: Provided that such Member shall have the right to require that the question whether he be further heard be put, and thereupon such question shall be put without debate.”	

87

"The following matters are not open to debate, shall be moved without argument or opinion offered, and shall be forthwith put from the Chair without amendment:—

- (a) Question that a Member be further heard (standing order 86);
- (b) Motion for adjournment of debate (standing order 88);
- (c) Notice to reinstate on the Notice Paper any business which has lapsed because of a count-out (standing order 91);
- (d) Motion for extension of time (standing order 92);
- (e) Question put following declaration of urgency (standing order 93);
- (f) Motion that the question be now put (standing order 94);
- (g) Motion that a Member be not further heard (standing order 95);
- (ga) Motion that the business of the day be called on (standing order 106A);
- (h) Motion for the first reading of a bill (standing order 212);
- (i) Question that a bill be reported (standing order 232);
- (j) Motion that the Chairman report progress (standing order 286);
- (k) Motion that the Chairman leave the Chair (standing order 287);
- (l) Motion that a Member be suspended (standing order 301);
- (m) Question that strangers be ordered to withdraw (standing order 310).

Should any of these questions be negatived, *no similar proposal shall be received within a quarter of an hour and no similar proposal shall be received if the Speaker or the Chairman is of opinion that it is an abuse of the orders or forms of the House, or is moved for the purpose of obstructing business.*"

** ADJOURNMENT OF DEBATE.

88

"A debate may be adjourned either to a later hour of the same day or to any other day. The question for the adjournment of the debate shall be put forthwith and determined without amendment or debate."

"A Member who has not spoken to the question, or who has the right of reply, may move the adjournment of the debate, which question shall be put forthwith and determined without amendment or debate. If the question is resolved in the affirmative, the Speaker shall then put a question to fix the time for the resumption of the debate."

89

"The Member, upon whose motion any debate is adjourned by the House, shall be entitled to pre-audience on the resumption of the debate."

90

"In the event of a motion for the adjournment of the debate upon any question being negatived, the Member moving the motion for such adjournment may address the House at a later period during such debate."

91

"If a debate be interrupted by a count-out, such debate may, on motion after notice, be resumed at the point where it was so interrupted. The question for the resumption of the debate shall be put forthwith and determined without amendment or debate."

It is proposed to omit the "quarter-hour" provision from the last paragraph as it serves little useful purpose and is unnecessarily restrictive in respect of paragraphs (b), (f), (g), (ga), (j), (l) and (m) of this Standing Order.

Re-drafted to specify, in accordance with practice, which Members may move to adjourn a debate, and to provide, in accordance with practice, for a separate question to fix the time for resumption.

" TIME LIMITS FOR DEBATES AND SPEECHES.

" The maximum period for which a Member may speak on any subject indicated in this standing order, and the maximum period for any debate, shall not, unless otherwise ordered, exceed the period specified opposite to that subject in the following schedule:—

Subject.	Time.
In the House—	
Election of Speaker—	
Each Member	5 minutes
Address in Reply—	
Each Member	25 minutes
Discussion of definite matter of urgent public importance (under standing order 106A)—	
Whole debate	2 hours
Mover Proposer	15 minutes
Minister first speaking One Minister	15 minutes
Any other Member	10 minutes
Motion for adjournment of House to terminate the sitting—	
Each Member	10 minutes
Want of confidence motion—	
Mover	45 minutes
Minister first speaking Prime Minister or one Minister deputed by him	45 minutes
Any other Member	25 minutes
Limitation of debate—Motion for allotment of time (under standing order 93)—	
Whole debate	20 minutes
Each Member	5 minutes
Second reading of a bill—	
Main Appropriation Bill for year—	
Mover	not specified
Leader of Opposition or one Member deputed by him	not specified
Any other Member	30 minutes
Other bills—	
Mover	45 minutes
Leader of Opposition or Member deputed by him speaking first to such motion one Member deputed by him	45 minutes
Any other Member	30 minutes
Question 'That the Speaker do now leave the Chair' 'That grievances be noted' (under standing order 291 106AA)—	
Each Member	10 minutes
Proposed resolution relating to tax or duty—	
Mover	30 minutes
Leader of Opposition or one Member deputed by him	30 minutes
Any other Member	20 minutes
Debates not otherwise provided for—	
Mover of a motion	30 minutes
Any other Member	20 minutes
In committee—	
Minister in charge	periods not specified
Limitation of debate—Motion for allotment of time (under standing order 93)—	
Whole debate	20 minutes
Each Member	5 minutes

Provides 15 minutes for one Minister who need not necessarily be the Minister speaking first.

Provides 45 minutes for Prime Minister, or one Minister deputed who need not necessarily be the Minister speaking first.

Consequent on new Financial procedures—provides, as Budget Debate will take place on second reading of main Appropriation Bill, for Minister to be unlimited as he was in Supply Committee, for Leader of Opposition or Member deputed (previously 45 minutes in Supply) to be unlimited, and for Member 30 minutes as previously.

Provides 45 minutes for Leader of Opposition, or Member deputed who need not necessarily be the Member speaking first.

Consequent on new Financial procedures—provides that time limits apply to new Grievance Day Question which is to be substituted for Question previously associated with either Supply or Ways and Means Committee. (See new Standing Order 106AA).

Consequent on new Financial procedures—As it may be necessary for some tax or duty proposals, previously moved in Ways and Means, to be moved in the House before the Bill is introduced, provides for suitable time limits.

Subject.	Time.
In committee— <i>continued</i> .	
<i>Financial Statement or Tariff—</i>	
<i>General Debate—</i>	
<i>Minister in charge</i>	<i>periods not specified</i>
<i>Leader of Opposition or Member deputed by him speaking first..</i>	.. 45 minutes
<i>Any other Member</i> .. .. .	.. 30 minutes
Each question before the Chair on the <i>Estimates or on a Tariff main Appropriation</i>	
<i>Bill for year or on a Tariff Bill—</i>	
<i>Minister in charge</i>	<i>periods not specified</i>
<i>Any other Member—two periods each not exceeding</i> .. .. .	.. 15 minutes
Debates not otherwise provided for—	
<i>Each Member—two periods each not exceeding</i> .. .. .	.. 10 minutes
In the House or in committee—	
Extension of time—with the consent of a majority of the House or of the committee, to be determined without debate, a Member may be allowed to continue <i>his speech for a period not exceeding a speech interrupted under the foregoing provisions of this standing order (except a first speech in committee) for one period not exceeding</i>	
	.. 10 minutes
Provided that no extension of time shall exceed half of the original period allotted."	

"LIMITATION OF DEBATE.

93

"(a) On the reading of a message from the Governor-General recommending an appropriation in connexion with any bill, on the calling on of a motion for leave to introduce a bill or a notice of presentation, or on the consideration of any *resolution motion* preliminary to the introduction of a bill, or at any stage of a bill, or on the consideration of Senate amendments or requests for amendments to a bill, a Minister may declare that the bill is an urgent bill, and on such declaration, the question 'That the bill be considered an urgent bill' shall be put forthwith—no debate or amendment being allowed—and on such *motion question* being agreed to, a Minister may forthwith, or at any time during any sitting of the House or committee, but not so as to interrupt a Member who is addressing the House or committee, move a *further motion* or motions specifying the time which shall be allotted to all or any of the following:—

- (i) The initial stages of the bill (including any motion or *resolution* preliminary to the introduction of the bill) up to, but not inclusive of, the second reading of the bill;
- (ii) The second reading of the bill;
- (iii) The committee stage of the bill;
- (iv) The remaining stages of the bill;
- (v) The consideration of Senate amendments or requests for amendments to the bill;

and the order with regard to the time allotted to the committee stage of the bill may, out of the time allotted, apportion a certain time or times to a particular clause or clauses, or to any particular part or parts of the bill.

Consequent on new Financial procedures—omitted as speeches on these matters will be made in the House and not the Committee.

Consequent on new Financial procedures—provides for these Questions to be debated in the Committee of the Whole on the Bill instead of in the Committees of Supply or Ways and Means.

Expresses practice that only one extension may be granted on simple motion and that an extension may not be granted to a first speech in Committee.

Opportunity has been taken to propose a number of minor drafting amendments to clarify this Standing Order.

The consideration of Senate amendments, &c., has, in accordance with practice, been specified as a separate stage for which time may be allotted.

(b) *When Estimates of Expenditure are being considered, a Minister may at any time declare that the Estimates are of an urgent nature, and, on such declaration, the question 'That the Estimates of Expenditure be considered of an urgent nature' shall be put forthwith—no debate or amendment being allowed—and on such motion being agreed to, a Minister may forthwith, or at any time during any sitting of the Committee, but not so as to interrupt a Member who is addressing the Committee, move a further motion or motions specifying the time which shall be allotted to each or any Department of, or to the whole of, the Estimates.*

Omitted as unnecessary under new Financial Procedures.

(c) *When a Customs or Excise Tariff Resolution proposed resolution for customs or excise tariff is being considered, a Minister may at any time declare that the proposed resolution is of an urgent nature, and, on such declaration, the question 'That the proposed resolution be considered of an urgent nature' shall be put forthwith—no debate or amendment being allowed—and on such motion question being agreed to, a Minister may forthwith, or at any time during any sitting of the Committee, but not so as to interrupt a Member who is addressing the Committee the consideration of the proposed resolution, but not so as to interrupt a Member who is speaking, move a further motion specifying the time or times which shall be allotted to any portion or portions of the Tariff, or to the Tariff as a whole proposed resolution.*

Minor drafting amendments.

Consequent on new financial procedures eliminating the consideration of Tariff proposals in the Committee of Ways and Means.

(d) *When any motion of any kind whatsoever has been moved, a Minister may at any time declare that the motion is an urgent motion, and, on such declaration, the question 'That the motion be considered an urgent motion' shall be put forthwith—no debate or amendment being allowed—and on such motion question being agreed to, a Minister may forthwith move a further motion specifying the time which shall be allotted to the motion.*

Minor drafting amendments.

(e) *Upon such further motion or motions with regard to the allotment of time being moved, no debate thereon shall be allowed for more than 20 minutes, and in speaking thereon no Member may exceed five minutes. If the debate be not sooner concluded, then forthwith upon the expiration of that time the Speaker or the Chairman shall put any questions on any amendment or motion already proposed from the Chair.*

Minor drafting amendment.

(f) *For the purpose of bringing to a conclusion any proceedings which are to be brought to a conclusion on the expiration of the time allotted under any motion passed under any of the preceding paragraphs of this standing order, the Speaker or the Chairman shall, at the time appointed under the motion for the conclusion of those proceedings, put forthwith the question on any amendment or motion already proposed from the Chair and, in the case of the consideration of any Bill in Committee, shall then put any clauses, and any Government amendments and new clauses and schedules, copies of which have been circulated by the Government among Members two hours at least before the expiration of the allotted time, and any other question requisite to dispose of the business before the House or Committee. No other amendments, new clauses, or schedules shall be proposed any question already proposed from the Chair and any other question requisite to dispose of the business before the House or committee, including, when considering any bill in committee or any Senate amendments or Senate requests for amendments to a bill, any amendments, new clauses and schedules, and modifications, copies of which have been circulated by the Government among Members two hours at least before the expiration of the allotted time. No other amendments, new clauses or schedules, or modifications may be proposed.*

Re-drafted for purposes of clarity and consequent on new sub-paragraph (v) of paragraph (a).

(g) Where any time has been specified for the commencement of any proceedings in connexion with any business under this standing order, when the time so specified has been reached the business, whatsoever its nature be, then before the House or committee shall be postponed forthwith, and the first-mentioned business shall be proceeded with, and all steps necessary to enable this to be done shall be taken accordingly.

(h) Standing order 94 shall not apply to any proceedings in respect of which time has been allotted in pursuance of this standing order."

" THE CLOSURE.

94

" (a) After any question has been proposed from the Chair, either in the House or in committee, a motion may be made by any Member, rising in his place, and without notice, and whether any other Member is addressing the Chair or not, ' That the question be now put ', and such motion shall be put forthwith and decided without amendment or debate."

Minor drafting amendment in paragraph (a).

" (b) When the Motion ' That the question be now put ' has been carried, and the question consequent thereon has been decided, any further Motion may be at once made without debate which may be requisite to bring to a decision any question already proposed from the Chair."

Under House of Representatives' practice, paragraph (b) is unnecessary and it is proposed that it should be omitted. Any additional closure motions may at any time be moved in accordance with paragraph (a).

95

" A motion may be made that a Member who is speaking, except a Member giving a notice of motion or formally moving the terms of a motion allowed under the standing orders, ' be not further heard ', and such question shall be put forthwith and decided without amendment or debate."

Amendment is designed to prevent a motion for the closure of a Member being moved when a Member is giving a Notice of Motion or formally moving the terms of a motion permitted under the Standing Orders, but does not prevent closure of speech relating to the motion.

25

" ORDER AND PRIVILEGE.

96

" Any Member may rise at any time to speak to Order or upon a matter of Privilege suddenly arising."

Standing Orders 96 to 101 have been re-drafted to separate the provisions relating to Order and Privilege.

" Any Member may rise at any time to speak upon a matter of privilege suddenly arising, and he shall be prepared to move, without notice, a motion declaring that a contempt or breach of privilege has been committed, or referring the matter to the Committee of Privileges; but if the matter is raised in committee of the whole House, the Chairman shall leave the Chair on an order to report progress."

This Standing Order now relates solely to the raising of a matter of Privilege and, in accordance with our practice and as expressed in May 16/606, includes a new provision to meet the circumstances when a matter is raised in Committee. It also provides for the moving of a motion; this was previously included in both Standing Orders 98 and 99, but is now more appropriately placed in this Standing Order.

97

" All Questions of Order and matters of Privilege at any time arising shall, until disposed of, suspend the consideration and decision of every other Question."

" A matter of privilege at any time arising shall, until disposed of, or unless the debate on a motion thereon is adjourned, suspend the consideration and decision of every other question: Provided that precedence over other business shall not be given to any motion if, in the opinion of the Speaker, a prima facie case of breach of privilege has not been made out or the matter has not been raised at the earliest opportunity."

Re-drafted to provide comprehensive provision relating to precedence to Privilege matters previously contained in Standing Orders 97 and 98. Also incorporates Commons' practice preventing precedence unless matter raised at earliest opportunity. (May 16/382.)

S.O. No.	STANDING ORDER.	EXPLANATION.
98	<p>“ Whenever a matter or question directly concerning the Privileges of the House, or of any Committee or Member thereof, has arisen since the last sitting of the House, a Motion thereon may be moved, without notice, and, unless the debate be adjourned, shall, until decided, suspend the consideration of other Motions and the Orders of the Day: Provided that precedence over other business shall not be given to any motion concerning Privilege, if, in the opinion of the Speaker, a prima facie case of breach of Privilege has not been made out.”</p>	<p>Proposed to be omitted as provisions of this Standing Order are now incorporated in more suitable form in re-drafted Standing Orders 96 and 97.</p>
99	<p>“ Any Member complaining to the House of a statement in a newspaper, book or other publication as a breach of privilege shall produce a copy of the paper newspaper, book or other publication containing the statement in question, and shall be prepared to give the name of the printer or publisher, and also to move a Motion either declaring the person in question to have been guilty of contempt or referring the matter to the Committee of Privileges.”</p>	<p>The existing Standing Order provides for complaint to be made of a breach of Privilege in connexion with a statement in a paper. The proposed amendment clarifies the interpretation of “ paper ” and, in addition, provides for a complaint to be made of a statement in a book. This conforms with May 16/135.</p> <p>The requirement in existing Standing Order regarding moving of a motion is omitted as now included in re-drafted Standing Order 96.</p>
99A	<p>“ Any Member may at any time raise a point of order which shall, until disposed of, suspend the consideration and decision of every other question.”</p>	<p>This new Standing Order providing for the raising of a question of Order is required to take the place of the same provision deleted from re-drafted Standing Order 96.</p>
100	<p>“ Upon a question of order being raised, the Member called to order shall resume his seat, and, after the question of order has been stated to the Speaker by the Member rising to the question of order, the Speaker shall give his ruling thereon.”</p>	
101	<p>“ If any objection is taken to the any ruling of the Speaker, such objection must be taken at once and in writing, and a motion of dissent, to be submitted in writing, moved which, if seconded, shall be proposed to the House, and debate thereon shall proceed forthwith.”</p>	<p>Re-drafted to make it clear that objection may be taken to any ruling; also to require, in accordance with practice, that motion of dissent (not the objection) be submitted in writing.</p>
	<p>“ CHAPTER IX.</p>	
	<p>“ ROUTINE OF BUSINESS.</p>	
102	<p>“ The House shall proceed each day with its ordinary business in the following routine:—1. Presentation of petitions. 2. Giving notices of Motion. 3. Questions without notice. 4. Ministerial Statements, by leave. 5. Presentation of Papers. 6. Motions and Orders of the Day, as set down on the Notice Paper. 4. Presentation of papers. 5. Ministerial statements, by leave. 6. Matter of public importance. 7. Notices and orders of the day.”</p>	<p>Re-drafted to allow Papers to be presented before Ministerial statements, and to express practice in connexion with the time at which a matter of public importance is taken.</p>
103	<p>“ Reports of standing and select committees and papers may be presented at any time when other business is not before the House.”</p>	
104	<p>“ No new business may be taken after eleven o'clock p.m., unless the House otherwise orders.”</p>	

S.O. No.	STANDING ORDER.	EXPLANATION.
105	“ Unless otherwise ordered, government business shall, on each day of sitting, have precedence of all other business, except that on the Thursday alternate to the Thursday to which standing order 291 106AA applies, general business shall have precedence of government business until fifteen minutes to one o'clock p.m.”	Consequent on new financial procedures. See explanation of Standing Order 106AA.
106	“ Ministers may arrange the order of their notices of <i>Motion</i> and orders of the day on the Notice Paper as they think fit.”	Amendment consequential on proposed changes in connexion with the presentation of Bills. See Standing Order 208.
106AA	“ Notwithstanding the preceding standing order, the first order of the day, government business, on each alternate Thursday commencing with the first Thursday after the Address in Reply to the Governor-General's Speech has been adopted shall be a question to be proposed by the Speaker ' That grievances be noted ' to which question any Member may address the House or move any amendment. If consideration of this question has not been concluded at fifteen minutes to one o'clock p.m., the debate thereon shall be interrupted and the Speaker shall put the question.”	This new Standing Order containing the provision for Grievance Day is inserted in place of Standing Order 291 which associated Grievance Day with either the Supply Committee or the Ways and Means Committee, both of which are proposed to be abolished under the new financial procedures.
106A	“ A Member may propose to the Speaker that a definite matter of <i>urgent</i> public importance be submitted to the House for discussion. <i>Such a matter may be submitted to the House only after Petitions have been presented and Notices of Motion given and before the Business of the Day is called on.</i> The Member proposing the matter shall present to the Speaker at least one hour before the time fixed for the meeting of the House a written statement of the matter proposed to be discussed; and if the Speaker determines that it is in order, he shall read it to the House. The proposed discussion must be supported by eight Members, including the proposer, rising in their places as indicating approval. The Speaker shall then call upon the Member who had proposed the matter to speak.	The word “ urgent ” is omitted as, for very many years, Speakers have not attempted to determine the degree of urgency but have been satisfied if the stipulated number of Members rise in support. In the result, the only requirements are that the matter shall be definite and of public importance.
	“ At any time during the discussion, a motion may be made by any Member ' That the business of the day be called on ' and such motion shall be put forthwith and decided without amendment or debate, and, if agreed to, the business of the day shall be proceeded with immediately. A motion <i>in any other form under standing order 88 or standing order 94</i> will not be in order.	The second sentence is omitted as the time for submission to the House of a matter of public importance is now laid down in Standing Order 102.
	“ In the event of more than one matter being presented for the same day, priority shall be given to the matter which, in the opinion of the Speaker, is the most urgent and important, and no other proposed matter shall be read to the House that day.”	The Standing Order in its present form would prevent a motion for the closure of a Member's speech but it is doubtful whether this is intended. The proposed amendment will allow such a motion in addition to the motion to call on the “ Business of the Day ”, but prevents motions for the adjournment of debate or the closure of debate.
	“ At any time when other business is not before the House a Minister may indicate to the House that it is proposed to discuss a matter of special interest on which it is not desired to formulate a motion in express terms. The Minister may then move a motion specifying the time to be allotted to the debate. The Minister shall then move ' That the (stating subject matter) be considered by the House '. A Minister may withdraw the motion, without leave, at the expiration of the time allotted to the debate.”	The amendment in the last paragraph expresses our practice and that of the Commons— May 16/369.
107		

S.O. No.

STANDING ORDER.

EXPLANATION.

108

“If all Motions shall not have been disposed of two hours after the time fixed for the meeting of the House, the debate thereon shall be interrupted, and, unless the House otherwise orders, the Orders of the Day shall be taken in rotation; but if there should be no Order of the Day, the discussion on Motions may be continued by resolution of the House. The consideration of Motions may, by resolution of the House, be resumed after the Orders of the Day are disposed of. This Standing Order shall not apply to Government Business nor to Censure or Want of Confidence Motions.”

The present Standing Order (a) does not make it clear that Government Business may not be taken at 12.30 p.m. if there are no General Business Orders; this is contrary to the intention of Standing Order 105 which gives precedence to General Business until 12.45 p.m., (b) requires a motion to be moved to allow Notices of Motion to be continued if there are no orders, or if they are disposed of. This requirement is also contrary to the intention of Standing Order 105.

“During the consideration of general business when it has precedence under standing order 105, notices shall have priority of orders of the day for two hours after the meeting of the House. At the expiration of that time the orders of the day shall be called on, but if there are no orders of the day, or if the House then so orders, or if the orders of the day are disposed of, consideration of notices shall be continued.”

The revised Standing Order, which is largely of a drafting nature, (a) ensures precedence to General Business until 12.45 p.m. and (b) dispenses with the need for the motion referred to in (b) above.

109

“A motion of which notice has been given which expresses a censure of or want of confidence in the Government and is accepted by a Minister as a censure or want of confidence motion shall, until it is disposed of by the House, take precedence of all other business. Standing order 10 shall not apply to a motion accepted by a Minister in pursuance of this standing order.”

The proposed amendment makes it clear that, in accordance with practice, a Censure or Want of Confidence Motion may be moved during the currency of the Address in Reply debate.

“ CHAPTER X.

“ PETITIONS.

110

“Every petition shall be lodged with the Clerk at least three hours previous to the meeting of the House at which it is proposed to present it.”

111

“Every petition when presented must bear the Clerk’s certificate that it is in conformity with the standing orders.”

112

“A petition referring to a motion or an order of the day may be presented when such motion or order of the day is called on or read for the first time.”

113

“Every petition shall be fairly written, or typewritten, printed, or lithographed reproduced by mechanical process, without interlineation or erasure.”

114

“Every petition shall contain a prayer at the end thereof.”

115

“Every petition shall be in the English language, or be accompanied by a translation, certified to be correct by the Member who presents it.”

116

“Every petition shall be signed by at least one person on the sheet on which the petition is inscribed.”

Drafting amendment to provide for modern reproducing techniques.

S.O. No.

STANDING ORDER.

EXPLANATION.

- 117 "Every petition shall be signed by the parties whose names are appended thereto, by their own hand, and by no one else, except in case of incapacity by sickness. Persons unable to write shall affix their marks in the presence of a witness, who shall as such affix his signature."
- 118 "Every signature shall be written upon the petition or upon *the sheets attached thereto sheets containing the prayer of the petition, and not pasted upon or otherwise transferred thereto.*" Amendment expresses practice more clearly. Consistent with May 16/838.
- 119 "All petitions shall be received only as the petitions of the parties signing the same."
- 120 "Petitions of corporations aggregate are required to be made under their common seal."
- 121 "No letters, affidavits, or other documents, may be attached to any petition."
- 122 "No reference may be made in a petition to any debate in Parliament."
- 123 "*Application shall not be made, directly or indirectly, by a Petition for any grant of public money, nor for compounding any debts due to the Crown, nor for the remission of duties payable by any person, unless it be recommended by the Crown.*" This Standing Order was inserted in the Standing Orders adopted in 1950 but, in respect of a grant of public money, is contrary to the modern Commons' practice regarding a Petition for the grant of money by means of a Bill—May 16/752. This modern Commons' practice has been applied in our practice as allowing a Petition for a grant as, under the Commonwealth Constitution, a grant can only be authorized by an Act preceded by a Bill. The other provisions of the Standing Order regarding debts and duties similarly serve no purpose as the traditional Crown sanction in some form or other is necessary. As there appears to be now no reason for the prohibition expressed in the Standing Order, it is proposed that it be omitted as obsolete, particularly as a Petition is in no way an effective form of proceeding.
- 124 "Every petition shall be respectful, decorous, and temperate in its language, and shall not contain irrelevant statements."
- 125 "Petitions can only be presented to the House by a Member, but a Member cannot present a petition from himself."
- 126 "Every Member presenting a petition to the House shall affix his name at the beginning thereof."
- 127 "*It shall be incumbent on every Member presenting a Petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to any branch of the Legislature or to any branch of a State Legislature.*" This Standing Order is omitted as its provisions are already contained in Standing Orders 124 and 128.
- 128 "Every Member lodging a petition shall take care that the same is in conformity with the standing orders of the House."

- 129 "Every Member presenting a petition to the House shall confine himself to a statement of the parties from whom it comes, of the number of signatures attached to it, and of the material allegations contained in it, and to the reading of the prayer of such petition."
- 130 "Every petition, which according to the standing orders of the House can be received, shall be brought to the Table *by the Member presenting the same*, and no discussion upon the subject-matter thereof shall be allowed."
- 131 "The only questions entertained by the House on the presentation of a petition shall be—1. 'That the petition be received'; 2. 'That the petition be received and read'; 3. 'That the petition be printed'; or 4. 'That the petition be referred to the select committee on——.' (in the case of a petition respecting any subject then under consideration of a select committee)."
- 132 "No Member may move that a petition be printed, unless he intends to take action upon it and informs the House thereof."

"CHAPTER XI.

"NOTICES OF MOTION.

- 133 "Notice of Motion shall be given by the Member stating its terms to the House and delivering to the Clerk at the Table a copy of such notice, fairly written, signed by himself and the seconder, and showing the day proposed for bringing on such Motion."
- "Notice of motion shall be given by a Member by either stating its terms to the House and delivering a copy to the Clerk at the Table or delivering a copy of its terms to the Clerk at the Table. The notice must be signed by the Member and seconder and show the day proposed for moving the motion.
- A notice of motion which is given by delivering a copy of its terms to the Clerk at the Table shall be reported to the House by the Speaker at the first convenient opportunity and shall not be entered by the Clerk on the Notice Paper unless it has been so reported."
- 134 "If a Notice of Motion is given which contains matters not relevant to each other, the Speaker may instruct the Clerk to divide such Notice into two or more Notices."
- "A Member, in the absence of another Member and at his request, may give a notice of motion for that other Member and shall put the name of such Member and his own signature on the notice."

These words omitted as inconsistent with practice.

It is proposed that Standing Orders 133–141 be omitted and that Standing Orders with the same numbers be inserted in their place.

The new Standing Orders proposed are based on those approved by the Standing Orders Committee on 10/11/54 which gave effect to the modern Commons' practice—May 16/376. In Standing Order 133 the existing procedure for giving Notice of Motion by reading its terms to the House at the commencement of a sitting is retained, but, to give effect to modern Commons' practice, provision has been made for a Member to use the alternative of giving Notice by handing its terms to the Clerk during a sitting, to be placed on the Notice Paper for a subsequent sitting. It is, however, provided that a notice given in this way shall be announced to the House by the Speaker at the first opportunity and must be so announced before it can be placed on the Notice Paper. As a Notice is not effective until it is printed on the Notice Paper (*see* Standing Order 141), inability to give a Notice other than at the prescribed early time each sitting is unnecessarily restrictive.

The amendments to Standing Orders 134–141 are drafting amendments to re-arrange them in a more suitable order and to clearly express their meaning and the practice.

See note to Standing Order 133.

S.O. No.	STANDING ORDER.	EXPLANATION.
135	<p><i>“ The Notices shall be entered by the Clerk on the Notice Paper in the order in which they were given.”</i></p> <p><i>“ Subject to the provisions of standing orders 106, 133, and 208 the notices shall be entered by the Clerk on the Notice Paper, in priority of orders of the day, in the order in which they were given, except that two notices received from the same Member shall not be placed consecutively in priority of a notice received from another Member during the same sitting.”</i></p>	See note to Standing Order 133.
136	<p><i>“ A Member, on being duly requested, may give notice for any other Member not then present, by putting the name of such Member on the Notice of Motion, in addition to his own.”</i></p> <p><i>“ If a notice of motion is given which contains matters not relevant to each other, the Speaker may instruct the Clerk to divide such notice into two or more notices.”</i></p>	See note to Standing Order 133.
137	<p><i>“ A Member desiring to change the day for bringing on a Motion may give notice of such Motion for any day subsequent to that first named.”</i></p> <p><i>“ Any notice of motion containing unbecoming expressions, or which offends against any standing order of the House, shall be amended by the Speaker before it appears on the Notice Paper.”</i></p>	See note to Standing Order 133.
138	<p><i>“ After a Notice of Motion has been given, the terms thereof may be altered by the Member notifying the House and delivering to the Clerk at the Table an amended Notice on any day prior to that for proceeding with such Motion, or he may withdraw the same by notifying the House.”</i></p> <p><i>“ A Member who has given notice of motion may change the day proposed for moving the motion to a day subsequent to that first named by notifying the Clerk in writing prior to the calling on of the motion.”</i></p>	See note to Standing Order 133.
139	<p><i>“ Any Notice containing unbecoming expressions, or which offends against any Standing Order of the House, shall be amended by the Speaker before it appears upon the Notice Paper.”</i></p> <p><i>“ A Member who has given a notice of motion may alter its terms by notifying the Clerk in writing within such time as will enable the alteration to be made in the Notice Paper.”</i></p>	See note to Standing Order 133.
140	<p><i>“ A Member may not give two Notices of Motion consecutively, if another Member has any Notice to give.”</i></p> <p><i>“ A Member who has given a notice of motion may withdraw the notice by notifying the Clerk in writing at any time prior to that proposed for moving the motion.”</i></p>	See note to Standing Order 133.
141	<p><i>“ No Notice or Contingent Notice shall have effect for the day on which it is given.”</i></p> <p><i>“ A notice of motion becomes effective only when it appears on the Notice Paper.”</i></p>	See note to Standing Order 133.

S.O. No.	STANDING ORDER. " CHAPTER XII. " QUESTIONS SEEKING INFORMATION.	EXPLANATION.
142	" Questions may be put to a Minister relating to public affairs with which he is officially connected, to proceedings pending in the House, or to any matter of administration for which he is responsible."	
143	" Questions may be put to a Member, not being a Minister, relating to any bill, motion, or other public matter connected with the business of the House, of which the Member has charge."	
144	<p>" The following general rules shall apply to questions:—</p> <p>Questions cannot be debated.</p> <p>Questions should not contain—</p> <ul style="list-style-type: none"> (a) statements of facts or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated; (aa) precise extracts from newspapers, news reports, books, speeches, &c.; (ab) discourteous references to a friendly country or its representatives; (b) arguments; (c) inferences; (d) imputations; (e) epithets; (f) ironical expressions; or (g) hypothetical matter. <p>Questions should not ask <i>Ministers</i>—</p> <ul style="list-style-type: none"> (a) for an expression of opinion; (b) to state the Government's policy; or (c) for legal opinion; (b) for legal opinion; (c) Ministers to state the Government's policy, but may seek an explanation regarding the intentions of the Government and may ask the Prime Minister whether a Minister's statement represents Government policy; or (d) Whether statements in newspapers, news reports, books, &c., or of private individuals or unofficial bodies are accurate. <p>Questions cannot refer to—</p> <ul style="list-style-type: none"> (a) debates in the current session; or (b) proceedings in committee not reported to the House. <p><i>Questions cannot anticipate discussion upon an Order of the Day or other matter.</i></p> <p>Questions cannot anticipate a question on the Notice Paper or discussion upon an order of the day."</p>	<p>These amendments are to give effect to the practice of the House of Commons which, in accordance with Standing Order 1, is followed by the House.</p> <p>May 16/357. May 16/360, 458, and rulings in this House—Votes and Proceedings 1951-53/117, 327.</p> <p>May 16/356-7. <i>Campion</i>, 3rd Edition/152. The wording in (b) to be omitted is defective in stating the practice set out in (c) to be inserted.</p> <p>May 16/359. A Member may not ask whether statements in a newspaper, &c., are accurate and may not include extracts in his question, but provided he makes himself responsible for its accuracy, he may draw attention to a statement in a newspaper, &c.</p> <p>May 16/359. <i>Campion</i> 153.</p> <p>May 16/363.</p>
144A	" An answer shall be relevant to the question."	

S.O. No.	STANDING ORDER.	EXPLANATION.
145	" A question fully answered cannot be renewed."	
146	" The Speaker may direct that the language of a question be changed if it seems to him unbecoming or not in conformity with the standing orders of the House."	
147	" Notice of question shall be given by a Member delivering the same to the Clerk at the Table within such time as, in the opinion of the Speaker, will enable the question to be fairly printed. The question shall be fairly written, signed by the Member, and shall show the day proposed for asking such question."	
148	" The Clerk shall place notices of questions on the Notice Paper in the order in which they were received by him."	
149	" The reply to a question on notice shall be given by delivering the same to the Clerk at the Table. A copy thereof shall be supplied to the Member who has asked the question, and such question and reply shall be printed in Hansard."	
150	" Questions may be asked without notice <i>on important matters which call for immediate attention.</i> At the discretion of the Speaker <i>one supplementary question</i> supplementary questions may be asked to elucidate an answer."	<p>The words proposed to be omitted are inconsistent with the practice followed in relation to Questions without Notice. Occupants of the Chair have found it impracticable to limit such Questions as required by these words. This difficulty is inherent in the nature of the Question without Notice session which has come to be recognized as a proceeding during which private Members can raise matters of day-to-day significance. The House of Commons Question Hour in which Questions without Notice supplementary to a Question on Notice are freely asked and answered is described by Campion in his Introduction to the Procedure of the House of Commons as " turning a searchlight upon every corner of the Public Service".</p> <p>The amendment substituting " supplementary questions " for " one supplementary question " is proposed as, in practice, further questions may be and are asked provided they are not stated by the Member to be a supplementary question.</p>
150A	" A question without notice may be put to the Speaker relating to any matter of administration for which he is responsible."	New Standing Order to express practice.
151	<p>" Notice must be given of Questions regarding the character or conduct of individuals other than Ministers or Members of the House."</p> <p>" Questions shall not be asked which reflect on or are critical of the character or conduct of those persons whose conduct may only be challenged on a substantive motion, and notice must be given of questions critical of the character or conduct of other persons."</p>	<p>The existing Standing Order implies that a question critical of a Minister or Member may be asked without Notice and that questions critical of certain persons, e.g., the Crown, Speaker, Members, &c., whose conduct can be challenged only on a substantive motion (May 16/360) may be asked on Notice. In addition, the Standing Order has been applied as preventing genuinely laudatory references to persons outside the House. The new Standing Order is designed to clarify the rules.</p>

S.O. No.	STANDING ORDER.	EXPLANATION.
	" CHAPTER XIII.	
	" MOTIONS AND VOTES.	
152	" No Member may, except by leave of the House, or unless it be otherwise provided by the standing orders, move any motion except in pursuance of notice <i>openly given at a previous sitting of the House and duly entered appearing</i> on the Notice Paper."	This amendment is consequential on proposed amendments of Standing Orders 133-141 relating to Notices of Motion.
153	" <i>Motions shall have precedence each day according to the order in which they appear on the Notice Paper.</i> " " Motions shall have precedence of each other according to the order in which they appear on the Notice Paper. A motion may be postponed on motion without notice moved by the Member who gave notice of the motion. "	Standing Order re-drafted to more clearly express precedence of Motions of each other and to give effect to the practice regarding postponement of a Motion.
154	" If, at the adjournment of the House, any motions on the Notice Paper have not been called on, such motions shall be set down on the Notice Paper for the next sitting day, after the <i>regular business of that day motions of which notice for that day has been given.</i> "	The words " regular business of that day " are indefinite in their meaning and the amendment is proposed to clearly express the practice.
155	" Precedence will be ordinarily given by courtesy to a motion for a vote of thanks of the House or of condolence."	
156	" <i>If a Member be not in his place when the Notice of Motion given by him is called on, or fail to rise and move the same, it shall be withdrawn from the Notice Paper, unless he or any other Member at his request thereupon fix a future time for bringing on the Motion.</i> " " If a Member is not in his place when the notice of motion given by him is called on, it shall be withdrawn from the Notice Paper, unless another Member, at his request, thereupon fixes a future time for moving the motion. "	The omission of Standing Order 156 and its replacement by a new 156 and 156A is a re-drafting to remove some ambiguity. The Standing Order appears to allow another Member to fix a future time for moving a Notice of Motion, even if the Member who gave the Notice is present.
156A	" If a Member, when the notice of motion given by him is called on, fails to rise and move the motion, it shall be withdrawn from the Notice Paper unless he thereupon fixes a future time for moving the motion. "	See notes to Standing Order 156.
157	" A motion not seconded may not be further discussed and no entry thereof shall be made in the Votes and Proceedings."	
158	" When a motion has been moved and seconded, a question thereupon shall be proposed to the House by the Speaker."	
159	" After a motion has been proposed from the Chair, it shall be deemed to be in possession of the House, and cannot be withdrawn without leave."	
160	" <i>No Motion or Amendment shall anticipate an Order of the Day or another Motion of which Notice has been given.</i> " " A matter on the Notice Paper must not be anticipated by another matter contained in a less effective form of proceeding. "	This Standing Order is inconsistent with our practice, and with May 16/403-4, and has been re-drafted accordingly. For instance, a Speaker's ruling in 1917-19 laid down that one Notice of Motion cannot block another.

S.O. No.	STANDING ORDER.	EXPLANATION.
161	“ A motion which has been superseded, or by leave of the House withdrawn, may be moved again during the same session.”	
162	“ As soon as the debate upon a question has been concluded, the Speaker shall put the question to the House.”	
163	“ The House or committee may order a complicated question to be divided.”	
164	“ A question being put shall be resolved in the affirmative or negative, by the majority of voices, ‘ Aye ’ or ‘ No ’.”	
165	“ The Speaker shall state whether, in his opinion, the ‘ Ayes ’ or the ‘ Noes ’ have it; and if his opinion be challenged the question shall be decided by division.”	
166	<p>“ <i>No Question or Amendment shall be proposed which is the same in substance as any Question which, during the same Session, has been resolved in the affirmative or negative, unless the Order, Resolution, or Vote on such Question or Amendment has been rescinded.</i>”</p> <p>“ The Speaker or, subject to the provisions of standing order 231, the Chairman, may, in his discretion, disallow any motion or amendment which is the same in substance as any question, which, during the same session, has been resolved in the affirmative or negative.”</p>	<p>May 16/401 stresses the complexity of determining the “ same question ” in relation to a question decided earlier in the session and the circumstances in which the rule should be applied and it is therefore proposed that flexibility be provided by giving a power of discretion to the Chair.</p> <p>The House or Committee retains the power to finally determine any particular case, as a ruling of the Chair can be dissented from.</p> <p>Standing Order 231, the provisions of which are excluded from this Standing Order in relation to the Chairman, makes it mandatory for the Chairman to disallow any <i>amendment to a Bill</i> which is the same as one already negated by the Committee.</p>
167	“ A resolution, or other vote of the House, may be read and rescinded; but no such resolution or other vote may be rescinded during the same session, unless seven days’ notice be given: Provided that to correct irregularities or mistakes one day’s notice shall be sufficient, or the corrections may be made at once by leave of the House.”	
168	“ Leave of the House or committee must be granted without any dissentient voice.”	This amendment expresses the practice in Committee.
<p>“ CHAPTER XIV. “ AMENDMENTS.</p>		
169	“ A question having been proposed may be amended—(i.) By omitting certain words only; (ii.) By omitting certain words in order to insert or add other words; (iii.) By inserting or adding words.”	
170	“ An amendment to any motion before the House must, for purposes of record, be in writing and be signed by the mover and seconder.”	
171	“ Every amendment must be relevant to the question which it is proposed to amend.”	

S.O. No.

STANDING ORDER.

EXPLANATION.

172

"An amendment moved, but not seconded, shall not be entertained by the House, nor entered in the Votes and Proceedings."

173

"When the proposed amendment is to omit certain words, the Speaker shall put a question, 'That the words proposed to be omitted stand part of the question'."

174

"When the proposed amendment is to omit certain words in order to insert or add other words, the Speaker shall put a question 'That the words proposed to be omitted stand part of the question,' which, if resolved in the affirmative, shall dispose of the amendment; but if in the negative, another question shall be put, that the words of the amendment be inserted or added instead of the words which are omitted."

175

"When the proposed amendment is to insert or add certain words, the Speaker shall put a question, that such words be inserted, or added."

175A

"If no Member objects, the Speaker may put a question 'That the amendment be agreed to' in place of the question or questions stated in standing orders 173, 174, and 175."

This new Standing Order gives effect to a long-established practice.

175B

"No amendment shall be moved which is inconsistent with a previous decision on the question."

This new Standing Order, which expresses practice, is consistent with Standing Order 231 disallowing an amendment to a Bill which is inconsistent with one already agreed to by the Committee, and is consistent with May 16/422-3.

176

"No amendment may be moved to any part of a question after a later part has been amended, or after a question has been proposed on an amendment thereto, unless the proposed amendment has, by leave of the House, been withdrawn."

177

"No amendment may be moved to any words which the House has resolved shall stand part of a question, or which have been inserted in, or added to, a question, except it be the addition of other words thereto."

178

"An amendment proposed shall be disposed of before another amendment to the original question can be moved."

179

"A proposed amendment may, by leave of the House, be withdrawn."

Drafting amendment consequent on proposed amendment of Standing Order 168 expresses practice.

180

"Amendments may be moved to a proposed amendment as if such proposed amendment were an original question."

181

"When it is moved to omit words in the main question, in order to insert or add others, no amendment to the words proposed to be inserted or added can be received until the question that the words proposed to be omitted stand part of the main question has been determined."

182

"When amendments have been made, the main question shall be put as amended."

183

"When amendments have been moved but not made, the question shall be put as originally proposed."

S.O. No.	STANDING ORDER.	EXPLANATION.
	" CHAPTER XV. " ORDERS OF THE DAY.	
184	" An order of the day is a bill or other matter which the House has ordered to be taken into consideration on a particular day."	
185	<p>" <i>Unless the House otherwise directs, the Orders of the Day shall be disposed of in the order in which they stand upon the Notice Paper.</i>"</p> <p>" Orders of the day shall have precedence of each other according to the order in which they appear on the Notice Paper. An order of the day may be postponed on motion without notice moved by the Member in charge thereof, or, in his absence, by another Member at his request."</p>	<p>Amendment to express more clearly the rule regarding precedence of the Orders of the Day of each other and to make the wording of the Standing Order consistent with a similar provision regarding Notices of Motion proposed in Standing Order 153.</p> <p>In addition, the Standing Order incorporates, as being a more suitable place in the Standing Orders, the provisions of Standing Order 188 and expresses the practice that the Member in charge may move the postponement of an Order of the Day.</p>
186	" If, at the adjournment of the House, any orders of the day on the Notice Paper have not been called on, such orders of the day shall be set down on the Notice Paper for the next sitting day at the end of the <i>regular business of orders set down for that day.</i> "	The words "regular business of that day" are indefinite in their meaning and the amendment is proposed to clearly express the practice.
187	<p>" <i>An Order of the Day may be discharged although it has been debated.</i>"</p> <p>" On an order of the day being read, it may, on motion without notice moved by the Member in charge thereof, be discharged."</p>	Amendment to more clearly express practice. Consistent with May 16/392.
188	" <i>An Order of the Day, in the absence of the Member in charge thereof, may, at the request of such Member, be postponed.</i> "	Omitted, in view of the inclusion of this provision in re-drafted Standing Order 185.
	" CHAPTER XVI. " DIVISIONS.	
189	" Whenever the Speaker states, on putting a question, that the ' Ayes ' or the ' Noes ' (as the case may be) have it, his opinion may be challenged by Members calling for a division."	
190	" A division shall not be proceeded with unless more than one Member has called for a division."	
191	" Every Member shall vote in accordance with his voice (either ' Aye ' or ' No ') and his vote shall be so recorded."	Amendment to more clearly express practice. Consistent with May 16/413.
192	" A Member calling for a division shall not leave the <i>Chamber area within the seats allotted to Members</i> , and shall vote with those who, in the opinion of the Speaker, were in the minority when the voices were taken."	Amendment to more clearly express intention of the Standing Order. Consistent with May 16/413.

S.O. No.	STANDING ORDER.	EXPLANATION.
193	<p>“ No Member shall be entitled to vote in any division upon a question (not being a matter of public policy) in which he has a direct pecuniary interest not held in common with the rest of the subjects of the Crown. The vote of a Member may not be challenged except on a <i>question of privilege raised immediately after the vote is cast</i> substantive motion moved immediately after the division is completed, and the vote of a Member determined to be so interested shall be disallowed.”</p>	<p>The reference to challenging a vote as a question of Privilege is omitted as it is possible for a vote to be challenged in Committee where Privilege cannot be dealt with. (<i>See note to Standing Order 96.</i>) The re-drafted Standing Order expresses the practice of the Commons—May 16/442.</p>
194	<p>“ <i>No Member shall be entitled to vote in any Division, unless he was present within the Bar when the question was put with the doors locked.</i>”</p> <p>“ No Member shall be entitled to vote in any division unless, when the tellers are appointed, he is within the seats allotted to Members.</p>	<p>The existing Standing Order conflicts with practice which allows a Member to move from a downstairs gallery to a Member’s seat prior to the appointment of Tellers.</p> <p>The words “ present within the Bar ” are too uncertain in describing the area in which a Member must be situated in order to be able to vote. This area was defined by Mr. Speaker on the second sitting day in Canberra after the move from Melbourne—V. & P. 1926–28/354.</p>
195	<p>“ Previously to any division, Senators and strangers shall, if ordered, withdraw from <i>below the Bar the Chamber.</i>”</p>	<p>This amendment gives effect to the intention that if Senators and strangers be ordered to withdraw, they shall withdraw from the Chamber completely. The words “ below the Bar ” would allow Senators and strangers to remain in the Attendants’ Box behind the Bar.</p>
196	<p>“ Before a division is taken, the Clerk shall ring the division bells and turn a two-minute sand-glass, kept on the Table for that purpose, and the doors shall not be closed until after the lapse of two minutes, as indicated by such sand-glass.</p>	
197	<p>“ The doors shall be closed and locked after the lapse of two minutes, and then no Member may enter or leave the Chamber until after the division.”</p>	
198	<p>“ When the doors have been locked, and all the Members are in their places, the Speaker shall state the question to the House, <i>and then shall</i> direct the ‘ Ayes ’ to proceed to the right of the Chair, and the ‘ Noes ’ to the left, and Members having accordingly taken seats, shall appoint two tellers for each side.”</p>	<p>These amendments provide, in accordance with practice, for Members to be able to take their seats before Tellers are appointed.</p> <p>Existing Standing Order 199 states that no Member shall move from his place after the Tellers are appointed.</p>
199	<p>“ <i>Every Member present within the Bar when the Question is then stated shall remain and vote, and no Member shall move from his place after the Tellers have been appointed till the result has been announced.</i>”</p> <p>“ On the Tellers being appointed, every Member within the seats allotted to Members shall vote and no Member may move from his place until the result of the division is announced.”</p>	<p>As in the cases of Standing Orders 194 and 195, the words “ within the Bar ” are too indefinite.</p> <p>The existing Standing Order is inconsistent with practice in that it prevents a Member who, on hearing the Question stated, does not wish to vote, from moving from his seat to a gallery.</p>
200	<p>“ <i>Members having taken seats, every Member</i> Every Member within the seats allotted to Members shall then be counted, and his name taken down by the tellers <i>on either side</i>, who shall sign their list, and present the same to the Speaker, who will declare the result to the House.”</p>	<p>The existing Standing Order does not clearly express the intention and practice that only Members seated in Members’ seats are to be counted.</p> <p>The words “ on either side ” are misleading in their application to the procedure followed by Tellers and are accordingly omitted.</p>

201

"In case there be only one Member on a side on a division, the Speaker, without completing the division, shall forthwith declare the decision of the House."

202

"While the House is dividing Members may speak, sitting, to a point of order arising out of or during the division."

203

"Should a point of order arise during a division, it shall be decided if in the House by the Speaker, if in committee by the Chairman."

204

"Lists of divisions in the House and in committee shall be recorded by the Clerk in the Votes and Proceedings."

205

"In case of confusion or error concerning the numbers reported, unless the same can be otherwise corrected, the House shall proceed to another division."

206

"If complaint be made to the House that a division has been inaccurately reported, the Speaker may cause the record to be corrected."

207

"Any reasons stated by the Speaker for his casting vote shall be entered in the Votes and Proceedings."

" CHAPTER XVII.

" BILLS.

" INITIATION.

208

"Every Bill (unless received from the Senate) shall be initiated either by a Motion for leave to bring in the Bill, specifying its intended title, or by an Order of the House."

"(a) A bill (unless received from the Senate) shall be initiated by a motion for leave to bring in a bill specifying its title, by an order of the House, on the calling on of a notice of presentation, or in accordance with the provisions of standing order 289.

(b) Notice of intention to present a bill shall be given by a Member by either stating its terms to the House and delivering a copy to the Clerk at the Table or delivering a copy of its terms to the Clerk at the Table.

(c) A notice of intention to present a bill shall specify its title and the day for presentation, and shall be signed by the Member and, at least, one other Member.

(d) A notice of intention to present a bill which is given by delivering a copy of its terms to the Clerk at the Table shall be reported to the House by the Speaker at the first convenient opportunity and shall not be entered by the Clerk on the Notice Paper unless it has been so reported.

(e) The standing orders shall, to the necessary extent, be applied and read as if a notice of presentation were a notice of motion."

The existing procedures for initiating Bills are retained but, to give effect to Commons' practice adopted as long ago as 1902 (May 16/515-6), provision has been made for an additional procedure under which a Member may give Notice (by either reading its terms to the House or handing a copy to the Clerk during a sitting) of intention to present a Bill. This Notice of Presentation is printed on the Notice Paper for a subsequent sitting and is not effective until it is so printed.

When, at the subsequent sitting, the Notice of Presentation is called on, the Member may introduce the Bill without any Question put. Initiation in this way will save the time of the House in dealing with the motion for leave to introduce a Bill which has become almost entirely formal.

The provision for a Notice of Presentation to be given by handing a copy to the Clerk during a sitting is consistent with that proposed for a Notice of Motion under Standing Order 133 and is similarly subject to the condition that a notice given in this way shall be announced to the House by the Speaker at the first opportunity and must be so announced before it can be placed on the Notice Paper.

209

"A Member, or Members, having leave to bring in a Bill, shall present a fair copy thereof, signed by him or them, to the House when moving the first reading."

Drafting amendment consequent on revision of Standing Order 208.

"A Member bringing in a bill in accordance with standing order 208 shall present to the House a fair copy signed by him."

210

"The title shall agree with the order of leave or the notice of presentation, and no clause may be included in any bill not coming within its title."

Drafting amendment consequent on revision of Standing Order 208.

211

"Every bill not prepared pursuant to the order of leave, or according to the standing orders of the House, shall be ordered to be withdrawn."

Drafting amendment consequent on revision of Standing Order 208.

"FIRST READING.

212

"On motion being made, the Question 'That this Bill be now read a first time' shall be put by the Speaker immediately after the Bill has been brought in, and shall be determined without amendment or debate."

Gives effect to House of Commons' practice expressed in May 16/516, and in Commons' Standing Order 35 dating from 1902, which recognizes that the first reading is a formal stage. This Commons practice eliminated an unnecessary formal procedure in the same way as this was done in connexion with the introduction of a Bill—See note on revised Standing Order 208.

"On the presentation of a bill by a Member, or on the receipt from the Senate of a bill for the concurrence of the House, it shall be read a first time without any question being put."

213

"On every order for the reading of a bill, the title only shall be read."

214

"After the first reading, a future day shall be appointed for the second reading of the Bill, and the Bill shall meanwhile be printed."

Drafting amendment consequent on revised Standing Order 215.

"After the first reading a future day shall be appointed for the Member to move 'That this bill be now read a second time' and the bill shall meanwhile be printed."

"SECOND READING.

215

"On the Order of the Day being read for the second reading of a Bill, on motion being made the Question shall be proposed 'That this Bill be now read a second time'."

Gives effect to practice of House in consistently granting leave for the second reading to be moved on the day of introduction. The second reading speech in explanation of the Bill is of greater value to Members if it is given on a day preceding that for debating the question.

"Notwithstanding the provisions of standing order 214, if copies of the bill have been circulated among Members the second reading may be moved immediately after the bill has been read a first time. The debate on the question shall then be adjourned to a future day."

216

"An amendment may be moved to such question by omitting 'now' and adding 'this day six months', which, if carried, shall finally dispose of the bill. No amendment may be moved to this amendment."

The addition of the words proposed gives effect to House of Commons' practice—May 16/423—that no amendment can be moved to this second reading amendment which is a stock form alternative to the "reasoned amendment" provided for in Standing Order 217. A similar stock form amendment of the Third Reading cannot be amended—See Standing Order 237.

217

"No other amendment may be moved to such question except in the form of an amendment relevant to the subject-matter of the bill, and which does not anticipate an amendment which may be moved in committee and does not propose the addition of words to the question: Provided that an amendment relating to public affairs may be moved to the question for the second reading of a bill to grant and apply a sum for the service of a year, except a bill relating only to additions, new works, &c."

The prohibition of addition of words gives effect to practice of the House and is consistent with May 16/531.

The proviso is intended, under the new financial proposals, to permit amendments of a general nature to be moved to the second reading of Supply and Appropriation Bills (except Works Bills) in the place of the limited form which, under existing procedures, is the only amendment permissible in the Committee of Supply.

" COMMITTAL AND CONSIDERATION IN COMMITTEE.

218

" After the second reading, unless it be moved ' That this Bill be referred to a Select Committee ', or unless notice of an Instruction has been given, the House shall forthwith resolve itself into a Committee of the Whole for the consideration of the Bill."

" Immediately after the second reading—

- (a) a message recommending an appropriation of revenue or moneys in connexion with the bill may be announced;
- (b) a motion ' That this bill be referred to a select committee ' may be moved; and
- (c) an instruction of which notice has been given may be moved."

218A

" After the second reading, or when proceeding under standing order 218, after those proceedings have been disposed of, the House shall forthwith resolve itself into a committee of the whole for the consideration of the bill unless—

- (a) the bill has been referred to a select committee; or
- (b) the House grants leave for the question ' That this bill be now read a third time ' to be moved forthwith."

219

" When a bill has been referred to a select committee and reported, notice may be given for its recommitment to a Committee of the whole House a time shall be fixed on the motion without notice of the Member in charge of the bill for the consideration in a committee of the whole of the bill as reported."

220

" No motion for referring a bill to a select committee may be moved after the Chairman of Committees has reported the bill."

221

" In committee the title and the preamble stand postponed without question proposed, and the clauses shall be read in their order separately by the Chairman; and the Question shall be considered in their order, a question being proposed by the Chairman on each clause, ' That the clause be agreed to'. The words of enactment at the head of the bill shall not be put to the committee."

222

" In reading the clauses of a Bill it shall be sufficient to read the numbers and marginal notes only."

New Standing Orders 218 and 218A, which are proposed to replace existing Standing Order 218, specify the procedures to be observed after a Bill has been read a second time, and include two new forms of proceeding.

Paragraph (a) of Standing Order 218 is consequent on proposed new financial procedures and removes the present time-wasting form, which, when a Governor-General's Message is to be dealt with, requires the House to go into Committee, report progress on Clause 1, and then go back into the House for the Message. The new procedure will be to take the Message in the House immediately after the Second Reading.

Paragraph (b) of Standing Order 218A involves a major procedural change. It proposes that, in the very many cases of machinery Bills in which the Committee stage passes without debate and is entirely formal, the House may grant leave (*no dissentient voice*) to dispense with the Committee stage and proceed directly to the Third Reading. The procedure would be that, on the Bill being read a second time, the Speaker would make a suitable inquiry of the House when he thought it might be the desire of the House to proceed in this way.

Redlich's Procedure of the House of Commons, Vol. III., p. 91, states that, in earlier days, the House of Commons sometimes used to dispense with the Committee stage and that, even now, the House of Lords occasionally omits it for the purpose of accelerating the passage of a Bill.

This amendment dispenses with the need for a Notice of a Motion to fix a time for a Bill reported from a Select Committee to be considered in a Committee of the Whole. Consistent with Commons practice. May 16/568.

Expresses practice more clearly.

Omitted as inconsistent with practice which is now clearly stated in amended Standing Order 221.

223

“ The following order shall be observed in considering a bill and its title:—

1. Clauses as printed and new clauses, in their numerical order.
2. Schedules as printed and new schedules, in their numerical order.
3. Postponed clauses (not having been specially postponed until after certain other clauses).
4. *New clauses. Preamble.*
5. *New schedules. Title.*
6. *Preamble.*
7. *Title.*

And in reconsidering the bill upon recommitment the same order shall be followed.

Provided that—

- (a) in considering a bill to grant and apply a sum for the service of a year the schedule expressing the purposes and services shall be considered before the clauses, and unless the committee otherwise orders, that schedule shall be considered by proposed votes in the order in which the votes are shown in the abstract of the schedule, and
- (b) in considering a bill to impose taxation, any schedule shall be considered before the clauses.

224

“ Any amendment may be moved to any part of the bill, provided the same be within the title or relevant to the subject-matter of the bill, and be otherwise in conformity with the standing orders of the House.”

225

“ *No amendment for the imposition or for the increase of a tax, rate, or duty shall be moved in any Committee by any Member except a Minister.*”

226

“ The discussion shall be confined to the clause or amendment before the committee.”

227

“ If a clause is amended, a further question shall be proposed, ‘ That the clause, as amended, be agreed to .’ ”

228

“ A clause, or a clause which has been amended, may be postponed.”

229

“ If any amendment has been made in the bill, *not coming within the original necessitating an amendment of the title*, such title shall be amended, and a question proposed, ‘ That the title, as amended, be the title of the bill’, and the amendment of the title shall be specially reported to the House.”

230

“ No notice may be taken of any proceedings of a committee of the whole, or of a select committee on a bill, until such proceedings have been reported.”

The existing Standing Order requires new clauses to be considered after clauses in the Bill have been dealt with and, in consequence, out of numerical order with the clauses of the Bill and, in many cases, out of context. This practice, for which there is no good reason, unnecessarily hinders logical consideration of the Bill in Committee and it is proposed that, consistent with Senate practice, and with the decision of the House in considering the Matrimonial Causes Bill in 1959 and the Crimes Bill in 1960, new clauses be dealt with in their numerical order in the Bill. The other amendments are consequential.

The proviso is consequent on new financial procedures which eliminate the Supply and Ways and Means Committees. It provides that, in considering Appropriation Bills, Supply Bills, and Taxation Bills, the Schedules be considered before the authorizing clauses and that the Schedule in Appropriation and Supply Bills be considered by proposed Votes.

Omitted, consequent on proposed new Standing Orders 289–291 which are designed to clearly express the financial procedures of the House.

Gives effect to practice.

More clearly expresses the intention and practice. Consistent with May 16/564.

231 "No new clause or amendment amendment or new clause or schedule shall be at any time moved which is substantially the same as one already negatived by the committee, or which is inconsistent with one that has been already agreed to by the committee, unless a recommittal of the bill has intervened."

Re-drafted, to include, in accordance with intention and practice, the reference to a schedule to a Bill.

"FIRST REPORT TO ADOPTION OF REPORT.

232 "When the bill has been fully considered, the question shall be put forthwith and determined without amendment or debate, 'That the bill (or this bill as amended) be reported', which being agreed to, the Chairman shall leave the Chair and report the bill forthwith."

233 "If a bill be reported with amendments, a future time shall be appointed for taking the report into consideration and moving its adoption, and the bill, as reported, may in the meantime be printed; but if no amendments have been made the report may be at once adopted."

234 "On report from the committee or on the motion for the adoption of the report the bill may, on motion by any Member, be recommitted, either in whole or in part; in which case, if amendments be made and the bill be reported, a subsequent time shall be fixed for taking the report into consideration and moving its adoption, and the bill, as reported with the amendments, may in the meantime be printed; but if no amendments have been made the report may be at once adopted.

As in practice many motions for recommittal have been moved, by leave, before the motion for the adoption of the report, the Standing Order has been amended to provide that a motion of recommittal may be moved before the motion for the adoption of the report as well as after.

"THIRD READING, PASSING, ETC.

235 "When the report is finally adopted, a future day shall be fixed, on motion, for the third reading."

236 "On the order of the day being read for the third reading of a bill, on motion being made, the question shall be proposed 'That this bill be now read a third time'."

237 "The only amendment which may be moved to such question is by omitting 'now' and adding 'this day six months', which, if carried, shall finally dispose of the bill."

238 "After the third reading no further question shall be put, and the bill shall have passed the House."

239 "Amendments of a verbal or formal nature may be made, and clerical or typographical errors may be corrected, in any part of the bill by the Clerk acting with the authority of the Chairman of Committees.

This amendment expresses the procedure followed in practice.

240 "When a bill originated in the House has been passed, the Clerk shall certify at the top of the first page 'This bill originated in the House of Representatives; and, having this day passed, is now ready for presentation to the Senate for its concurrence'."

" TRANSMISSION TO SENATE.

241

" After a passed bill has been certified by the Clerk, it shall be sent to the Senate with a message desiring the concurrence of the Senate that House.

Drafting amendment.

" SENATE'S AMENDMENTS ON BILLS ORIGINATED IN THE HOUSE.

242

" When a bill is returned from the Senate with amendments, the amendments shall be printed, unless the House otherwise orders, and a time fixed for taking the same into consideration in committee of the whole."

243

" On report from the committee the amendments made by the Senate shall be agreed to either with or without amendments; or disagreed to; or the consideration thereof postponed; or the bill ordered to be laid aside."

The existing Standing Order does not clearly show that the decisions of the House on Senate amendments are taken after report from the Committee of the Whole to which the amendments are referred in accordance with Standing Order 242. The words proposed to be inserted make this clear.

244

" No amendment may be moved to an amendment of the Senate that is not relevant thereto; nor may an amendment be moved to the bill unless the same be relevant to, or consequent upon, either the acceptance or the rejection of an amendment of the Senate."

245

" When amendments made by the Senate, in bills which have first passed the House, have been agreed to by the House without amendments, a message shall be sent informing the Senate thereof; and if they have been agreed to with amendments, the bill shall be returned with a schedule of such amendments, in a message desiring the concurrence of the Senate therein; and if they have been disagreed to, the bill may be laid aside, or it may be again sent to the Senate, with a message desiring its reconsideration."

These words are omitted as the power to lay a Bill aside is already contained in the larger power stated in Standing Order 243.

246

" In any case, when a bill is returned to the Senate with any of the amendments made by the Senate disagreed to, the message containing such bill shall also contain reasons for the House not agreeing to the amendments proposed by the Senate; and such reasons shall be drawn up by a Committee of three Members, to be appointed for that purpose. On motion without notice the House shall appoint a committee of three Members to draw up reasons and report them to the House."

Expresses practice more clearly, including the duty of the Committee to report to the House.

247

" When amendments have been made by the House on the amendments of the Senate, a schedule of such amendments shall be prepared, containing reference to each amendment of the Senate which has been amended by the House; and this schedule shall accompany the bill, and be certified by the Clerk."

248

- “ If the Senate returns the bill with a message informing the House that it—
- i. Insists on the original amendments to which the House has disagreed, or
 - ii. Disagrees to amendments made by the House on the original amendments of the Senate, or
 - iii. Agrees to amendments made by the House on the original amendments of the Senate, with further amendments:

the House may, as to i.—

Agree, with or without amendment, to the amendments to which it had previously disagreed, and make, if necessary, consequential amendments to the bill; or insist on its disagreement to such amendments;

and may, as to ii.—

Withdraw its amendments and agree to the original amendments of the Senate; or make further amendments to the bill consequent upon the rejection of its amendments; or make new amendments as alternative to the amendments to which the Senate has disagreed; or insist on its amendments to which the Senate has disagreed;

and may, as to iii.—

Agree, with or without amendment, to such further amendments of the Senate, making consequential amendments to the bill, if necessary; or disagree thereto and insist on its own amendments which the Senate has amended;

and in all such cases, if agreement be not thereby arrived at, *or if the Bill be again returned by the Senate with any of the requirements of the House still disagreed to, the House shall order the Bill to be laid aside or request a Conference the House may return the bill to the Senate, or order the bill to be laid aside, or request a conference. If the bill be again returned by the Senate with any of the requirements of the House still disagreed to, the House shall fix a time for the consideration of the message and, on its consideration, shall order the bill to be laid aside or request a conference.*”

249

“ When the requirements of the Senate in the bill have been finally agreed to, a message shall be sent informing the Senate thereof.”

250

“ In whatever way the House disposes of a bill returned with amendments by the Senate, as hereinbefore described, the Clerk shall, at every stage, certify accordingly on the bill.”

This amendment is largely of a drafting nature. The existing Standing Order makes it mandatory, if there is still disagreement on Senate amendments to a House Bill at the stage when the Bill has been returned a *second* time by the Senate, for the Bill to be laid aside or for the House to request a Conference with the Senate. This is inconsistent with the practice that, at this stage, the Bill can again be sent to the Senate (e.g., Votes and Proceedings 1950/51, p. 195), and, also, with the words “ or if the Bill be again returned” which obviously refer to the Bill on its return a *third* time by the Senate.

The mandatory provisions referred to above which are applied to the Bill on its *second* return from the Senate have been now related to the Bill on its *third* return, the stage at which Parliamentary practice recognizes that further passage of the Bill between the Houses is pointless. Opportunity has been taken to settle the uncertainty which existed in 1950–51 as to whether the Senate Message returning the Bill a third time had to be dealt with immediately, by providing for the Message to be set down for consideration at a suitable time.

STANDING ORDER.

EXPLANATION.

S.O. No.

"BILLS RECEIVED A FIRST TIME FROM THE SENATE.

251

" *Bills* A bill coming to the House the first time from the Senate shall be proceeded with in all respects as similar Bills presented in pursuance of Orders of the House, to the necessary extent, be proceeded with as if it were a bill originating in the House."

This drafting amendment recognizes that the procedure under which Bills originate in the House cannot be entirely applied to a Bill coming from the Senate.

252

" When any such bill has been passed by the House, with or without amendment, it shall be returned to the Senate by message, with the Clerk's certificate that ' This bill has been agreed to by the House without amendment,' or, ' with the amendments indicated by the annexed schedule,' as the case may require; and the concurrence of the Senate in such amendments shall be desired."

253

" When any amendments have been made by the House to a bill which has been first passed by the Senate, a schedule of such amendments shall be prepared, containing reference to the *page, clause, clause, page,* and line of the bill, and *describing the* amendments made; and this schedule shall accompany the bill, and be certified by the Clerk."

Drafting amendment to provide for schedules of amendments to a Senate Bill to be prepared in the form ordinarily used for amendments moved in the House.

The word " describing " to be omitted does not correctly express the practice which is to show the amendment in full.

254

" If the Senate returns such bill with any of the amendments made by the House disagreed to, or further amendments made thereon, together with reasons for its disagreeing to any such amendments proposed by the House, *the Message returning the Bill shall be printed, unless the House otherwise orders, and a time fixed for taking the same into consideration a time shall be fixed for taking the Senate message into consideration in committee of the whole and, unless the House otherwise orders, any schedule accompanying the message shall be printed.*"

Drafting amendment to express the practice that a Senate Message of this kind is first referred to the Committee of the Whole and that the Schedule of Amendments, not the Message, is printed.

255

" In cases where the Senate—

- I. Disagrees to amendments made by the House; or
- II. Agrees to amendments made by the House with amendments:

on report from the committee, the House may, as to I.—

Insist, or not insist, on its amendments; or make further amendments to the bill consequent upon the rejection of its amendments; or make new amendments as alternative to the amendments to which the Senate has disagreed; or order the bill to be laid aside;

and may, as to II.—

Agree to the Senate's amendments on its own amendments, with or without amendment, making consequential amendments to the bill if necessary; or disagree thereto and insist on its own amendments which the Senate has amended; or order the bill to be laid aside:

and, unless the bill be laid aside, a message shall be sent to the Senate to such effect as the House has determined.

On any further return of the bill from the Senate with any of the requirements of the House still disagreed to, the House may order the bill to be laid aside."

The insertion of these words is consequent on the alteration of Standing Order 254 and expresses the principle that the House adopts the report from the Committee; the Committee having only the power of recommendation to the House.

This Standing Order allows the Bill to be laid aside after its return from the Senate with House amendments either disagreed to or agreed to with amendments. The words to be added reasonably extend the power to lay aside if disagreement to House amendments still exists on any further return of the Bill from the Senate.

256

“ In any case when a bill is returned to the Senate with any of the amendments made by the Senate on the amendments of the House disagreed to, the message returning such bill shall also contain reasons for the House not agreeing to the amendments made by the Senate, and such Reasons shall be drawn up by a committee of three members, to be appointed for that purpose. On motion without notice the House shall appoint a committee of three members to draw up reasons and report them to the House.”

Expresses practice more clearly, including the duty of the Committee to report to the House.

257

“When any further amendments have been made by the House on the Senate's amendments on the original amendments of the House to a bill which has been first passed by the Senate, a schedule of such further amendments shall be prepared, containing reference to each amendment of the Senate which has been amended by the House, and describing the further amendment made; and this schedule shall accompany the bill, and be certified by the Clerk.”

The word “ describing ” to be omitted does not correctly express the practice which is to show the amendment in full.

258

“ In whatever way the House disposes of a bill returned by the Senate after having been amended by the House, the Clerk shall, at every stage, certify accordingly on the first page of the bill.”

259

“ No amendment may be moved to any words of the bill which, having received the concurrence of the Senate, have not been the subject of, or immediately affected by, some previous amendment, unless such proposed amendment be consequent upon an amendment already agreed to or made by the House.”

“ BILLS WHICH THE SENATE MAY NOT AMEND.

260

“ Whenever the Senate returns to the House any bill which the Senate may not amend, requesting, by message, the omission or amendment of any items or provisions therein, the House shall thereupon, or at a later time to be fixed, resolve itself into a committee of the whole, to consider the Message requested amendments, and the subsequent proceedings shall be as follows:—

Amendment expresses practice that Senate Requested Amendments, not the Message are the substantive papers considered in the Committee of the Whole. A similar provision regarding Senate amendments is contained in Standing Order 242.

- (a) The Committee may make any of such omissions or amendments, with or without modifications, and a report shall be made to the House by the Chairman.
- (b) The report may be adopted forthwith, or the question may be recommitted, or the adoption of the report may be negatived.
- (c) If the report be adopted, the omissions or amendments (if any) as agreed to by the House shall be made by the Clerk in the bill, which shall be returned to the Senate with a message, stating the manner in which the omissions or amendments requested by the Senate have been dealt with by the House, and desiring the concurrence of the Senate in the bill.
- (d) If the report be negatived, or if in committee the Chairman be moved out of the Chair by resolution without being ordered to report resolutions to the House, the bill shall lapse, and no message shall be sent thereon to the Senate.”

"BILLS ALTERING THE CONSTITUTION.

261

"Whenever the third reading of a bill by which an alteration of the Constitution is proposed to be made has not been carried by an absolute majority of the House, the bill shall be forthwith laid aside and shall not be revived during the same session."

"LAPSED BILLS.

262

"Any bill which lapses by reason of a prorogation before it has reached its final stage may be proceeded with in the next ensuing session at the stage it had reached in the preceding session, if a periodical election for the Senate or a general election has not taken place between such two sessions, under the following conditions:—

(a) If the bill be in the possession of the House in which it originated, not having been sent to the other House, or, if sent, then returned by message, it may be proceeded with by resolution of the House in which it is, restoring it to the Notice Paper.

(b) If the bill be in the possession of the House in which it did not originate, it may be proceeded with by resolution of the House in which it is, restoring it to the Notice Paper, but such resolution shall not be passed unless a message has been received from the House in which it originated, requesting that its consideration may be resumed.

Any bill so restored to the Notice Paper shall be proceeded with in both Houses, as if its passage had not been interrupted by a prorogation, and, if finally passed, be presented to the Governor-General for Her Majesty's assent.

"Should the motion for restoration to the Notice Paper be not agreed to by the House in which the bill originated, the bill may be re-introduced and proceeded with in the ordinary manner."

"PRESENTATION FOR ASSENT.

263

"Every bill originated in the House of Representatives which has finally passed both Houses, shall be presented by the Speaker to the Governor-General for Her Majesty's assent, having been first certified by the signature of the Clerk as having originated in the House, and as having finally passed both Houses."

"AMENDMENTS PROPOSED BY THE GOVERNOR-GENERAL.

264

"Whenever the Governor-General returns any bill presented to him, and transmits therewith any amendment which he may recommend, such amendment shall be considered and dealt with in the same manner as amendments proposed by the Senate."

265

"When the House has agreed to any amendment proposed by the Governor-General with or without amendment, such amendment, together with any alterations rendered necessary to be made in the bill in consequence of such amendment, shall be forwarded to the Senate for its concurrence; and any amendment made by the Senate thereto shall be dealt with in the same manner as amendments made by the Senate in bills originated in the House."

S.O. No.

STANDING ORDER.

EXPLANATION.

- 274 "Every question in committee shall be decided in the same manner as in the House itself, the Chairman having only a casting vote, and any reasons stated by him shall be entered in the Votes and Proceedings."
- 275 "Divisions shall be demanded and taken in committee in the same manner as in the House itself."
- 276 "A motion contradictory of a previous decision of the committee shall not be entertained in the same committee."
- 277 "A motion moved in committee need not be seconded."
- 278 "Except as provided by these standing orders, the same rules for regulating the conduct of business shall be observed in committee as in the House itself, the Chairman of Committees being invested with the same authority as the Speaker for the preservation of order; but disorder in a committee may be censured by the House only on receiving a report."
- 279 "If any objection is taken to a ruling of the Chairman of Committees, such objection shall be stated at once *in writing, and* a motion of dissent, to be submitted in writing, moved, which shall be forthwith decided by the committee *without debate*; and the proceedings shall then be resumed where they were interrupted."
- 280 "If any sudden disorder arises in committee the Speaker may resume the Chair."
- 281 "The Speaker shall resume the Chair when the time is come for holding a conference, or for doing anything which the House has ordered to be done at a stated time."
- 282 "If it appears, upon a division in committee, that a quorum of Members is not present, the Chairman shall leave the Chair of the committee, and shall inform the Speaker thereof, but make no further report. No decision of the committee shall be considered to have been arrived at by such division."
- 283 "If any Member takes notice that a quorum of Members is not present, then the Chairman shall count the committee, and if a quorum be not present within two minutes he shall inform the Speaker thereof, but shall make no further report. If a quorum be present, the committee shall proceed with the business where interrupted."
- 284 "If the proceedings of a committee be interrupted by a count-out followed by an adjournment of the House, the House may, **on motion with notice**, order the resumption of such committee *on a future day, on Motion with notice*, and the proceedings shall then be resumed at the point where they were so interrupted."

Re-drafted, to provide, in accordance with practice, that the Motion of Dissent, not the objection, shall be submitted in writing.

Also expresses more clearly the intention and the practice that a Motion of Dissent in Committee must be dealt with forthwith without debate.

This amendment is proposed as it is thought to be more consistent with modern needs that the House, following a motion on notice to resume proceedings interrupted by a count-out, should be able to resume those proceedings immediately instead of having to wait for the next sitting. Consistent with May 16/393.

285

"When all matters referred to a Committee have been considered the Chairman shall be directed to report the same to the House; and when all such matters have not been finally considered the Chairman shall report progress and ask leave to sit again."

"A motion may be moved during the proceedings of a committee 'That the Chairman do report progress and ask leave to sit again', and such question shall be put forthwith and decided without amendment or debate. On the Chairman reporting to the House, the Speaker shall put a question to fix a time for the House to resolve itself again into the committee."

Standing Orders 285 and 286 have been redrafted and their order re-arranged to more clearly express the intention.

In addition, the proposed new Standing Order 285 recognizes that the question that the House do later resolve itself into a Committee of the Whole is a formal procedure which does not require to be initiated by Motion but is put directly by the Speaker.

286

"A Motion may be moved during the proceedings of a Committee 'That the Chairman do report progress and ask leave to sit again', and such question shall be put forthwith and decided without amendment or debate."

"When all matters referred to a committee have been considered the Chairman shall be directed to report the same to the House."

See notes to Standing Order 285.

287

"A motion 'That the Chairman do now leave the Chair', which question shall be put forthwith and decided without amendment or debate, will, if carried, supersede the proceedings of a committee; but the committee may, on motion with notice, be revived for a future day and the proceedings shall be resumed at the point where they were interrupted."

This amendment is similar in principle to that proposed to Standing Order 284—see note to Standing Order 284.

288

"The resolutions reported from a committee may be taken into consideration forthwith and may be agreed to or disagreed to by the House, or recommitted to the committee, or the further consideration thereof postponed."

"Committees of Supply and of Ways and Means."

"COMMITTEE OF WAYS AND MEANS.

288A

(a) A Committee of Ways and Means may be appointed on motion, without notice.

(b) On the order of the day being read for the committee the Speaker shall leave the Chair without putting any question.

(c) On a report by the Chairman from the committee, the committee shall stand set down for a later hour.

(d) The following time limits for speeches in the committee shall apply in place of those specified in standing order 92:—

General debate on a tariff—

Minister in charge	.. .. .	Periods not specified
Leader of Opposition or one Member deputed by him	.. .. .	45 minutes
Any other Member	.. .. .	30 minutes

Each other question before the Chair on a tariff—

Minister in charge	.. .. .	Periods not specified
Any other Member—Two periods each not exceeding	.. .. .	15 minutes

(e) This standing order shall remain in force until the enactment of legislation enabling tariff proposals to be initiated in the House itself."

Under the proposed new financial procedures the Committee of Ways and Means would be eliminated and Tariff Proposals initiated in the House itself. To enable this to be done it is proposed that the Customs and Excise Acts be amended to remove any doubts as to the validity of the new procedure (see part (6) of the Report of the Committee). Pending the enactment of this legislation, however, it will be necessary to continue the existing Ways and Means procedure. The purpose of this temporary Standing Order is to provide for the retention of the Committee of Ways and Means for this limited purpose until such time as the legislation is passed.

S.O. No.

STANDING ORDER.

EXPLANATION.

**" CHAPTER XVIII(A).
" FINANCIAL PROCEDURES."**

289

" The Committees of Supply and of Ways and Means shall be appointed at the commencement of every Session, so soon as an Address has been agreed to in answer to His Excellency the Governor-General's speech."

" A bill to grant and apply a sum for the service of a year or a bill or proposal dealing with taxation may be submitted to the House by a Minister without notice."

Existing Standing Order 289 is proposed to be omitted consequent on new financial procedures eliminating the Committees of Supply and Ways and Means. See part (4) of the Report of the Committee.

Existing financial procedures allow a Minister to make an appropriation or taxing proposal without notice in the Supply or Ways and Means Committee. This right to introduce without notice, which is necessary to protect the revenue, is accordingly transferred to the new procedure in the House and is embodied in the proposed new Standing Order 289. The Standing Order as drafted will permit Assessment Bills as well as other measures imposing taxation to be introduced without notice.

290

" On the Order of the Day being read for the Committee of Supply or Committee of Ways and Means, the Speaker shall put the question ' That I do now leave the Chair ', but where either of these Committees has reported progress, the Speaker shall, on the Order of the Day being read, leave the Chair without putting any question."

" No proposal for the appropriation of any public moneys shall be made unless the purpose of the appropriation has in the same session been recommended to the House by message of the Governor-General, but a bill, except a bill to grant and apply a sum for the service of a year, which requires the Governor-General's recommendation may be brought in by a Minister and proceeded with before the message is announced. No amendment of such proposal shall be moved which would increase, or extend the objects and purposes or alter the destination of, the appropriation so recommended unless a further message is received."

Existing Standing Order 290 is proposed to be omitted consequent on new financial procedures.

This proposed new Standing Order states the practice of the House in dealing with proposals for appropriations, previously expressed in part only by Standing Order 225. Its purpose is to give Parliamentary procedural effect to Section 56 of the Constitution requiring the Governor-General's recommendation to any proposal involving an appropriation (i.e., the financial initiative of the Crown) with which is associated the principle that only a Minister may bring in a Bill to appropriate moneys before the Governor-General's Message is announced to the House. This latter principle is also dealt with in proposed new Standing Order 294 stating that a Message for the purposes of a Bill already brought in pursuant to Standing Order 290 shall be taken after the second reading and before the Committee stage. Appropriation and Supply Bills, however, must be preceded by a Message.

Relevant references are May 16/677, 686, 690, 691, 697, 700, 701, 706, 732, 772, 780; House of Commons Standing Order 80; Commonwealth Constitution Section 56.

291

" Notwithstanding the preceding Standing Order, the first Order of the Day on each alternate Thursday commencing with the first Thursday after the appointment of the Committees of Supply and Ways and Means shall be either Supply or Ways and Means, and on that Order of the Day being read the Question shall be proposed ' That the Speaker do now leave the Chair ', to which Question any Member shall be at liberty to address the House or move any Amendment. If consideration of this Question shall not have been concluded at fifteen minutes to one o'clock p.m., the debate thereon shall be interrupted and the Speaker shall put the Question."

" A proposal for the imposition, or for the increase, or alleviation, of a tax or duty, or for the alteration of the incidence of such a charge, shall not be made except by a Minister. No Member, other than a Minister, may move an amendment to increase, or extend the incidence of, the charge defined in that proposal unless the charge so increased or the incidence of the charge so extended shall not exceed that already existing by virtue of any Act of the Parliament."

Existing Standing Order 291 is proposed to be omitted consequent on new financial procedures, the Grievance Day procedure being transferred to proposed new Standing Order 106AA.

This proposed new Standing Order expresses the practice of the House in applying to taxing proposals the Parliamentary law providing for the financial initiative of the Crown. This principle was previously expressed in part only by Standing Order 225 to be omitted.

Relevant references are May 16/677, 686, 691, 784, 793, 802; existing Standing Orders 225, 294.

52

292

“ CHAPTER XVIII(B).
“ MESSAGES FROM THE GOVERNOR-GENERAL.”

“ Any Motion for the imposition of any charge upon the people or for the appropriation of any public revenue shall be considered in a Committee of the Whole House or of Supply or Ways and Means before any resolution or vote of the House do pass thereon.”

“ A message from the Governor-General shall be announced to the House by the Speaker, but not during a debate, or so as to interrupt a Member whilst he is speaking.”

293

“ Any report of Resolutions from the Committees of Supply and of Ways and Means shall be ordered to be considered on a future day. Such Resolutions may be agreed to, postponed, recommitted, or disagreed to.”

“ Subject to the provisions of standing orders 294, 295, and 295A, a message from the Governor-General recommending an appropriation of revenue or moneys for the purposes of a bill shall be announced before the bill to which it relates is brought in.”

294

“ No Amendment whereby the charge upon the people will be increased may be moved to any such Resolution, unless such charge so increased shall not exceed the charge already existing by virtue of any Act of the Parliament.”

“ A message from the Governor-General recommending an appropriation of revenue or moneys for the purposes of a bill which, in accordance with the provisions of standing order 290, is brought in by a Minister before a message is announced, shall be announced after the bill has been read a second time.”

295

“ The Chairman, if he is directed to ask that the Committee may have leave to sit again, shall acquaint the House, and the House may appoint a day accordingly.”

“ Any message from the Governor-General recommending an appropriation of revenue or moneys for the purposes of an amendment to be moved to a bill shall be announced before the amendment is moved.”

295A

“ Any message from the Governor-General recommending an appropriation of revenue or moneys for the purposes of or in relation to an amendment made or requested by the Senate in a bill which originated in the House shall be announced before that amendment or requested amendment, as the case may be, is considered.”

Proposed new Chapter XVIII (B) (comprising Standing Orders 292–295A) is consequent in part on new financial procedures and states when Messages from the Governor-General recommending appropriations for Bills, amendments, &c. shall be announced. In a more appropriate position in the Standing Orders, it replaces existing Standing Orders 397–399 in Chapter XXX.

Existing Standing Order 292 is proposed to be omitted consequent on new financial procedures abolishing the money Committee of the Whole and the Committees of Supply and Ways and Means.

This Standing Order replaces existing Standing Order 397.

Existing Standing Order 293 is proposed to be omitted consequent on new financial procedures.

This Standing Order requires that, with certain stated exceptions, a Message recommending an appropriation for a particular Bill shall be announced before the Bill is brought in.

Existing Standing Order 294 is proposed to be omitted consequent on new financial procedures. The principle is now expressed in proposed new Standing Order 291.

This Standing Order provides that, if the Bill is brought in by a Minister, the Message shall be announced after the second reading. *See* Standing Order 290.

Existing Standing Order 295 is proposed to be omitted consequent on new financial procedures.

This Standing Order specifies that any Message recommending an appropriation for an amendment shall be announced before the amendment is moved.

This Standing Order specifies that any Message recommending an appropriation for the purpose of a Senate amendment or Requested amendment shall be announced before the amendment or Requested amendment is considered.

" CHAPTER XIX.

" INSTRUCTIONS TO COMMITTEES.

- 296 " An instruction empowers a committee to consider matters not otherwise referred to it."
- 297 " No instruction can be given to a committee to do that which it is already empowered to do, or to deal with a question beyond the scope of a bill as read the second time."
- 298 " An instruction to a committee of the whole requires notice, and can only be moved before first going into committee on any question."
- 299 " An instruction to a select committee extending or restricting the order of reference may be moved, after notice, on any day prior to the report of the committee."

" CHAPTER XX.

" INFRINGEMENT OF ORDER, AND ARREST.

- 300 " If any Member has—
 (a) persistently and wilfully obstructed the business of the House; or
 (b) been guilty of disorderly conduct; or
 (c) used objectionable words, which he has refused to withdraw; or
 (d) persistently and wilfully refused to conform to any standing order; or
 (e) persistently and wilfully disregarded the authority of the Chair—
 he may be named by the Speaker, or, if any of the above-named offences has been committed by a Member in committee, by the Chairman."
- 301 " If the offence has been committed in the House, the Speaker shall forthwith put the question, on a motion being made, no amendment, adjournment, or debate being allowed, 'That such Member be suspended from the service of the House'; and, if the offence has been committed in committee, the Chairman shall forthwith suspend the proceedings of the committee and report the circumstances to the House; and the Speaker shall *thereupon, without a motion being necessary, forthwith, on a motion being made*, put the same question, without amendment, adjournment, or debate, as if the offence had been committed in the House itself."
- 302 " If any Member be suspended under the foregoing order, his suspension on the first occasion shall be for twenty-four hours; on the second occasion during the same year for seven consecutive days excluding the day of suspension; and on the third or any subsequent occasion during the same year for twenty-eight consecutive days excluding the day of suspension: *Provided that any suspension in a previous Session shall be disregarded.* For the purposes of this standing order, any suspension in a previous session shall be disregarded, and 'year' means a year commencing on the 1st day of January and ending on the 31st day of December."

This Standing Order provided that when a Member has been named in Committee and the Chairman reports the circumstances to the House, the Speaker shall put a question for the suspension of the Member without a motion being made. This is contrary to the intention of the Standing Orders Committee (Committee meeting 20th September, 1949) which recommended the revised Standing Orders adopted on 21st March, 1950, to give effect to the practice of the House of Commons in its Standing Order 22.

The intention of the Committee and the practice of the Commons is that in these circumstances a motion shall be moved in the House for the suspension of the Member and the Standing Order is amended accordingly.

These amendments more clearly express the intention and the practice that the year in respect of which second and further suspensions have increasing penalties is a year commencing on the 1st January and that the days during which a suspension operates are the days following each other and not sitting days.

303

"The Speaker or the Chairman shall order a Member whose conduct is grossly disorderly to withdraw immediately from the House during the remainder of that day's sitting; and the Serjeant-at-Arms shall act on such orders as he may receive from the Chair in pursuance of this Standing Order. Any Member ordered to withdraw from the House pursuant to this Standing Order shall not return during the same sitting except by permission of the Speaker or Chairman."

The Standing Order has been redrafted to make it quite clear (a) that its provisions will apply only in cases which are so grossly offensive that immediate action is imperative and (b) that the Standing Order cannot be used for ordinary offences. In addition, provision has been made for the House to judge the matter by requiring the Chair to name the Member immediately after his withdrawal.

"When the conduct of a Member is of such a grossly disorderly nature that the procedure provided in standing order 301 would be inadequate to ensure the urgent protection of the dignity of the House, the Speaker or the Chairman shall order the Member to withdraw immediately from the Chamber and the Serjeant-at-Arms shall act on such orders as he receives from the Chair in pursuance of this standing order. When the Member has withdrawn, he shall forthwith be named by the Speaker or the Chairman, as the case may be, and the proceedings shall then be as provided in standing orders 301 and 302, except that the question for the suspension of the Member shall be put by the Speaker without a motion being necessary.

If the question for the suspension of the Member is resolved in the negative, he may forthwith return to the Chamber."

303A

"A Member who has been suspended from the service of the House shall be excluded from the Chamber and all galleries thereof."

This new Standing Order was originally proposed by the Standing Orders Committee on the 10th November, 1954. The principle expressed was approved by the House on the 28th April, 1955, when it agreed to a motion by the Prime Minister "That, in the view of this House, suspension from the service of the House involves exclusion from the Chamber and its immediate surroundings, but does not involve deprivation of the other amenities of the building."

304

"In the case of grave disorder arising in the House, the Speaker may adjourn the House without question put, or suspend any sitting for a time to be named by him."

305

"If any Member wilfully disobeys any order of the House, he may be ordered to attend to answer for his conduct; and, unless his explanation be deemed satisfactory, if he fails to attend, or if his explanation be deemed unsatisfactory, the House may direct the Serjeant-at-Arms to take such Member into custody."

Drafting amendment to clarify the Standing Order. Consistent with May 16/142.

306

"The Serjeant-at-Arms shall, from time to time, on being so directed by the Speaker, take or deliver into custody any stranger whom he may see, or who may be reported to him to be, in any part of the Chamber appropriated to the Members of the House; and also any stranger who, having been admitted into any other part of the House or gallery, misconducts himself, or does not withdraw when strangers are directed to withdraw, while the House or any committee of the whole House is sitting; and no person so taken into custody shall be discharged out of custody except on the special order of the House."

These words are omitted as they are inconsistent with the ordinary practice of a Serjeant-at-Arms and with the practice of the Commons expressed in their Standing Order 103. The omission of the concluding words of the Order does not prevent the House from exercising its traditional disciplinary powers if this be necessary.

307

"When any Member or other person has been taken into the custody of the Serjeant-at-Arms, such arrest shall be reported to the House by the Speaker without delay; and the House shall fix the time for such Member or other person to be brought to the Bar, to be dealt with by the House."

S.O. No.	STANDING ORDER.	EXPLANATION.
	" CHAPTER XXI.	
	" STRANGERS.	
308	" Only the Speaker shall have the privilege of admitting strangers into the <i>portion of the Chamber below the Bar</i> lower galleries, but Senators shall have the privilege of admission <i>there into the Senators' gallery</i> without orders. The Speaker may admit distinguished strangers to a seat on the floor of the House."	These amendments more clearly express the practice and give a better definition of the sitting areas into which non-Members may be admitted.
309	" Every Member may each day, by written orders of the Serjeant-at-Arms, admit two strangers to the gallery."	Proposed amendment expresses practice.
310	" If at any sitting of the House, or in committee, any Member takes notice that strangers are present, the Speaker or the Chairman (as the case may be) shall forthwith put the question ' That strangers be ordered to withdraw,' which shall be decided without debate: Provided that the Speaker or the Chairman may, whenever he thinks fit, order the withdrawal of strangers from any part of the Chamber."	
311	" While the House or a committee of the whole is sitting, no Member may bring any stranger into any part of the Chamber appropriated to the Members of the House."	
	" CHAPTER XXII.	
	" PAPERS.	
312	" Papers may be ordered to be laid before the House, and the Clerk shall communicate to the Minister concerned all orders for papers made by the House; and such papers when received shall be laid on the Table by the Clerk."	
313	" When the Royal Prerogative is concerned in any paper, an address shall be presented to the Governor-General praying that such paper may be laid before the House."	
314	" Motions for the production of despatches, or other correspondence addressed to the Governor-General, or for any information emanating from His Excellency, shall be in form—' That an address be presented to His Excellency,' to that effect."	

315 "Other papers may be presented by the Speaker, or pursuant to statute, or by command of His Excellency the Governor-General. Papers may be presented in the House, or may instead be delivered to the Clerk who shall cause them to be recorded in the Votes and Proceedings. Papers so delivered to the Clerk shall be deemed to have been presented to the House on the day on which they are recorded in the Votes and Proceedings."(a)

(a) The provision in this standing order that papers delivered to the Clerk shall be deemed to have been presented to the House shall not operate until appropriate legislation has been passed by the Parliament.

The words proposed to be added to this Standing Order are designed to give effect to the House of Commons' practice and save the time of the House of Representatives by providing that Papers, more particularly Statute Papers presented by the Clerk, be deemed to have been presented if they are delivered to the Clerk and recorded in the Votes and Proceedings.

As doubt could arise in relation to the requirement of the Acts Interpretation Act that Regulations, Ordinances, &c., be "laid before each House of the Parliament" it is recommended that suitable legislation be submitted to the Parliament to ensure that the proposed new method for presenting Papers does not conflict with the statutory requirement. It is proposed that, pending the passing of such legislation, the operation of the alternative procedure be deferred as provided in the footnote to the Standing Order.

It is intended that the new procedure apply mainly to Papers of a machinery nature and that the more important Papers, particularly those for which an immediate order to print is required, e.g., Report of the Taxation Commissioner, or Papers the subject matter of which is to be debated, be tabled openly in the House as at present.

316 "All papers and documents laid upon the Table of presented to the House shall be considered public. Papers not ordered to be printed may be inspected at the offices of the House at any time by Members, and, with permission of the Speaker, by other persons, and copies thereof or extracts therefrom may be made."

Drafting amendment to make the wording consistent with Standing Order 315.

317 "A document relating to public affairs quoted from by a Minister, unless stated to be of a confidential nature or such as should more properly be obtained by address, shall, if required by any Member, be laid on the Table."

318 "On any Paper being laid before the House, it shall be in order for a Minister to move forthwith that the Paper be printed: Provided that if a Motion for the printing of a Paper has not been moved forthwith by a Minister, a Motion, on notice, for the printing of the Paper may be moved on any subsequent day."

The use of a motion to print a paper as a vehicle for discussion of the subject matter has the objection that the adjournment of the debate can defer for a considerable time a desirable order to print the paper and thus allow its publication.

"On any paper being presented to the House as provided in this chapter a Minister may move without notice either or both of the following motions—1. That the paper be printed; 2. That the House take note of the paper: Provided that if the motions are not moved by a Minister at the time of the presentation of the paper, they may be moved, on notice, on a subsequent day."

The amended Standing Order retains the provisions of the existing order but provides that, in addition to a motion for the printing of the paper, a motion may also be moved that the House takes note of the paper. This proposed motion is frequently used in the Commons and, apart from being a more suitable vehicle for debate, would allow the motion to print to be passed immediately if this be necessary.

An alternative but less satisfactory way of avoiding delay in printing a paper would be to amend Standing Order 26 to enable the Printing Committee to recommend the printing of papers, a motion for which is before the House.

" CHAPTER XXIII.

" SELECT COMMITTEES.

319 "Unless the House otherwise directs, All select committees shall be appointed on motion, and shall consist of the mover and six other Members to be nominated."

The words which it is proposed to omit at the commencement of this Standing Order are unnecessary.

The provision limiting the number of Members to six is omitted as, in practice, the number appointed has varied and the alteration allows a number of Members appropriate to the circumstances to be appointed.

S.O. No.

STANDING ORDER.

EXPLANATION.

- 320 "Members may be discharged from attending a committee, and other Members appointed, after notice has been given."
- 321 "If the Chairman of Committees be chosen to serve on a Committee, and shall decline to do so, a Member shall be chosen in his stead, in the same manner as the other Members were chosen."
"Except with his consent, the Speaker or the Chairman of Committees shall not be chosen to serve on a select committee."
- 322 "No Member may sit on a committee if he is personally interested in the inquiry before such committee."
- 323 "On the appointment of every committee, a day shall be fixed for the reporting of its proceedings to the House, by which day the final report of the committee shall be brought up by the chairman, unless further time be moved for and granted; but the House may at any time prior to such day receive the final report of the committee."
- 324 "In all committees *consisting of seven Members*, three shall form a quorum, unless otherwise ordered; and, if at any time the quorum be not present, it shall be incumbent on the chairman to suspend the proceedings of the committee until a quorum be present, or to adjourn the committee."
- 325 "If, after the lapse of a quarter of an hour from the time appointed for the meeting of a committee, there is not a quorum, the Members present may retire, and their names shall be entered on the Minutes; and the clerk attending the committee shall issue notices for a meeting for the next business day the next meeting."
- 326 "The mover of the motion for the committee shall fix the time for the first meeting of the committee."
- 327 "Every committee, before the commencement of business, shall elect one of its Members to be chairman, who shall have only a casting vote."
- 328 "An entry shall be made in the proceedings of the names of the Members attending each committee meeting, and of every motion or amendment moved in the committee, together with the name of the mover thereof; and if any division takes place in the Committee, the chairman shall record the names of the Members voting in any such division, distinguishing on which side of the question they respectively vote."
- 329 "A committee may adjourn from time to time, and, by order of the House, from place to place, and, with the consent of the House, may sit during any sittings or adjournment of the House."
- The revised Standing Order gives effect to the practice that the Speaker or the Chairman may not be appointed to a Select Committee except with his consent.
- Drafting amendment consequent on proposed amendment of Standing Order 319.
- The existing Standing Order prevents a later meeting of the Committee on the same day as a meeting called but at which there has not been a quorum. The amendment allows such a later meeting to be called.
- The provision that a Committee, with the consent of the House, may sit during any sittings of the House, previously contained in Standing Order 330 proposed to be omitted, is now included in Standing Order 329 as being a more appropriate place.
- The provision relating to sittings during any adjournment of the House gives effect to practice and is consistent with May 16/622-3.

S.O. No.

STANDING ORDER.

EXPLANATION.

330

" All Committees sitting at the time the Speaker is about to take the Chair shall be informed thereof by the Serjeant-at-Arms, and all proceedings after such notice shall be null and void: Provided that with the consent of the House a Committee may sit during the sittings of the House."

Omitted, consequent on the addition of words to Standing Order 329 which prescribe when and how a Select Committee may sit. It is axiomatic that sittings held contrary to these conditions are invalid.

331

" The House may give a committee power to send for persons, papers and records."

332

" The chairman of a committee shall direct the clerk attending the committee to summon the witnesses to be examined before such committee."

333

" The examination of witnesses before every committee shall be conducted as follows:— The chairman shall first put to the witness, in an uninterrupted series, all such questions as he may deem essential, according to the mode of procedure agreed on by the committee. The chairman shall then call on the other Members severally by name to put any other questions; and the name of every Member so interrogating a witness shall be noted and prefixed to the questions asked."

334

" When a committee is examining witnesses, strangers may be admitted, but shall be excluded at the request of any Member, or at the discretion of the chairman of the committee, and shall always be excluded when the committee is deliberating."

335

" Members of the House may be present when a committee is examining witnesses; but shall withdraw if requested by the chairman or any Member of the Committee; and shall always withdraw when the committee is deliberating."

336

" No strangers, or Members not being of the committee, may be admitted at any time to a secret committee."

337

" The evidence taken by any select committee of the House, and documents presented to, and proceedings and reports of such committee which have not been reported to the House, shall not, unless authorized by the House, be disclosed or published by any Member of such committee, or by any other person."

The existing Standing Order is defective in that it does not refer specifically to "proceedings and reports" of Select Committees as being events or papers which may not be disclosed until they have been reported to the House. This amendment clarifies the practice as expressed in May 16/119.

338

" By leave of the House a committee may report from time to time its proceedings with or without the evidence, or the evidence only."

339

" It shall be the duty of the chairman of every committee to prepare a draft report."

S.O. No.

STANDING ORDER.

EXPLANATION.

340

"The chairman shall read to the committee, at a meeting convened for the purpose, the whole of his draft report, which may at once be considered, but, if desired by any Member it shall be printed and circulated amongst the committee and a subsequent day fixed for its consideration. In considering the report, the chairman shall read it paragraph by paragraph, proposing the question to the committee at the end of each paragraph—'That it do stand part of the report'. A Member objecting to any portion of the report shall move his amendment at the time the paragraph he wishes to amend is under consideration, but no protest or dissent may be added to the report."

341

"If any Member, other than the chairman, submits a draft report to the committee, the committee shall first decide upon which report it will proceed."

342

"After the draft report has been considered, the whole or any paragraph thereof may be reconsidered and amended."

343

"Every report of a committee shall be signed by the chairman, and any papers laid before the committee shall be indorsed by the clerk attending the committee."

344

"The report of a committee, together with the minutes of the proceedings, shall be presented to the House by the chairman, and the report may be read."

Gives effect to practice, which is also that of the Commons in their Standing Order 72, that the Minutes of Proceedings shall be presented with the Report.

345

"Upon the presentation of a report, no discussion of the subject matter may take place; but the report may be ordered to be printed with or without the documents accompanying it, and its consideration may be set down for a subsequent sitting when a specific motion without notice in connexion therewith may be moved."

These words are inserted to make it clear that although on presentation of a Select Committee Report a discussion of the subject matter cannot be immediately entered upon, debate which is relevant to the question to print the Report may take place.

The substance of the words added to the Standing Order has been transferred from Standing Order 346 proposed to be omitted.

346

"If any further proceeding be necessary upon a Report of a Committee, such proceeding shall be brought under the consideration of the House by a specific Motion, of which notice must be given in the usual manner."

The Standing Order is omitted as its provisions are now included in Standing Order 345.

347

"Payment at the discretion of the committee may be made to any professional or other witnesses or to persons whom the committee may deem it necessary to employ in furtherance of the inquiry with which the committee is charged; and the chairman's certificate on the face of an account shall be sufficient authority for its payment by the Clerk of the House."

348

"No committee of the House may confer with a committee of the Senate without leave of the House."

349

"When any such order has been made it shall be communicated by message to the Senate with a request that leave may be given to the committee of the Senate to confer with the committee of the House."

S.O. No.

STANDING ORDER.

EXPLANATION.

350 "Every committee of the House directed to confer with any committee of the Senate may confer freely by word of mouth, unless the House otherwise orders."

351 "The proceedings of every conference between a committee of the House and a committee of the Senate shall be reported in writing to the House by its own committee."

" CHAPTER XXIV.

" WITNESSES.

352 "Witnesses, not being Members, shall be ordered to attend before the House, or a committee of the whole, by summons under the hand of the Clerk of the House, or before a select committee, by summons under the hand of the clerk attending the committee."

353 "If a witness fails or refuses to attend or to give evidence, the House, on being acquainted therewith, shall deal with the matter."

354 "When the attendance of a Member is ordered by the House for examination by the House or a committee of the whole, he shall be summoned by the Speaker to attend in his place."

355 "If a select committee desires the attendance of a Member as a witness, the chairman shall, in writing, request him to attend; but should he refuse to come, or to give evidence or information as a witness to the committee, the committee shall acquaint the House therewith, and not again summon such Member to attend the committee."

356 "If any information comes before any committee that charges any Member of the House, the committee ought only to direct that the House be acquainted with the matter of such information, without proceeding further thereon."

357 "When the attendance of a Member of the Senate, or any officer of the Senate, is desired, to be examined by the House or any committee thereof, a message shall be sent to the Senate to request that the Senate give leave to such Member or officer to attend, *in order to his being examined accordingly for examination.*"

Drafting amendment.

358 "Should the Senate request by message the attendance of a Member of the House before the Senate or any committee thereof, the House may forthwith authorize such Member to attend, if he thinks fit. The House, if similarly requested by the Senate, may, if the House thinks fit, also instruct its own officers to attend the Senate or any committee thereof."

359 "When a witness is in the custody of the keeper of any prison, such keeper may be ordered to bring the witness in safe custody, *in order to his being examined, for examination*, and from time to time as often as his attendance is thought necessary; and the Speaker may issue his warrant accordingly.

Drafting amendment.

S.O. No.

STANDING ORDER.

EXPLANATION.

- 360 " All witnesses examined before the House, or any committee thereof, are entitled to the protection of the House in respect of anything that may be said by them in their evidence."
- 361 " *When a Witness is examined by the House, or a Committee of the Whole, the Bar is kept down.*"
" A witness before the House or a committee of the whole shall be examined at the Bar unless the House or the committee otherwise orders."
- 362 " When the witness appears before the House he shall be examined by the Speaker, and any questions addressed by Members are taken to be put through the Speaker."
- 363 " In committee of the whole, any Member may put questions directly to the witness."
- 364 " If any question be objected to, or other matter arise, the witness shall withdraw while the same is under discussion."
- 365 " A Member of the House shall be examined in his place."
- 366 " No officer of the House, or shorthand writer employed to take minutes of evidence before the House or any committee thereof, may give evidence elsewhere in respect of any proceedings or examination *had at the Bar, or before any Committee of the House, of any witness without the special leave of the House.*"

The Standing Order is redrafted, as, in its present form, it is indefinite as to the place at which a witness shall be examined.

Drafting amendment consequent on alteration of Standing Order 361.

" CHAPTER XXV.

" COMMUNICATION BETWEEN THE HOUSES.

- 367 " Communication with the Senate may be by message, by conference, or by select committees conferring with each other."
- 368 " Every message from the House to the Senate shall be signed by the Speaker or Deputy Speaker, and delivered by *the Clerk Assistant* a Clerk at the Table or the Serjeant-at-Arms."
- 369 " It shall be in order at any time to move, without notice, that any resolution of the House be communicated by message to the Senate."
- 370 " *Every Message from the Senate shall be received without delay by the Clerk Assistant or the Serjeant-at-Arms at the Bar, and be reported by the Speaker as early as convenient, and a time named for its consideration.*"
" Every message from the Senate shall be received, if the House is sitting, at the Bar by a Clerk at the Table, and, if the House is not sitting, by the Clerk of the House, and shall be reported by the Speaker as early as convenient, and a time named for its consideration."

These amendments give effect to the practice that, in the absence of the Speaker, the Deputy Speaker may sign a Message to the Senate, and that it may be delivered by any Clerk at the Table in addition to the Serjeant-at-Arms.

Gives effect to the practice adopted, by arrangement, between the Houses in 1902 that Messages shall be received by the Clerk even if the House is not sitting—V. & P. 1901-2/547

" CHAPTER XXVI.

" CONFERENCES.

- 371 " Conferences desired by the House with the Senate shall in all cases be requested by message."
- 372 " In requesting any conference, the message from the House shall state, in general terms, the object for which the conference is desired and the number of managers proposed to serve thereon, which shall be not less than five."
- 373 " Every motion for requesting a conference shall contain the names of the Members proposed by the mover to be the managers for the House."
- 374 " During any conference the business of the House shall be suspended."
- 375 " No conference shall be requested by the House upon the subject of any bill or motion of which the Senate is at the time in possession."
- 376 " The managers to represent the House in a conference requested by the Senate shall consist of the same number of members as those of the Senate."
- 377 " In respect of any conference requested by the Senate the time and place for holding the same shall be appointed by the House; and when the House requests a conference, it shall agree to its being held at such time and place as is appointed by the Senate, and such agreement shall be communicated by message."
- 378 " At all conferences requested by the Senate the managers for the House shall assemble at the time and place appointed, and receive the managers of the Senate."
- 379 " At all conferences the reasons or resolutions of the House, to be communicated by the managers, shall be in writing; and the managers shall not receive any such communication from the managers for the Senate unless the same be in writing."
- 380 " At all conferences it shall be the duty of the managers for the House to read the reasons or resolutions to be communicated by them, and to deliver the same to the managers for the Senate, or to hear and receive from the managers for the Senate the reasons or resolutions communicated by the latter; whereupon the managers for the House shall be at liberty to confer freely by word of mouth with the managers for the Senate."
- 381 " It shall be the endeavour of the managers for the House to obtain either a withdrawal, by the managers of the Senate, of the point in dispute between the Houses, or a settlement of the same by way of modification or further amendment; but, in the case of bills, no amendment (not being a consequential amendment) shall be suggested by them to any words of a bill to which both Houses have so far agreed, unless these be immediately affected by the disagreement in question."
- 382 " The managers for the House shall, when the conference has terminated, report their proceedings to the House forthwith."

S.O. No.

STANDING ORDER.

EXPLANATION.

“ CHAPTER XXVII.

“ JOINT COMMITTEES.

383 “ In every message proposing to the Senate the appointment of a joint committee, the House shall state the number of Members it will appoint to serve on such committee.”

384 “ Whenever the Senate either House shall agree agrees to a proposal from the other House for the appointment of a joint committee, the first meeting of such committee shall be held at such time and place as shall be named by the Senate: and in every Message agreeing to a proposal by the Senate for the appointment of a Joint Committee, the House will name the time and place for the first meeting of such Committee House in which the proposal did not originate.”

385 “ The House may fix the quorum of its members required to constitute a sitting of a joint committee. Subject to this a joint committee shall fix its own quorum.”

386 “ On receipt of a message from the Senate agreeing to appoint the same number of Members of that House to serve on the proposed joint committee, the House will proceed to appoint the number of Members agreed upon to serve on such committee.”

387 “ The proceedings of every joint committee shall be reported to the House by the Members it has appointed to serve on the committee.”

“ CHAPTER XXVIII.

“ BALLOTING.

388 “ A ballot shall be taken whenever the House thinks fit.”

389 “ Before the House proceeds to any ballot, the bells shall be rung as in a division.”

390 “ Unless otherwise expressly provided, a ballot shall be taken in the following manner:— Each Member present shall give to the Clerk a list of the names of such Members as he may think fit and proper to be chosen at such ballot; and if any list contain a larger or lesser number of names than are to be chosen it shall be void and rejected. And when all the lists are collected, the Clerk, with the Mover acting as scrutineer, Clerks at the Table shall ascertain and report to the Speaker the names of the Members having the greatest number of votes, which Members shall be declared to be chosen. In the event of an equality of votes, the names of the Members concerned shall be submitted to a further ballot.”

The Standing Order has been redrafted in simpler and clearer form and omits the provision which is inconsistent with practice and unnecessarily restrictive in requiring the House to fix the time and place for the first meeting at the stage when it agrees to a Senate proposal for a Joint Committee.

Gives effect to the practice followed when a ballot is taken for the Election of Speaker.

" CHAPTER XXIX.

" ADDRESSES TO THE QUEEN OR THE GOVERNOR-GENERAL.

- 391 " Whenever it be deemed proper to present an address to Her Majesty or the Governor-General, the same shall be moved, except in cases of urgency, after notice in the usual manner."
- 392 " Addresses of congratulation or condolence to members of the Royal Family *shall be moved in a similar manner may be moved by a Minister without notice.*"
- 393 " Addresses to Her Majesty or to members of the Royal Family shall be transmitted to the Governor-General by the Speaker, who shall request His Excellency to cause the same to be forwarded for presentation."
- 394 " Addresses to the Governor-General shall be presented by the Speaker, unless the House otherwise orders."
- 395 " When an address is ordered to be presented by the whole House, the Speaker, with the House, shall proceed to such place as the Governor-General may appoint, and being admitted to the Governor-General's presence, the Speaker shall read the address to the Governor-General, the Members who moved and seconded such address being on his left hand."
- 396 " The Governor-General's answer to any address presented by the whole House shall be reported by the Speaker."

" Chapter XXX.

" Messages from the Governor-General.

- 397 " A Message from the Governor-General may be announced to the House by the Speaker, but not during a debate, or so as to interrupt a Member whilst speaking."
- 398 " The Message may, if necessary, be at once taken into consideration, or be ordered to be printed and a future time fixed for taking the same into consideration."
- 399 " Any Message from the Governor-General forwarding any Estimates shall be referred to the Committee of Supply, and any Message recommending the appropriation of money by Bill shall be referred to a Committee of the whole House."

The Standing Order is inconsistent with practice and with the principle of precedence to such a Motion given in Standing Order 155 and has been amended accordingly.

Chapter XXX. (comprising Standing Orders 397-399) is, to the extent necessary under the new financial procedures, replaced by new Chapter XVIII (B) (comprising Standing Orders 292-295A) which deals more comprehensively with the receipt of Messages from the Governor-General.

S.O. No.

STANDING ORDER.

EXPLANATION.

“ CHAPTER XXXI.

“ SUSPENSION OF STANDING ORDERS.

400 “ In cases of *urgent* necessity, any standing or sessional order or orders of the House may be suspended *for the day's sitting*, on motion, duly moved and seconded, without notice: Provided that such motion is carried by an absolute majority of Members having full voting rights.”

The word “ urgent ” is redundant and is therefore omitted.

401 “ When a motion for the suspension of any standing or sessional order or orders appears on the Notice Paper, such motion may be carried by a majority of votes.”

The reference in the Standing Order to “ for the day's sitting ” conflicts with the long established practice which, by inference, is stated in Standing Order 402, enabling Standing Orders to be suspended for the period requisite for the purpose of the suspension. The words are accordingly omitted.

402 “ The suspension of standing orders is limited in its operation to the particular purpose for which such suspension has been sought.”

“ DURATION OF STANDING ORDERS.

403 “ The whole of these standing orders shall continue in force until altered, amended, or repealed.”

“ CHAPTER XXXII.

“ JOINT STANDING ORDERS.

“ ACTS ASSENTED TO.

“ I. Every Act which has passed both Houses and received Her Majesty's assent shall have the date of such assent, or in the case of a bill which has been reserved for the signification of Her Majesty's pleasure thereon, of such reservation, and also the date of proclamation of assent, following the words ‘ Assented to ’ or ‘ Reserved ’ and ‘ Assent proclaimed ’ respectively (as the case may be), within parentheses, immediately after the title: and one copy of such Act, bearing the signature of the Governor-General, shall be retained by the Clerk for deposit amongst the records of the Parliament.

“ DISAGREEMENT BETWEEN THE HOUSES.

“ II. The Members present at the joint sitting, under section 57 of the Constitution, shall appoint by ballot a Member to preside, and until such appointment the Clerk of the Senate shall act as chairman.

“ III. The Member chosen to preside shall present to the Governor-General for the Royal Assent any proposed law duly passed at such joint sitting.”

