

1964

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

House of Representatives

REPORT OF THE
STANDING ORDERS COMMITTEE

TOGETHER WITH

PROPOSED AMENDMENTS OF THE STANDING ORDERS
OF THE HOUSE OF REPRESENTATIVES

24th September, 1964

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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 (Sir Robert Menzies)
Mr. Clark
Mr. Drury
Mr. Duthie
Mr. Fulton
Mr. Harrison
Mr. McEwen (Minister for Trade and Industry)

REPORT

1. The Standing Orders Committee met on Thursday, 24th September, 1964, to review the standing orders in the light of events since the adoption of the revised orders in 1963 and to consider proposals submitted by Members of the House.

2. The Committee recommends for adoption the amendments proposed in the schedule attached to this Report.

3. Included in the matters before the Committee were proposals relating to general business, the alternation of Grievance and General Business Thursdays, and the priority of notices. These proposals were in the same form as those which had, by order of the House on 1st May, 1963, been referred to the Committee in the last Parliament and were the subject of a Report brought up on 24th October, 1963 (*see* Parliamentary Paper No. 299 of session 1962-63). The Committee agrees with the previous Committee in its recommendation for the adoption of amendments relating to the alternation of Grievance and General Business Thursdays and in its decision not to recommend the other proposals. The alterations recommended are shown in standing orders 104 and 106 in the schedule.

4. The Committee considered but is not able to recommend proposals which (a) would permit a private Member to move an amendment of money bills which would increase the appropriation or tax and (b) would relax the disciplinary powers of the Chair in cases of disorder.

5. Also considered were proposals to fix a time beyond which the House should not sit each day and to reduce the maximum period for which a Member may speak. It was agreed that further consideration be deferred for the time being in order that the subjects might be discussed by the Parties.

6. The Committee supports proposals for the establishment of a rule to govern the seeking and obtaining of leave to incorporate material in Hansard but is of opinion that this is inappropriate for inclusion in standing orders and can well be left for arrangement through Party channels, with the understanding that, consistent with the principles stated by the Chair on 17th September, 1964, the final decision as to the practicability of incorporating material such as graphs, maps, blocks, etc., and incorporating matter of a libellous or improper nature or which is irrelevant shall be made by the Presiding Officer. A suitable arrangement would be that a Minister or Member seeking leave to incorporate material should first show the matter to the Member leading for the Opposition or to the Minister at the Table, as the case may be.

J. MCLEAY,
Chairman

House of Representatives,
24th September, 1964

SCHEDULE

HOUSE OF REPRESENTATIVES

STANDING ORDERS — PROPOSED AMENDMENTS (1964)

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

Words in bold type to be inserted.

Words in italics to be omitted.

Words in ordinary type are unchanged.

Some standing orders are shown out of numerical sequence and appear more than once as, for convenience, those in respect of which the recommended alteration has a common application are grouped under an appropriate subject heading.

S.O. No.	STANDING ORDER	EXPLANATION
14	<p>Whenever the House is informed by the Clerk at the Table of the absence of the Speaker, the Chairman of Committees as <i>Deputy Acting Speaker</i> shall, subject to any other order of the House, perform the duties of the Speaker during that absence.</p>	<p>This amendment alters the title of the Chairman of Committees from Deputy Speaker to Acting Speaker while he is acting as Speaker under this standing order in the absence of the Speaker. This provides a desirable distinction of title between the Chairman of Committees acting as Speaker and the Temporary Chairmen who relieve him and are also referred to as Deputy Speaker.</p>
<i>(Absence of Speaker—S.O. 14)</i>		
15	<p><i>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.</i></p> <p>Whenever the House is informed by the Clerk of the absence of both the Speaker and the Chairman of Committees, the Members present, if a quorum, may at once proceed to elect one of their number who shall, subject to any other order of the House, perform the duties of the Speaker during that absence. Otherwise the House stands adjourned to the next sitting day.</p> <p>For the purposes of this standing order, the Clerk shall act as chairman of the House until a Member is elected to perform the duties of the Speaker.</p>	<p>Redrafted to conform more to the wording of standing order 14 which deals with the absence of the Speaker only. The limitation that the Member elected to act as Speaker shall act "for that day only" is omitted as serving no useful purpose, it being proposed that he should act, subject to any other order of the House, for the whole of the absence in the same way as the Chairman acts for the whole period under standing order 14.</p> <p>The position of the Clerk is clarified consistent with standing order 2 (f) which refers to the position of the Clerk in a similar situation prior to the election of the Speaker at the commencement of a new Parliament.</p>
<i>(Absence of Speaker and Chairman—S.O. 15)</i>		
14	<p>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.</p>	<p>As far as possible, these amendments of standing orders 14, 133, 148, 150 and 211 make uniform in the standing orders the many references to "the Clerk". The words "at the Table" are omitted as being unnecessary and, in relation to standing orders 133, 148, 150 and 211 requiring that notices, questions and replies may be delivered to the Clerk only while he is at the Table, are omitted as being inconsistent with practice.</p>
<i>(References to Clerk at the Table—S.O.'s 14, 133, 148, 150, 211)</i>		

S.O. No.

STANDING ORDER

EXPLANATION

133

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.

148

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.

150

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.

211

(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 291.

(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.

(Deputy Clerk—S.O.'s 23 and 24)

23

In case of unavoidable absence of the Clerk, his duties shall be performed by the Deputy Clerk *Assistant* or, should the latter be absent, by the *Second* Clerk Assistant.

These amendments of standing orders 23 and 24 are consequent upon a recent re-organization of the Department of the House of Representatives in which the offices of Clerk Assistant and Second Clerk Assistant were re-designated Deputy Clerk and Clerk Assistant, respectively.

24

During any vacancy in the office of Clerk all powers, functions, and duties of the Clerk shall be exercised and performed by the Deputy Clerk *Assistant*.

S.O. No.

STANDING ORDER

(Speeches not to be read—S.O. 62)

EXPLANATION

62

A Member shall not read his speech.

As Parliamentary practice recognizes and accepts that, whenever there is reason for precision of statement such as on the second reading of a bill, particularly those of a complex or technical nature, or in ministerial or other statements, it is reasonable to allow the reading of speeches and, as the difficulty of applying the rule against the reading of speeches is obvious, e.g., "reference to copious notes", it is proposed to omit the standing order.

(Appropriation and Supply Bills—S.O.'s 81, 220, 226, 291, 292)

81

No Member may digress from the subject matter of any question under discussion: Provided that—

- (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
- (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., an Appropriation or Supply Bill, except an Appropriation or Supply Bill for expenditure that is not expenditure for the ordinary annual services of the Government, matters relating to public affairs may be debated.

Standing orders 81, 220, 226, 291 and 292 comprise a group which contain reference to the annual Appropriation and Supply Bills. These bills are described in these standing orders as "a bill to grant and apply a sum for the service of a year" the words being derived from the form of the long title of these bills which was in use up to the time of the adoption of the revised standing orders on the 1st May, 1963.

In the case of standing orders 81 and 220, it was also necessary to specify an exception in respect of "a bill relating only to additions, new works, &c."

Subsequently, the relevant words in the long title of the bills have been varied on several occasions making it preferable to cite the bills in these standing orders by reference to their short titles, viz., "an Appropriation or Supply Bill".

Suitable alteration of the exception specified in standing orders 81 and 220 follows the decision to include expenditure for other than ordinary annual services in a separate bill.

In standing order 226 it is proposed to replace the term "proposed votes" (which was more appropriate to the former Committee of Supply procedure) with the term "proposed expenditures" which is now used in the Committee of the Whole.

220

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. an Appropriation or Supply Bill, except an Appropriation or Supply Bill for expenditure that is not expenditure for the ordinary annual services of the Government.

226

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
- (a) in considering an Appropriation or Supply Bill, any schedule expressing the services for which the appropriation is to be made shall be considered before the clauses and, unless the committee otherwise orders, that schedule shall be considered by proposed expenditures in the order in which they are shown, and
- (b) in considering a bill to impose taxation, any schedule shall be considered before the clauses.

291 *A bill to grant and apply a sum for the service of a year An Appropriation or Supply Bill* or a bill or proposal dealing with taxation may be submitted to the House by a Minister without notice.

292 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 an Appropriation or Supply Bill*, 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.

(Speech time limits—S.O. 91)

.	Subject.	Time.
In the House—		
Election of Speaker or Chairman—		
.	Each Member	5 minutes
.		
Censure or want of confidence motion accepted by a Minister as provided under standing order 110—		
.	Mover	45 minutes
.	Prime Minister or one Minister deputed by him	45 minutes
.	Any other Member	25 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 (Government)—		
.	Mover	45 minutes
.	Leader of Opposition or one Member deputed by him	45 minutes
.	Any other Member	30 minutes
Other Bills (Private Government Member)—		
.	Mover	45 minutes
.	Prime Minister or one Minister deputed by him	45 minutes
.	Leader of Opposition or one Member deputed by him	45 minutes
.	Any other Member	30 minutes
Other Bills (Opposition Member)—		
.	Mover	45 minutes
.	Prime Minister or one Minister deputed by him	45 minutes
.	Any other Member	30 minutes
.		
.		

Standing order 13 states that no Member may speak for more than five minutes during the debate on the election of the Chairman. This is a formal amendment to include this provision in the comprehensive standing order specifying speech time limits.

Formal amendment of the subject heading to make it consistent with the words used in standing order 110.

The standing order is defective in that it provides only for Government bills with the opposing view being stated in equal time by the Leader of the Opposition or a Member deputed by him. The amendment makes separate provision for bills introduced by private Members and expresses the practice which has been followed.

S.O. No.	STANDING ORDER	EXPLANATION
	<i>(Alternation of Grievance and General Business Thursday mornings—S.O.'s 104, 106)</i>	
104	Unless otherwise ordered, government business shall, on each day of sitting, have precedence of all other business, except that on the sitting Thursday alternate to the sitting Thursday to which standing order 106 applies, general business shall have precedence of government business until fifteen minutes to one o'clock p.m.	Amendment is consequential upon that proposed to standing order 106.
106	Notwithstanding the preceding standing order, the first order of the day, government business, on each alternate sitting Thursday commencing with the first sitting 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.	Formal amendment to clarify that, in accordance with recent practice, the alternation of Grievance and General Business Thursday mornings is determined in respect of sitting Thursdays, and not by the calendar.
	<i>(Censure or Want of Confidence—S.O. 110)</i>	
110	A motion of which notice has been given or an amendment which expresses a censure or want of confidence in the Government and is accepted by a Minister as a censure or want of confidence motion or amendment shall, until it is disposed of by the House, take precedence of all other business. Standing order 10 shall not apply to a motion or amendment accepted by a Minister in pursuance of this standing order.	These amendments provide that the precedence provisions of the standing order shall apply to a censure or want of confidence <i>amendment</i> which is accepted by the Government as such as well as to a censure or want of confidence <i>motion</i> which is similarly accepted.
	<i>(Report of Notices—S.O.'s 133, 138, 139, 211)</i>	
133	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 <i>Speaker</i> Clerk at the first convenient opportunity and shall not be entered by the Clerk on the Notice Paper unless it has been so reported.	These amendments— (a) transfer from the Speaker to the Clerk the formal duty of reporting to the House notices handed in at the Table which is required by standing orders 133 and 211, (b) add to standing order 138 a requirement that when a Member notifies the Clerk of a change of day for moving a motion of which he has given notice, the change shall be reported to the House by the Clerk at the first convenient opportunity, and (c) add to standing order 139 a requirement that when a Member notifies the Clerk of an alteration of the terms of a motion of which he has given notice, the alteration shall be reported to the House by the Clerk at the first convenient opportunity and shall not be made in the Notice Paper unless so reported.
138	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. The change of day shall be reported to the House by the Clerk at the first convenient opportunity.	
139	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. The alteration of terms shall be reported to the House by the Clerk at the first convenient opportunity and shall not be made in the Notice Paper unless it has been so reported.	

S.O. No.	STANDING ORDER	EXPLANATION
211	<p>.</p> <p>(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 <i>Speaker Clerk</i> at the first convenient opportunity and shall not be entered by the Clerk on the Notice Paper unless it has been so reported.</p> <p>.</p>	
	(<i>Questions seeking information on matters of policy—S.O. 144</i>)	
144	<p>.</p> <p>Questions should not ask Ministers—</p> <p>(a)</p> <p>(b) <i>to state the Government's policy; or</i></p> <p>(b) to announce the Government's policy, but may seek an explanation regarding the policy of the Government and its application and may ask the Prime Minister whether a Minister's statement in the House represents Government policy; or</p> <p>(c)</p>	<p>Paragraph (b) is defective in that it does not make it clear that although a Minister may not be asked to announce the Government's policy, questions seeking an explanation to clarify policy and its application and questions to ascertain whether a Minister's statement in the House expresses policy are in order.</p> <p>The amendment expresses that intention.</p>
	(<i>Second Reading Amendments—S.O. 220</i>)	
220	<p>No other amendment may be moved to such question except in the form of an amendment relevant to the <i>subject-matter of the bill</i>, which does not anticipate an amendment which may be moved in committee and does not propose the addition of words to the question:</p>	<p>The provision in this standing order requiring second reading amendments to be "relevant to the subject-matter of the bill" is inconsistent with long established practice allowing an amendment which is relevant to the whole bill, i.e., title, clauses and schedules, and appears to impose a restriction which does not apply in the narrower field of amendments of the bill in committee.</p>
	(<i>Sittings of Committees—S.O. 333</i>)	
333	<p>A committee may adjourn from time to time, and, by order of the House, from place to place, and, <i>with the consent of the House</i>, may sit during any sittings or adjournment of the House.</p>	<p>The standing order stipulates that a committee must secure the consent of the House to sit during any sittings or adjournment of the House. As this consent is now generally included in the resolution appointing the committee, the restriction is omitted as being no longer one of consequence.</p>
	(<i>Messages to Senate—S.O. 370</i>)	
370	<p>Every message from the House to the Senate shall be signed by the Speaker or Deputy Speaker, and delivered by a <i>Clerk at the Table</i> or the Serjeant-at-Arms.</p>	<p>Messages to the Senate are delivered by the Serjeant-at-Arms. The reference to "a Clerk at the Table" is omitted as being unnecessary.</p>