

1964-65-66

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

*17th March, 1966*

---

---

*Brought up and ordered to be printed, 31st March 1966*

---

---

[Cost of Paper:—Preparation, not given; 1100 copies; approximate cost of printing and publishing, \$160]

---

Printed and Published for the GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA by  
A. J. ARTHUR, Commonwealth Government Printer, Canberra  
(Printed in Australia)

No. 289 [GROUP I].—F.4993/66.—PRICE 15c (1s. 6d.)

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. Fairbairn)

The Deputy Leader of the Opposition (Mr. Whitlam)

*Appointed:*

The Prime Minister (Mr. Holt)

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, 17th March, 1966, to consider proposals for amendment of the standing orders and other matters submitted by Members and by the Clerk of the House.

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

3. The Committee again considered but is not able to recommend proposals which (a) would prevent the submission of a definite matter of public importance on a Thursday morning while precedence to General Business operates or until the Grievance Debate is disposed of, as the case may be and (b) would permit a private Member to move an amendment of money bills which would increase the appropriation or tax.

4. Proposals relating to (a) questions seeking information on Government policy and (b) questions remaining unanswered on the Notice Paper were discussed but their further consideration was deferred to await a later meeting of the Committee.

5. Also considered were proposals (a) to reduce time limits for speeches and (b) to provide that the Chair, before proceeding to a division, shall be satisfied that a minimum number of Members (four to six was suggested) support the call for a division and, if there are fewer, shall forthwith declare the decision, in which event the names of those who had called for the division shall, if they so desire, be recorded in the Votes and Proceedings and in Hansard.

It was agreed that further consideration of these two proposals be deferred for the time being and that they be referred to the Parties for discussion and comment.

Relevant to the proposal (b) is provision for the recording of the name of a single dissentient which is proposed in the form of amendments of standing orders 193 and 204 shown in the attached schedule.

6. The attention of the Committee was drawn to the large number of orders of the day for the resumption of debate on motions that the House take note of Ministerial Statements which have, for some time, appeared on the Notice Paper and to the difficulties which could, as a consequence, arise from the application of standing orders 82 and 163 declaring that no Member may anticipate the discussion of any subject which appears on the Notice Paper and that a matter on the Notice Paper must not be anticipated by another matter contained in a less effective form of proceeding.

As these possible difficulties are not susceptible of solution in the standing orders, they will be referred by the Committee for discussion through Party channels as will be also the question whether a Minister, other than the Minister who makes and presents a Ministerial Statement, should exercise his right to move that the House take note of the Statement.

7. As the Chairman of Committees is required, on occasions, to take the Chair as Deputy Speaker, it was agreed that, without prejudice to the references in the Standing Orders to "Chairman of Committees" and "Deputy Speaker" and to the duties and responsibilities of those two offices, it would be appropriate for the Chairman to be known, in general terms, as "Chairman of Committees and Deputy Speaker".

J. MCLEAY,  
*Chairman.*

House of Representatives,  
17th March, 1966.

SCHEDULE

HOUSE OF REPRESENTATIVES

STANDING ORDERS—PROPOSED AMENDMENTS (1966)

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.

S.O. No.	STANDING ORDER	EXPLANATION
16	<p>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 <i>to act as Deputy to be Acting</i> Chairman of Committees during such continued absence. The <i>Deputy Acting</i> Chairman of Committees shall take the Chair as Deputy Speaker whenever requested so to do by the Chairman of Committees in his capacity as <i>Deputy Acting</i> Speaker during a sitting of the House, without any formal communication to the House.</p>	<p>This proposed change relates primarily to standing orders 18 and 19, the alteration of standing order 16 being consequential.</p>
18	<p>The Speaker shall nominate at the commencement of every Parliament not less than four Members any one of whom shall act as <i>Temporary</i> Deputy 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.</p>	<p>The title "Temporary Chairman" is something of a misnomer with an inconclusive connotation. The title of "Deputy Chairman" is more accurate and more easily understood.</p>
19	<p>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 <i>Temporary Deputy</i> Chairmen to take the Chair as Deputy Speaker.</p>	<p>If, consistent with the alteration of standing order 14 made in March, 1965, which changed the title of the Chairman of Committees from "Deputy Speaker" to "Acting Speaker" when he is performing the duties of Speaker during a continued absence of the Speaker, the title in standing order 16 to describe the Member appointed to act as Chairman while the Chairman is "Acting Speaker" is changed from "Deputy Chairman" to "Acting Chairman", the titles of "Deputy Chairman" and "Deputy Chairmen" become available to replace "Temporary Chairman" and "Temporary Chairmen" in standing orders 18 and 19.</p>

STANDING ORDER

EXPLANATION

(Resumption of Proceedings)

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

Standing order 90 relates to proceedings in the House, as distinct from the committee, which have been interrupted by a count-out.

86 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:—

The word "proceedings" proposed to be substituted in this standing order for "a debate" is more comprehensive and will cover a situation where a count-out occurs during a division as well as during debate. This change will make the procedure for a resumption of proceedings in the House consistent with a similar provision under standing order 286 for the resumption of proceedings in committee which have been interrupted by a count-out.

. . . . .  
. . . . .

As the question for the resumption of committee proceedings may be debated and there appears to be no sound reason for the prohibition of debate on question for the resumption of House proceedings, it is proposed to omit this prohibition from the standing order.

(d) Notice to reinstate on the Notice Paper any business which has lapsed because of a count-out (standing order 90);

The proposed amendment of standing order 86 is consequential.

. . . . .  
. . . . .

(Recording in Votes and Proceedings of disagreement of single dissentient)

193 A division shall not be proceeded with unless more than one Member has called for a division. If one Member only calls for a division, that Member may inform the Speaker that he wishes his dissent to be recorded in the Votes and Proceedings and in Hansard and his dissent shall be so recorded.

The proposed amendment of standing order 193 enables a Member, who cannot on his own force a division, to inform the Speaker that he wishes his dissent to be recorded in the Votes and Proceedings and in Hansard and provides that, in such event, his dissent shall be so recorded.

204 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. In such event, the one Member concerned may inform the Speaker that he wishes his dissent to be recorded in the Votes and Proceedings and in Hansard and his dissent shall be so recorded.

This amendment is designed to provide a procedure for those occasions when a single Member may have strong moral, religious or conscientious objection to a course acceptable to the majority, such as issues of peace and war, life and death or those in which strong beliefs are held.

A similar provision exists in some other legislatures.

The proposed amendment of standing order 204 has a similar purpose.

(References in Standing Orders to Governor-General—Extension to Administrator)

11A Where, in these standing orders, the Governor-General is referred to, the reference shall be read as extending and applying to the person for the time being administering the Government of the Commonwealth.

The proposed new standing order makes it clear that the provisions of the standing orders apply equally to an Administrator as to a Governor-General—for example, on such occasions as the Opening of a Parliament or Session, the transmission of Messages, and Assent to bills.

(References to the Governor-General are contained in the following standing orders:—  
2-12, 74, 265-9, 292, 294-8, 317-9, 393, 395-8, Joint Orders I, III.)

An analogous standing order is No. 11 providing for an occasion upon which the Queen in person opens a Parliament or a Session.

Similar provisions are contained in the Constitution and in the Acts Interpretation Act.