

THE PARLIAMENT OF THE
COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON PROCEDURE

PRIVATE MEMBERS' BUSINESS

- . Speech time limits for individual Members
- . Priority to notices for private Members' bills

Report

March 1991

Terms of reference of the committee

To inquire into and report on the practices and procedures of the House generally with a view to making recommendations for their improvement or change and for the development of new procedures.

Members of the committee

Chairman: Hon. G G D Scholes, MP

Deputy Chairman: Mr P D Shack, MP

Members: Mr R F Edwards, MP
Mr E L Grace, MP
Mr C Hollis, MP
Mr A C Rocher, MP
Mr W E Truss, MP
Hon. F J Walker, QC, MP

Secretary: Ms R Webber

REPORT

On 6 December 1990 and 13 February 1991 the Selection Committee wrote to the Procedure Committee requesting it to consider two issues in relation to the current procedures for the consideration of private Members' business on Thursday mornings. The matters of concern to the Selection Committee were:

1. The speech time limits for individual Members on items of private Members' business.
2. The procedure for giving priority to notices by private Members to present bills.

1. Speech time limits for individual Members

Under current sessional orders the Selection Committee determines which items of private Members' business are to be accorded priority on Thursday mornings, the order of consideration and the times allotted for debate on each item.

The committee determines the total amount of time for each item of business but does not have the power to determine individual speech time limits within the overall time allotted. Sessional orders 102B and 102C make specific provision for time limits on Members speaking in relation to committee or delegation reports and give the Selection Committee some powers in relation to this. There are no equivalent provisions relating to private Members' business.

The Procedure Committee concurs with the view of the Selection Committee that it is desirable for as many Members as possible to participate in private Members' business in order to provide opportunities for a range of views to be expressed. In order to achieve this the Selection Committee has adopted a practice of informally requesting Members to restrict their speeches to a time less than that allowed under standing order 91. For example, the committee might allot 40 minutes for debate on an item, with a view to having four Members each speaking for a period of 10 minutes, whereas the speaking time provided in the standing orders for Members other than the mover of the motion is 15 minutes.

Members are not required to adhere to the individual time limits proposed by the Selection Committee and the speech timing clocks in the Chamber must reflect the times provided in the standing orders, making it difficult for Members to abide by the suggested limits. As a result the total time allotted for an item may expire before all Members listed to speak have had the opportunity to do so, or the last Member speaking may have his or her time curtailed.

The Procedure Committee recognises that these arrangements are not entirely satisfactory and may result in an inequitable distribution of time among Members and the range of views they wish to submit to the House. It believes that allowing the Selection Committee to set individual speech times within the overall allotment of time for debate on an item would improve the operation of private Members' business.

The committee recommends that sessional orders be amended to enable the Selection Committee to determine individual speech time limits for Members participating in debate on items of private Members' business.

2. Priority to notices for private Members' bills

On Thursday mornings notices and orders of the day for private Members' business are called on in the order which has been previously determined by the Selection Committee and reported to the House.

Sessional order 28D provides that the Selection Committee must report its determinations on the order of business and the times allotted to the House in sufficient time for its decisions to be published on the Notice Paper of the first sitting day of each week. To fulfil these requirements the Selection Committee meets on a sitting Wednesday to arrange business for the Thursday of the next sitting week, thus resulting in 3 or 4 sitting days intervening between the meeting of the committee and the Thursday to which its determinations apply.

Sessional order 104A states that priority will be given to notices by private Members of their intention to present bills in the order determined by the Selection Committee. An anomaly arises because notices lodged on any of the intervening days between the committee meeting and the Thursday to which the determinations apply also receive priority on that Thursday, taking precedence over other items of business that have been selected by the Selection Committee. If several notices of intention to present bills are lodged after the Selection Committee has met, the time available for the business programmed by the Selection Committee can be reduced significantly. In addition the Selection Committee is not given the opportunity envisaged in the sessional order of determining the order in which bills are to be introduced.

The Procedure Committee believes that priority for notices of intention to present bills by private Members should be retained. However it recognises that the current arrangements inhibit the Selection Committee from effectively programming private Members' business. The committee believes that notices of intention to present bills should be first considered by the Selection Committee, who will give them priority and determine the order of presentation.

The committee recommends that sessional order 104A be amended to make it clear that notices of intention to present bills should be considered by the Selection Committee before they are called on and that the Selection Committee shall give them priority over other notices and orders of the day and determine the order of presentation.

The appendix to this report sets out proposed amendments to the sessional orders to implement the committee's recommendations.

GORDON SCHOLES, MP
Chairman
6 March 1991

APPENDIX

The committee recommends that the following amendments to the sessional orders be made to implement the recommendations in the report:

28D. (a) A Selection Committee, to consist of the Chairman of Committees, the Government Whip, the Opposition Whip, the Third Party Whip, 4 Government members, and 3 Opposition or other non-government members, shall be appointed at the commencement of each Parliament to arrange the timetable and order of business prior to 12.30 p.m. on each sitting Thursday pursuant to standing order 101.

(b) Private Members' business which is to be accorded priority, the order of consideration, the times allotted for debate on each item and the time limits allotted for each Member speaking shall be approved by a majority of the members present at a meeting of the committee and in accordance with general principles adopted by the House after report by the committee.

(c) The Selection Committee may determine the order of precedence and times allotted for consideration of committee and delegation reports and private Members' business and shall report its determinations to the House in sufficient time for its decisions to be published on the Notice Paper of the first sitting day of each week.

(d) Reports of the committee made pursuant to paragraph (c) shall be deemed adopted when laid upon the Table and shall be printed in Hansard.

(e) Five members of the committee shall constitute a quorum of the committee.

(f) For the purpose of private Members' business in this and any other standing order, a private Member is any Member of the House other than the Speaker or a Minister.

104A. In the period during which private Members' business is accorded precedence pursuant to standing order 104, notices and orders of the day relating to private Members' business shall be called on by the Clerk in the order in which they appear on the Notice Paper. When the time allotted by standing order 102C or 104, or by the Selection Committee, for an item of business has expired, consideration shall be interrupted by the Chair and the question before the Chair shall be put:

Provided that, where the Selection Committee has determined that consideration of a matter should continue on a future day, at the time fixed for interruption:

- (a) the Chair shall interrupt proceedings;
- (b) if the House is in committee, the Chairman shall report progress, and
- (c) the Speaker shall fix the next sitting Thursday for the further consideration of the matter.

Notices by private Members of their intention to present bills shall stand referred to the Selection Committee which shall give priority to them over other notices and orders of the day and determine the order in which they are to be presented. Upon the respective notice being called on by the Clerk, the Member in whose name the notice stands shall present the bill and may speak for a period not exceeding 5 minutes in support thereof. The bill shall then be read a first time and, notwithstanding the provisions of standing order 218, the next sitting Thursday shall be appointed for the Member to move "That this Bill be now read a second time".

If the motion for the second reading of any private Member's bill is agreed to by the House, further consideration shall be accorded precedence of other private Members' business and the Selection Committee may allot times for consideration of the remaining stages of the bill.

