

The Parliament of the Commonwealth of Australia
House of Representatives Standing Committee on Procedure

Seconding of Private Members' Notices
of Motions

Report

March 1992

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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

Acting Secretary: Mr M Kiermaier

REPORT

INTRODUCTION

1. During recent meetings of the committee, discussion has been drawn to the provisions of standing order 133 (as amended by sessional order), namely:

- 133. Notice of motion shall be given by a Member by—**
- (a) delivering a fair copy of its terms to the Clerk at the Table, or**
 - (b) stating its terms to the House during the period of Members' statements made under standing order 106A and delivering a fair 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 given by a Member in accordance with paragraph (a) which expresses a censure of, or want of confidence in the Government, or by a censure of any Member, shall be reported to the House by the Clerk at the first convenient opportunity.

In particular, the committee considered the requirement for a seconder to be obtained prior to lodging the notice with the Clerk at the Table.

SCOPE OF THE REPORT

2. The committee has a brief to examine the standing orders of the House of Representatives and has presented reports on various parts of those standing orders. It intends to report on the standing orders affecting notices at a later stage; this report examines solely the requirement for a seconder prior to the terms of a private Member's motion being stated to the House, and how this requirement compares with the seconding requirements in other legislatures.

NOTICES OF MOTIONS

3. A motion is "a proposal made to the House by a Member that the House do something, order something to be done or express an opinion with regard to some

matter".¹ The standing and sessional orders require a private Member wishing to propose a motion to the House either to do so orally during "Members' Statements", and/or provide a written notice signed by the Member proposing the motion and by another Member willing to second the notice. The notice must be received by the Clerk at the Table while the House is sitting. The notice is then entered on the Notice Paper with other private Members' notices of motion in the order in which they are received by the Clerk. When called upon in the House, the Member proposing the motion rises to speak. The name of the seconder need not be stated in the House when the notice is given and indeed the Member formally seconding the motion in the House need not be the same who signed the notice.

4. The practice of seconding a notice of motion has been described as "the expression by a Member of his approval of a motion preliminary to its being considered by the House".²

5. Although the need to obtain a seconder can be viewed as a screening mechanism to ensure that the time of the House is not wasted on items of no or little interest to other Members, the committee believes it is too restrictive on the rights of individual Members to propose any matter to the House, irrespective of whether or not it has the support of other Members.

6. The committee notes that a number of exceptions to the seconding requirement exist, either under the standing orders or by convention. Ministers, for instance, do not require seconds as it is presumed they have the support of the Government.

7. The requirement appears to be anachronistic. Sessional order 28D provides for a Selection Committee to 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 when private Members' business is debated. Thus the Selection Committee is responsible for deciding on what items of business are to be put before the House, effectively undertaking the screening process provided by the practice of obtaining a seconder for a notice of motion.

¹ Browning, A.R. (ed) *House of Representatives Practice*, 2nd ed., AGPS, Canberra, 1989, p.317.

² Hawtrey, S.C. and Barclay, H.M., *Abraham and Hawtrey's Parliamentary Dictionary*, 3rd ed., Butterworths, London, 1970, p.194.

8. Although the seconding requirement exists in comparable legislatures, it is not insisted on in many, and has been abolished in some (including the Australian Senate).

9. In New Zealand, formerly it was a requirement for all motions to be seconded. Now, however, the requirement is relaxed in relation to many motions, including private Members' notices of motion.³

10. Standing order 27 of the United Kingdom House of Commons standing orders relating to public business states:

27. No motion or amendment shall require to be seconded before the question thereon is proposed from the chair.

Therefore a Member can deliver a signed notice of motion to the Clerk and, when called, stand to speak on the matter. Prior to the question on the motion being put by the Chair, the motion will require a seconder. If no debate on the motion ensues, the motion lapses and no seconder is required.

11. Standing order 50 from the Legislative Assembly of British Columbia is similar to the above example.

50. All motions, except the motion to adjourn and the closure motion, shall be in writing and signed by the mover before being debated or put from the Chair. Upon the motion being moved, it shall be read aloud by Mr Speaker before debate. No motion or amendment requires seconding before the question thereon is proposed from the Chair...

CONCLUSION

12. A change to sessional order 133 should be made to dispense with the now unnecessary requirement for a private Member to obtain a seconder in order to lodge a notice of motion. For the motion to be debated, either standing orders would need to be suspended (requiring the support of most other Members), or a time set aside by the Selection Committee during private Members' business on Thursday mornings. Either way, the notice is "screened" before it can be proposed to, and debated by, the House.

13. The Procedure Committee notes that this proposal does not conflict with standing order 160, which requires a motion to be formally seconded for discussion to ensue.

³ McGee, D., *Parliamentary Practice in New Zealand*, Government Printer, Wellington, 1985, p.122.

14. The proposed sessional order merely enables any Member to have a matter of concern to him or her placed on the Notice Paper.

15. The committee recommends that sessional order 133 be amended to enable a Member to lodge a notice of motion without seeking a seconder. The proposed sessional order is as follows:

133. Notice of motion shall be given by a Member by—

- (a) delivering a fair copy of its terms to the Clerk at the Table, or**
- (b) stating its terms to the House during the period of Members' statements made under standing order 106A and delivering a fair copy of its terms to the Clerk at the Table.**

The notice must be signed by the Member and show the day proposed for moving the motion. No motion requires seconding before the question thereon is proposed from the Chair.

A notice of motion given by a Member in accordance with paragraph (a) which expresses a censure of, or want of confidence in the Government, or by a censure of any Member, shall be reported to the House by the Clerk at the first convenient opportunity.

GORDON SCHOLES, MP
Chairman
31 March 1992