

## 4. SITTINGS OF THE HOUSE AND ORGANISATION OF BUSINESS

### Sittings of the House—terminology

The following definitions cover some of the parliamentary terms associated with sittings of the House and the intervals between sittings:

A *Parliament* commences upon the first sitting day following a general election. The Constitution provides that Parliament must be summoned to meet not later than 30 days after the day appointed for the return of the election writs. The day for the new Parliament to assemble is fixed by the Governor-General by proclamation, in practice on the advice of the Prime Minister of the day.

A Parliament comes to an end automatically at the expiration of three years from the first meeting of the House, or on the earlier dissolution of the House. A general election for the full membership of a new House is then held.

A *session* commences upon the first sitting day following a general election or prorogation and concludes either by prorogation, dissolution or at the expiration of three years from the first meeting of the House. A further session commences upon the first sitting day following a prorogation and concludes in the same manner. In recent times Parliaments have consisted of only one session (S.O. 2).

*Dissolution* is the formal action of ending a Parliament or a House of the Parliament. The House is dissolved by proclamation of the Governor-General, in practice on the advice of the Prime Minister of the day. When the House is dissolved or expires the Senate continues to exist, except in specific circumstances set out in the Constitution when both Houses may be dissolved simultaneously ('double dissolution') following legislative deadlock.

*Prorogation* is the formal ending of a session without dissolving either House and therefore without a subsequent election. Prorogation of the Parliament is by proclamation of the Governor-General, in practice on the advice of the Prime Minister of the day (S.O. 2).

*Sitting periods* occur within a session. The sittings of the House in each calendar year are divided into three distinct periods: the Autumn sittings—usually from February to April; the Winter (Budget) sittings in May/June; and the Spring sittings from August to December. In earlier years the practice was to have two sitting periods: Autumn sittings, from February to June, and Budget sittings, from August to December, and this arrangement, with an August Budget, may still occur when a general election interrupts the usual parliamentary calendar.

A *sitting* commences when the House meets pursuant to the standing or sessional orders, or in accordance with a resolution of the House at a previous sitting, and concludes with the adjournment of the same sitting. The same sitting may extend over more than one day (S.O. 2).

*Suspension of sitting*—a sitting may be suspended, that is, interrupted, with the Speaker or Member presiding leaving the Chair, for a variety of reasons, including meal breaks (if occurring).

An *adjournment* is said to occur when the House stands adjourned for any period of time. Thus the term covers the period between the end of one sitting and the commencement of the next; the gap (usually of two weeks) between sitting weeks within a sitting period; and also the much longer periods of time between the main sitting periods each year, which are technically not recesses although they are often referred to as such.

A *recess* is a period between sessions of the Parliament or the period between the close of a session by prorogation and the dissolution or expiry of the House (S.O. 2).

## Days and hours of sitting

### *Sittings of the House*

The House sits in accordance with a program of sittings agreed to by the House for that year, unless otherwise ordered (S.O.s 29, 30). The normal hours of sitting are currently as follows (S.O. 29):

<i>Day</i>	<i>Meeting commences</i>	<i>Adjournment proposed</i>	<i>House adjourns</i>
Monday	10 a.m.	9.30 p.m.	10.30 p.m.
Tuesday	2 p.m.	9.30 p.m.	10.30 p.m.
Wednesday	9 a.m.	7.30 p.m.	8 p.m.
Thursday	9 a.m.	4.30 p.m.	5 p.m.

There are normally no suspensions of sittings for meal breaks.

A motion to vary the time and/or day of the next meeting of the House is needed whenever the House departs from the agreed sitting pattern. Such a motion may be moved by a Minister at any time without notice (S.O. 30).

### ***Sittings of the Main Committee***

The usual days and hours of sitting of the Main Committee, the House's second debating chamber are as follows (S.O. 192):

<i>Day</i>	<i>Meeting commences</i>	<i>Usual time of adjournment</i>
Monday	10.30 a.m.	10 p.m.
Wednesday	9.30 a.m.	1 p.m.
Thursday	9.30 a.m.	1 p.m.

The Main Committee can meet only while the House itself is sitting. Its sitting times are set by the Deputy Speaker (S.O. 186) to accommodate the amount of business to be considered. Additional sittings are possible, and can be expected at Budget time to provide additional time for the Budget and estimates debates.

### **Meeting of the House**

Before a meeting of the House the bells ring for five minutes to call Members to the Chamber. At the time fixed for the House to meet, the Speaker, preceded by the Serjeant-at-Arms with the Mace, enters the Chamber and takes the Chair (S.O. 54). Having ascertained that a quorum is present, the Speaker makes the acknowledgement of country and reads the Prayers specified in S.O. 38, with Members standing, then calls on the first item of business.

### **Adjournment of sitting**

The House is adjourned by agreement to the motion 'That the House do now adjourn', which may only be moved by a Minister (S.O. 32(a)), or in accordance with the automatic adjournment provisions (S.O. 31).

At the time set for the adjournment to be proposed (S.O. 29) the Speaker interrupts proceedings to propose the question 'That the House do now adjourn' (S.O. 31). If a division is occurring at the time of interruption, the division (and any consequential division) is completed and the result announced.

A Minister may require the question to be put immediately (to allow it to be negatived to enable the business before the House to continue). If the question is then negatived the House resumes its proceedings at the point they were interrupted. Otherwise the interrupted business is set down on the Notice Paper for the next sitting, and debate may then take place on the question 'That the House do now adjourn'. This is the adjournment debate during

which the rule of relevance does not apply, giving Members the opportunity to speak on matters of their own choosing (*see p. 100*).

The adjournment debate is interrupted by the Speaker at the time scheduled for the House to adjourn. At this point a Minister may require the debate to be extended for up to 10 minutes to enable Ministers to speak in reply to matters raised in the debate. If the debate is not extended, or if it is extended after 10 minutes or the earlier ending of debate, the Speaker automatically adjourns the House until the time of its next meeting.

If the adjournment motion is negatived when first proposed and the business of the day is not finished by the time set for the adjournment of the House) a Minister moves the adjournment motion at the conclusion of ordinary business and debate on the motion (adjournment debate) may then occur without any limitation of time.

If the day's business finishes before the time at which the motion to adjourn would be automatically proposed, the adjournment motion is moved by a Minister immediately. Debate on the motion may continue until the time for the adjournment of the House set by standing order 29.

### ***Restriction on new business***

After the normal time of adjournment (that is, the latest scheduled time of adjournment, currently 10.30 p.m.) business is restricted to matters before the House at that time. To permit new business to be considered after that time, a motion to this effect must be agreed to beforehand. (S.O. 33).

### **Quorum**

The quorum is the minimum number of Members which must be present to constitute a meeting of the House for the exercise of its powers. The size of the quorum is defined by the *House of Representatives (Quorum) Act 1989* as at least 1/5 of the whole number of the Members of the House. The quorum of the current House of 150 Members is thus 30 Members. The quorum includes the occupant of the Chair and is not reduced by the death or resignation of a Member.

A quorum must be present to constitute a meeting of the House (S.O. 54) and for a valid recorded vote (i.e. division) (S.O. 58), but it is not necessary to maintain a quorum continuously. The House regularly conducts its business when less than a quorum of Members is present in the Chamber. However, any Member is entitled at any time to call for the presence of a quorum by formally taking notice that a quorum is not present (S.O. 55)—*see below*.

In ascertaining whether or not a quorum is present, all Members within the physical limits of the Chamber (all areas on the floor of the Chamber, including officials' seats) are counted (S.O. 56).

### ***Lack of quorum at time of meeting***

If a quorum is not present when the Chair is taken at the time fixed for the meeting of the House, the bells are rung and a period of five minutes is allowed for a quorum to form (S.O. 54). If, after the five minutes have elapsed a quorum is still not present, the House is suspended or adjourned (*see p. 16*) (S.O. 57).

### ***Lack of quorum on division***

If the result of a division reported to the Chair by the tellers shows that the number of Members voting was less than a quorum, the House has not made a decision on the question (S.O. 58) and the House is suspended or adjourned as described below.

### ***Quorum called for by Member***

A Member calls for a quorum to be formed by drawing the Chair's attention to 'the state of the House' (S.O. 55). It is out of order to debate the situation or to draw attention while the Speaker is in the process of putting a question. Once a quorum has been called for the call cannot be withdrawn and the House must be counted. The Chair counts the House or has it counted and, if a quorum is not present, has the bells rung for four minutes, as for a division. Members may not leave the Chamber until a quorum has been formed or four minutes have elapsed (S.O. 56). If there is not a quorum after the bells have rung for four minutes, the House is suspended or adjourned as described below.

A call for a quorum when a quorum is in fact present is regarded as disorderly, and it is normal in these circumstances for the offending Member to be named by the Chair and suspended from the service of the House (S.O. 55(c)).

### ***Quorum count deferred***

On Mondays quorum calls between 10 a.m. and 12 noon are deferred until 12 noon. On Mondays and Tuesdays quorum calls between 6.30 and 8 p.m. are deferred until 8 p.m.

If a Member calls for a quorum during these times the Chair announces that he or she will count the House at 12 noon or 8 p.m., respectively, if the Member then so desires (S.O. 55).

### ***Adjournment or suspension of House because of lack of quorum***

In all cases, when a lack of quorum has been established the Speaker may either:

- adjourn the House to the next day of sitting, or
- if satisfied there is likely to be a quorum within a reasonable time, announce that he or she will take the Chair at a stated time, and the sitting is suspended until that time. If, at that time, there is still not a quorum, the Speaker adjourns the House until the next sitting day (S.O. 57).

### ***Quorum in the Main Committee***

The quorum in the Main Committee is three, including the occupant of the Chair, one government Member and one non-government Member (S.O. 184(b)). This quorum must be present at all times. If the Chair notes that a quorum is not present he or she must suspend the Committee until a stated time or adjourn it until the day of the next sitting of the House (S.O. 190(b)).

### **Attendance of Members**

The attendance of Members at each sitting of the House is recorded in the Votes and Proceedings (S.O. 27(c))—in practice the names of Members not present are listed. A Register of Members' Attendance is maintained by the Serjeant-at-Arms. For a Member's attendance to be registered he or she must be physically present in the Chamber of the House at some time during the sitting (attending the Main Committee only does not count for House attendance purposes). Members' attendance is normally registered at question time, and Members who only enter the Chamber outside question time need to ensure that their attendance has been recorded.

### ***Leave of absence***

A Member's place becomes vacant if, without permission of the House, he or she does not attend the House for two consecutive months of any session of the Parliament (Constitution, section 38).

Leave of absence is usually granted for reasons such as parliamentary or public business overseas, maternity or ill health. A motion to grant leave of absence does not require notice, states the cause and period of leave, and has priority over all other business (S.O. 26(a)). Leave of absence excuses a Member from service in the House or on a committee (S.O. 26(b)). If a Member granted leave of absence attends the House before the period of leave expires, the remaining leave is forfeited (S.O. 26(b)). A Member may not lodge a notice of motion or notice of intention to present a bill while on leave, as the notice must be delivered to the Clerk in the Chamber (S.O. 106), although he or she may lodge a question in writing.

It is the usual practice at the end of a period of sittings for a Minister to move 'That leave of absence be given to every Member of the House of

Representatives from the determination of this sitting of the House to the date of its next sitting’.

## Opening of a new Parliament

The opening of a new Parliament is characterised by ceremony:

- Local indigenous people are invited to conduct a ceremony of welcome (S.O. 4(a)).
- Members assemble in the House of Representatives Chamber at the time appointed by the Governor-General in the Proclamation calling Parliament together, and the Clerk of the House reads the proclamation summoning Parliament (S.O.s 4(b) and (c)).
- Members go in procession to the Senate Chamber to hear the Governor-General’s Deputy (normally the Chief Justice of the High Court) formally declare the Parliament open. They then return to the House.
- The Clerk tables the returns to the writs showing the Member elected for each electoral division, after which Members are called to the Table in groups to swear an oath or make an affirmation and sign the oath or affirmation form.
- The Speaker is elected, as described at page 4. The Prime Minister or another Minister then informs the House of the time the Governor-General will receive the Members of the House and the Speaker. The sitting is then suspended.
- Members reassemble in the Chamber before accompanying the Speaker as he or she is presented to the Governor-General in the Members’ Hall. Members then return to the Chamber where the Speaker resumes the Chair and reports to the House.
- Members go in procession to the Senate Chamber where the Governor-General makes the ‘opening speech’ (S.O.s 4 and 5). This is a formal declaration of the causes of the calling together of the Parliament and contains a brief review of the affairs of the nation and a forecast of the Government’s proposed program of legislation.
- Members return to the House of Representatives where some formal business (the presentation and first reading of a ‘formal’ or ‘privilege’ bill) is transacted (S.O.s 5(b) and 6(a)). This is a symbolic declaration by the House that it is master of its own program of business.
- The Speaker reports the Governor-General’s speech to the House and a committee of three Members is appointed to prepare an ‘Address in Reply’—*see below* (S.O. 6). The sitting is suspended.
- When the sitting resumes the House may proceed to other business. This usually includes the election of the Deputy Speaker and Second Deputy Speaker and condolence motions. The proposed Address in Reply may be presented to the House at this sitting. However, this usually occurs at the next sitting.

### ***Opening of a new session***

Procedure for the opening day of a new session of the Parliament following a prorogation is similar to that for the opening day of a new Parliament except that, as the session is a continuation of and not the commencement of a Parliament, no Deputies are appointed by the Governor-General to open Parliament, only those Members elected at by-elections since the last meeting are sworn in (by the Speaker), and the Speaker, Deputy Speaker and Second Deputy Speaker continue in office without re-election.

### ***Address in Reply debate***

An Address is a formal communication from the House to the Sovereign or the Governor-General (S.O.s 267–270). Such communication is unusual except for the Address in Reply at the start of each Parliament, thanking the Governor-General for his or her opening speech (S.O. 6).

The appointment of the Address in Reply committee (traditionally comprising the Prime Minister and two newly elected government Members) and the preparation of the Address are formalities—the wording does not change in substance from Parliament to Parliament. The proposed Address is presented to the House by one of the private Members of the committee and is read out by the Clerk. The Member then moves ‘That the Address be agreed to’. The motion is seconded by the other private Member of the committee.

A wide ranging debate on the motion ‘That the Address be agreed to’ takes place, usually spread over several sittings. The debate provides an opportunity for Members to speak on any matter they wish, provided the other rules of debate are observed. Each Member may speak for 20 minutes. This debate is traditionally an opportunity for newly elected Members to make their first speeches in the House. The debate may be referred to the Main Committee. An amendment, in the form of an addition of words, may be moved to the Address.

At the end of the debate the Address is agreed to. It is later presented to the Governor-General at Government House by the Speaker accompanied by other Members (S.O. 7).

### **Order of business**

The order of business for each day is set out in S.O. 34. The order of business is similar for each day, however:

- Periods are set aside on Monday mornings (10 a.m. to 12 noon) and evenings (8 p.m. to 9.30 p.m.) for committee and delegation business and private Members’ business.
- the House does not sit before question time on Tuesdays;

- Wednesdays and Thursdays commence with government business before question time.

The order of business for each day is:

Committee and delegation business and private Members' business (on Mondays only) (*see pp. 97–99*)

Government business followed by Members' statements (except on Tuesdays);

Question time at 2 p.m. (*see p. 91*);

Documents (*see p. 88*);

Matter of public importance (except on Mondays) (*see p. 102*);

Ministerial statements (*see p. 88*);

Government business;

Committee and delegation business and private Members' business (on Mondays only) (*see pp. 97–99*);

Adjournment debate (*see p. 100*).

### ***Government business—Notices and orders of the day***

The largest proportion of the time of the House is spent considering government business—motions and bills sponsored by Ministers. Most government business is legislation. Notices are items of business being introduced for the first time; orders of the day are items of business which have been introduced previously and listed for further consideration on a later day.

Notices and orders of the day are taken in the order they appear on the Notice Paper (S.O.s 37(a) and 112). The order of business can be changed by agreement of the House to a motion moved by the Member in charge of the order (usually a Minister), for example, to postpone an item to a later hour or to the next sitting (S.O. 37(b)).

Matters not on the Notice Paper may also be introduced, where permitted by the standing orders (for example, taxation bills or motions for tariff proposals) or by leave of the House.

### ***Other business***

As necessary or convenient, other business may be taken during the sitting between scheduled items of business. Such matters may include the presentation of documents, the announcement of messages from the Governor-General assenting to bills, messages from the Senate, the presentation of committee reports, and motions relating to the sittings or the business of the House.