



NO. 2—NOTICES OF MOTION

What is a notice of motion?

All decisions of the Senate begin as motions moved by senators. The first step is usually for a senator to **give notice** of his or her intention to move a motion. A notice of motion therefore signals a potential decision of the Senate.

Notice is required for all motions except where the standing orders provide otherwise. (For a list of motions not requiring notice see [Odgers' Australian Senate Practice, 11th edition, pages 174-175](#)).

Notices of motion may seek the Senate's endorsement on an issue of domestic or foreign policy or recognition of a particular achievement or event. Others relate to the machinery of Senate business and include notices for the introduction of bills or extensions of time for committees to report. A third category proposes an exercise of the Senate's powers to, for example:

- refer a matter to a committee for inquiry;
- establish a select (or special purpose) committee;
- require ministers to place certain documents or information on the public record;
- require the appearance of witnesses before committees;
- disallow an instrument of delegated legislation (see [Brief Guide No. 1—Disallowance](#)).

How is notice given?

There are two ways to give a notice. The first is for a senator to use the daily opportunity for giving notices orally in the chamber, an opportunity which occurs at approximately 3.30 pm on Mondays to Wednesdays and at 9.30 am on Thursdays. If a senator gives a notice orally, he or she must also hand in a signed copy. The second is for a senator to hand a signed copy to the Clerk in the chamber before the time for notices has passed that day. An exception to this rule is that notice of a motion to refer a matter to one of the Senate's legislative and general purpose standing committees may be handed to the Clerk at any time or delivered orally in the Senate between items of business. Notices are published in the *Notice Paper*.

Are there rules about the content of notices?

The standing orders set out the rules for notices ([standing order 76](#)). In essence, a notice must:

- be legible and signed by the Senator giving it;
- show the day proposed for moving the motion—usually the next sitting day, a specific date, a number of sitting days into the future or at the occurrence of a specific contingency (see below);
- consist of a clear and succinct proposed resolution or order of the Senate; and
- relate to matters within the competence of the Senate;

and must not:

- contain statements, quotations or other matter not strictly necessary to make the proposed resolution or order intelligible.
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Notices are edited for the *Notice Paper* and the President may delete extraneous matter, require a Senator to reframe a notice if it does not comply with the standing orders, or ask the Clerk to divide it into 2 or more notices if it contains matters not relevant to each other. Notices may be given in general terms with the complete version being handed to the Clerk. Two or more Senators may give the same notice. The purpose of a notice is to give advance warning of a proposed decision. Therefore, a notice has no effect, and cannot be used, on the day it is given.

Contingent notices

Contingent notices specify a set of conditions under which a senator may move a certain motion: if x happens, Senator A will move y. Most contingent notices provide for standing orders to be suspended to enable a senator to take an action that the standing orders would otherwise prevent. An absolute majority of the Senate (39 senators) must agree to a suspension of standing orders where it is moved without notice. Where notice has been given, however, only a simple majority is required (a majority of senators voting). In most cases, senators use contingent notices to attract the lesser requirement of a simple majority in favour of the suspension. Examples of contingent notices may be found in any day's *Notice Paper* in the section called "Contingent Notices" (for more detail see [Brief Guide No. 5—Suspension of Standing Orders](#)).

Who "owns" a notice of motion?

A notice of motion belongs to the senator who gave it until the motion is moved. Then it belongs to the Senate. Before moving a motion, a senator may alter its terms or change the day for moving it (see below). A senator may also withdraw a notice of motion when it is called on or at any time before it is moved. Because the senator "owns" the notice, leave is not required to withdraw it, but special rules apply to the withdrawal of disallowance notices (see [Brief Guide No. 1—Disallowance](#)). Notices of motion which are neither moved nor withdrawn remain on the *Notice Paper* until the end of a Parliament when all business lapses.

Amending a notice of motion

Notices may be amended by a senator before they are moved, in one of two ways. Senators may alter their notices in writing before the day on which the motion is to be moved by way of a letter to the Clerk ([standing order 77](#)). The amended notice is then published in the *Notice Paper* for the day it is due to be moved. Senators may also amend notices on the floor of the chamber before moving them provided that leave (unanimous consent of all senators present in the chamber) is given. If this method is chosen, senators should sign a copy of the changes and give it to the Clerk in the chamber.

Changing the day for moving a motion

A notice may be postponed under [standing order 67](#), or the day for moving it may be put back, but not brought forward, by letter under [standing order 77](#) (in the same way as the terms of a notice may be altered by letter—see above).

To postpone a notice under standing order 67, senators should ask their whips to take the necessary action or fill in a pro-forma (available on the Senate website on the Senate at Work page under the heading [For Senators: procedural proformas](#) or from the Table Office or Clerk Assistant (Procedure)) and lodge it with the Clerk. When the time comes for postponing or rearranging business, the Clerk reads out the list of postponements received for that day and these items are taken to be postponed unless any senator requests that the Senate itself determine the postponement of any item by a vote.

Discovery of formal business

Most notices of motion fall into one of three main categories of business: Business of the Senate, Government Business or General Business (see [Brief Guide No. 8—Categories of Business](#)). In the ordinary course of a sitting day there is no opportunity to debate General Business items. This is because General Business has a lower priority than Business of the Senate or Government Business and would be reached only in the unlikely event that all higher priority business on the *Notice Paper* was disposed of. On each sitting day, however, there is an opportunity for notices of motion to be "fast-

tracked”; that is, moved and determined (or voted on) **without debate**. This is known as **discovery of formal business** and it occurs shortly after the time provided each sitting day for notices to be given.

A senator who wants to use this opportunity should, when the President asks “Are there any formal motions?”, seek the call and ask for a particular notice of motion to be “taken as formal”. If no senator present objects, the senator may then move the motion for immediate determination. Notices of motion of all categories may be dealt with in this way, regardless of subject matter, if there is unanimous consent.

What happens if there is an objection?

An objection from one senator prevents a notice of motion being dealt with as a formal motion. If the notice is a Business of the Senate or Government Business notice, this does not matter because such notices will be called on later in the normal course of the day’s business and may be moved **and debated** then.

When an objection is raised to a General Business notice of motion being dealt with as a formal motion, the senator in charge of it has two choices. The first choice is to do nothing. In this case, the notice of motion remains on the *Notice Paper* but the opportunity to “discover” (or fast-track) it has been exhausted. It may, however, be moved, by leave, at another time or it may be selected for debate during the time set aside for General Business on Thursday afternoons, and moved and debated then.

The second choice is for a senator to move to suspend standing orders to bring on an immediate debate on that item. This involves three procedural steps. Step one is a motion for the suspension of standing orders. It may be debated for a total of 30 minutes with up to 5 minutes per speaker. Debate should focus on the urgency of dealing with the particular item in this way. Suspension of standing orders requires the agreement of an absolute majority of the Senate (39) if moved without notice, or a simple majority if moved with notice (including a contingent notice—see above). If a suspension is agreed to, step two is a motion to provide that the substantive motion may be moved immediately and have precedence over other business that day until it is determined. If step two is agreed to, step three is the moving of the substantive motion itself. There is no total time limit for this debate. Each speaker has up to 20 minutes and the mover of the motion has a right of reply.

Need assistance?

For assistance with any of the matters covered by this guide, government senators or their staff should contact the Clerk Assistant (Table), on extension 3020; and non-government senators or their staff should contact the Clerk Assistant (Procedure), on extension 3380.

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This publication is available electronically at <http://www.aph.gov.au/senate/pubs/guides/index.htm>.