

16. NON-GOVERNMENT BUSINESS

Order of business on Mondays

A period of time is allocated in both the House and the Main Committee each sitting Monday for non-government business (presentation of committee and delegation reports, debate on previously presented committee and delegation reports and private Members' business (S.O.s 39–41A)). The whips (in practice, the Chief Whips) recommend the order of consideration of items, the times allotted for debate on each item and for each Member speaking, and the matters to be considered in the Main Committee. The Chief Government Whip must report those recommendations to the House in time for them to be adopted and published in the Notice Paper of the sitting Thursday before the Monday in question.

One hour is set aside in the House from 8.30 p.m. to 9.30 p.m. on Monday evenings for committee and delegation reports and private Members' business. In the Main Committee on Mondays the order of business from approximately 6.40 p.m. is as follows (S.O. 192, Figure 4):

- 90 second statements (for 15 minutes)
- Committee and delegation reports and private Members' business (for 1 hr 35 minutes)
- Grievance debate (for 1 hour).

Committee and delegation reports

Committee and delegation reports may be presented in the House during the period set aside on Mondays, as recommended by the whips. Members may make statements in relation to these reports, of not more than 10 minutes for each Member, although the whips may recommend shorter speaking times (generally five minutes). The Member presenting the report may also move a motion—for example, 'that the House take note of the report'. Debate on the motion is normally then adjourned until a future day (S.O. 39). The standing orders provide for the resumption of debate on reports presented on previous occasions to follow the presentation of reports (S.O. 40).

In keeping with the subordinate nature of the Main Committee, it is not possible for business to be initiated there, so reports cannot be presented in the Main Committee. Therefore, where the House has endorsed the recommendation of the whips that specific reports be debated in the Main Committee, a different procedure is adopted. Under standing order 39, the Speaker may present a committee or delegation report to the House on Monday afternoon after question time and the following are then deemed to have occurred: a motion to take note of the report, debate on the motion to be

adjourned to a later hour and the order of the day to be referred to the Main Committee for further consideration within any parameters recommended by the whips and adopted by the House.

Outside of the period provided for report presentation on Mondays, committee and delegation reports may be presented at any time when other business is not before the House (S.O. 39(a)) and a specific motion in relation to the report may be put without notice (S.O. 39(c)). However, any statements made in relation to the reports can only be made by leave of the House (S.O. 39(b)).

After presentation in the House committee reports may be referred to the Main Committee for further consideration.

Private Members' business

Following the presentation and debate of committee reports, debate takes place on private Members' business—that is, bills and motions sponsored by private Members.

A private Member wishing to move a motion or introduce a bill must give notice (*see p. 44*). Notices are listed on the Notice Paper under the heading 'Private Members' Business'. Private Members' notices and orders of the day not recommended by the whips for debate within eight sitting Mondays are removed from the Notice Paper (S.O. 42). Entries in the Notice Paper show the number of sitting Mondays remaining.

As with committee and delegation reports, should the whips decide that a private Members' motion should be dealt with in the Main Committee on a sitting Monday, a similar process is used to initiate the item of business in the House. After question time the Speaker may present a copy of the terms of motion for which notice has been given by a private Member, the motion is deemed to have been moved, debate adjourned to a later hour and the order of the day referred to the Main Committee for further consideration (S.O. 41(h)).

Private Members' motions

Motions considered as private Members' business are not voted on, the debate being adjourned and made an order of the day for a subsequent private Members' Monday.

Private Members' bills

The introduction of a private Members' bill is given priority over other private Members' business. When the notice for a private Member's bill is called on by the Clerk, the Member presents the bill and may speak in support of it for up to five minutes (S.O. 141). It is then read a first time, the second reading of the bill automatically becoming an order of the day for the next sitting. The

allocation of time for the debate on the second reading is determined by the whips. If the second reading is agreed to by the House, further consideration of the bill is given priority over other private Members' business (S.O. 41). Alternatively, standing orders may be suspended to permit the bill to be considered during government business time.

Should the whips recommend that a private Members' bill be listed for the Main Committee on a Monday, the following process is followed. After question time the Speaker presents a bill for which notice has been given by a private Member and the first reading of the bill is deemed to stand referred to the Main Committee. When the bill is called on in the Main Committee by the Clerk, the Member sponsoring the bill may present an explanatory memorandum (if available), and may speak to the bill for no longer than five minutes. The bill is then read a first time and the motion for the second reading set down on the Notice Paper for a subsequent sitting (S.O. 41(e)).

Private Members may not initiate a bill imposing or varying a tax (S.O. 179) or requiring the appropriation of money (*see p. 71*).

Whips role

The arrangement of private Members' business and the order of presentation and consideration of committee and delegation reports on Mondays, and the allocation of time for their debate, are the responsibility of the whips (S.O. 41A). When the House is sitting the whips meet weekly (usually on a Tuesday afternoon) to consider the arrangement of business for both the House and Main Committee on the next sitting Monday. The Chief Government Whip must report to the House on their recommendations in time for the report to be adopted by the House and published in the Notice Paper of the sitting Thursday before the Monday under consideration.

In choosing items for debate the whips pay regard to a set of general principles relating to the selection of private Members' business (presented to the House on 20 February 2008). The principles ensure that all Members have a fair chance of having matters debated and also take into account the nature of the subject—that is, its importance, the current level of interest, the extent to which it comes within the responsibility of the Commonwealth Parliament, the probability of it being brought before the House by other means, and whether the same matter has recently been debated.

Members' statements

Members have several opportunities to make short statements in the Main Committee in sitting weeks. On Monday evenings, for a period of 15 minutes (6.40 p.m. to 6.55 p.m.) any Member other than a Minister or a Parliamentary Secretary may be called by the Chair to make a statement of up to 90 seconds in duration (S.O. 192A). The call is alternated between non-government and

government Members. If no other Member seeks to speak, a Member who has already spoken may speak again. Members may make statements on any topic of concern to them. They may also use the occasion to present a petition (S.O. 207).

A period is also reserved for constituency statements by Members in the Main Committee on Tuesdays, Wednesdays and Thursdays. Any Member may speak for up to three minutes (S.O.s 192, Figure 4, and 193). This opportunity lasts for a period of 30 minutes (regardless of suspensions for divisions in the House). Members may also use these occasions to present a petition (*see p. 108*) (S.O. 207).

Grievance debate

At 8.30 p.m. each Monday in the Main Committee, after the conclusion of private Members' business, the Deputy Chair proposes the question 'That grievances be noted' (S.O. 192B). Debate on the question is practically unlimited in scope, giving Members the opportunity to raise matters in which they have a particular interest or to ventilate complaints of constituents. Any amendment may be moved to this question, although amendments are rare. The name of the debate and its technical status as government business have no significance. In practice it is no more than an opportunity for wide debate, similar to that provided by the motion for the adjournment of the House. Members may also use this occasion to present a petition (*see p. 108*) (S.O. 207).

The debate lasts for a maximum of one hour. Members may speak for 10 minutes. The distribution of the call is similar to that of the adjournment debate, the first call going to an opposition Member, then alternating. Although, technically, Ministers and Parliamentary Secretaries are permitted to participate, in practice this is not common.

Adjournment debate

A standard half-hour adjournment debate is scheduled at the end of every sitting day (S.O.s 29, 31 and 34, Figure 2). However, depending on the pressure of business, it may sometimes commence earlier or later than the specified time, or not take place at all. The procedures for the moving of the adjournment are outlined at page 14.

Debate on the motion 'That the House do now adjourn' is specifically exempted from the rule that debate must be relevant to the question before the House, and in effect the scope of debate is practically unlimited. Members may speak for five minutes each. An opposition Member traditionally receives the first call and the call then alternates in the normal way. If no other Member wishes to speak, a Member who has already spoken may speak a second time. Although Ministers and Parliamentary Secretaries are not

prohibited from participating, in practice they rarely do (except to respond to the debate as described below). If they do seek the call, the Chair will usually give preference to any backbench Member on either side of the House.

The general rules of debate, other than relevancy, apply, and a Member should not attempt to revive earlier debates of the session unless the allusion is relevant to a new aspect or matter which the Member is raising. This restriction does not prevent reference to previous adjournment debates. No amendment may be moved to the question for the adjournment.

A Member wishing to raise a matter in the adjournment debate falling within the responsibilities of a particular Minister or concerning a particular Member usually alerts that Minister or Member beforehand. As well as being courteous, this practice allows the Minister or Member to arrange to be present during the debate if he or she so wishes and, in the case of a Minister, to make a response.

The debate may be extended by up to 10 minutes to permit a Minister to respond to matters raised in the debate. However, a Minister may speak in reply prior to this time if no other Member rises to speak. 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.

Adjournment debate in the Main Committee

Adjournment debates also take place in the Main Committee. Although the standing order does not specify the day or time, these generally occur only on Thursdays. The length of the debate (usually about 30 minutes) is agreed between the whips (S.O.s 191 and 192, Figure 4). Adjournment debates at other times may occur by agreement between the whips.

Budget debate

The standing orders exempt the debate on the second reading of Appropriation Bill (No. 1) (*see p. 76*) from the usual rule of relevance by allowing ‘matters relating to public affairs’ to be debated (S.O. 76(c)). The Budget debate thus provides a significant opportunity, possibly extending over several weeks, for Members to speak on matters of their own choice.

The same exemption applies to the second reading debate of other appropriation bills for ordinary services of the Government—that is, (usually) Appropriation Bill (No. 3) and Supply Bill (No. 1). However, these bills are not usually debated so extensively.

Address in Reply debate

The wide ranging Address in Reply debate at the beginning of each session of Parliament provides an opportunity for Members to speak for 20 minutes each on any matter they wish, provided the other rules of debate are observed (S.O. 76(b)). For details of this debate, see page 19.

Matter of public importance

A discussion of a matter of public importance (MPI) is scheduled for every sitting day except Monday, following question time, the presentation of documents, and any ministerial statements. An MPI is a discussion, on which no vote is taken, on a topical issue (S.O. 46).

Although any Member may propose a matter for discussion, in practice the matter discussed is usually one proposed by the Opposition.

Matters for discussion must be proposed to the Speaker in writing no later than 12 noon on the day of the discussion. The letter takes the following form:

[date]

Dear Mr/Madam Speaker

In accordance with standing order 46, I desire to propose that [today] [tomorrow] [on Tuesday, . . .] the following definite matter of public importance be submitted to the House for discussion, namely: . . .

Yours sincerely

[signature of Member]

In the event of more than one matter being proposed for the same day, the Speaker gives priority to the matter which, in his or her opinion, is the most urgent and important.

The Speaker determines whether or not the proposal is in order. The proposed matter must be 'definite', that is, single, specific and precise in its wording, and is expected to contain an element of ministerial responsibility or come within the scope of ministerial action.

At the time for the discussion, the Speaker announces the receipt of the letter, reads the matter to the House, and calls on Members approving of the proposed discussion to rise in their places. The discussion may proceed only if supported by eight Members, including the proposer. The Speaker then calls upon the proposer to open the discussion.

The discussion may last for up to one hour; 15 minutes each being allowed to the proposer and the Member next speaking, 10 minutes each for the next two Members speaking, and five minutes for any other Member (S.O. 1). The

discussion may be terminated earlier by the carrying of a motion moved by any Member 'That the business of the day be called on'.

(For discussion of matter of special interest initiated by a Minister see page 51.)