

## **1. THE STANDING ORDERS**

Section 50 of the Constitution provides that each House of the Parliament may make rules and orders with respect to the order and conduct of its business and proceedings either separately or jointly with the other House.

The standing orders are the formal rules governing the proceedings of the House. They are rules adopted by resolution (order) of the House which have continuing (standing) effect. Standing orders can be amended or omitted, or new standing orders created, by resolution of the House.

Some rules and conventions observed in the House are not imposed by the standing orders. These reflect the traditional practice of the House.

Although the standing orders and practice of the House have their origins in the traditional parliamentary practice which applied in the United Kingdom House of Commons in the years before Federation, procedures and practices have been developed to suit the different needs of the House of Representatives.

Standing order 3(e) states that the Speaker (or other Member presiding) is responsible for ruling when a question on the interpretation of a standing order arises and for deciding cases not provided for in the standing orders. Previous rulings of Speakers of the House and established practice are to be considered in all cases.

### **Changing the standing orders**

Standing orders may be amended or omitted, or new standing orders created, by resolution of the House. Standing orders continue in force until altered, amended, or repealed (S.O. 3(a)).

Changes often follow recommendations by the Standing Committee on Procedure, which is appointed to inquire into and report on the practice and procedures of the House and its committees (S.O. 221).

Sessional orders are temporary standing orders adopted (generally for the remainder of a session) as a means of experimenting with various procedures. If found effective, sessional orders may later be incorporated into the standing orders.

### **Suspending the standing orders**

It is not unusual for the House to want to permit an action which the standing orders would prevent. Common instances are to grant unlimited or extended time for particular speeches, the introduction of particular bills without notice and their passage without delay, and for the House to sit longer hours than

provided for in the standing orders (by suspension of the automatic adjournment). In these cases the House may agree to suspend a particular standing order or standing orders generally for a particular purpose. The standing orders may only be suspended by motion, usually in one of the following forms:

- That so much of the standing [and sessional] orders be suspended as would prevent . . .
- That standing order . . . be suspended for [this sitting].

When a motion for the suspension of any standing or sessional order appears on the Notice Paper, the motion may be carried by a simple majority—i.e. the majority of votes of Members present (S.O. 47(b)).

In cases of necessity a motion for the suspension of any standing or sessional order or orders may be moved without notice. Unless moved by leave of the House (*see below*), this motion must be carried by an absolute majority of Members of the House—76 in a House of 150 (S.O. 47(c)). When the motion is moved by leave a division would not normally be called for, but if it were, it could be carried by a simple majority.

A motion to suspend standing orders may be moved by any Member who has received the call from the Chair, but only if it is relevant to the matter before the House at the time, or if there is no matter before the House (i.e. between items of business).

The suspension of standing orders is limited in its operation to the particular purpose for which such suspension has been sought (S.O. 47(d)).

The standing orders are adopted by the House and cannot be suspended by committees or the Federation Chamber, which are subsidiary bodies.

## **Leave of the House**

The House or Federation Chamber may grant leave—that is, give permission—for certain things to be done which would otherwise be contrary to the standing orders or practice of the House. A Minister or Member may ask for leave, or the Chair, sensing the feeling of the House or the Federation Chamber, may initiate the proposal; in either event, the Chair seeks the agreement of Members. Leave may be granted only if no Member present objects (S.O. 63).

Leave sought may cover a wide field. Common examples are to enable the next stage of a bill to be taken immediately; to proceed immediately from the second reading of a bill to the third reading (i.e. to omit the consideration in detail stage); during the consideration in detail stage to take a bill as a whole or in parts together; to move a motion without notice; or to enable statements to be made to the House. Leave is often sought to present documents to the House—while there is no provision for private Members to table documents,

they may do so if they obtain leave of the House, and Ministers too require leave in some circumstances (*see p. 90*).

The limitations of leave have not been defined but, in practice, leave should not be sought to do anything which is too radical a departure from the standing orders. In these cases, it is usual for leave to be sought to move, without notice, a suspension of the standing orders (S.O.47).