Chapter 12. Bills

Chapter outline

This chapter sets out the stages bills go through:

- House bills
- Senate amendments to House bills
- bills the Senate may not amend
- Senate bills and House amendments
- bills altering the Constitution
- lapsed bills, and
- Governor-General's consideration of bills.

House bills

138 Initiation of bills

A House bill may be initiated:

(a) by the calling on of a notice of intention to present a bill;
(b) by an order of the House; or
(c) without notice by a Minister under *standing order 178 (Appropriation Bill or bill dealing with taxation).*

A bill not prepared according to the standing orders of the House shall be ordered to be withdrawn.

139 Notice of intention to present bill

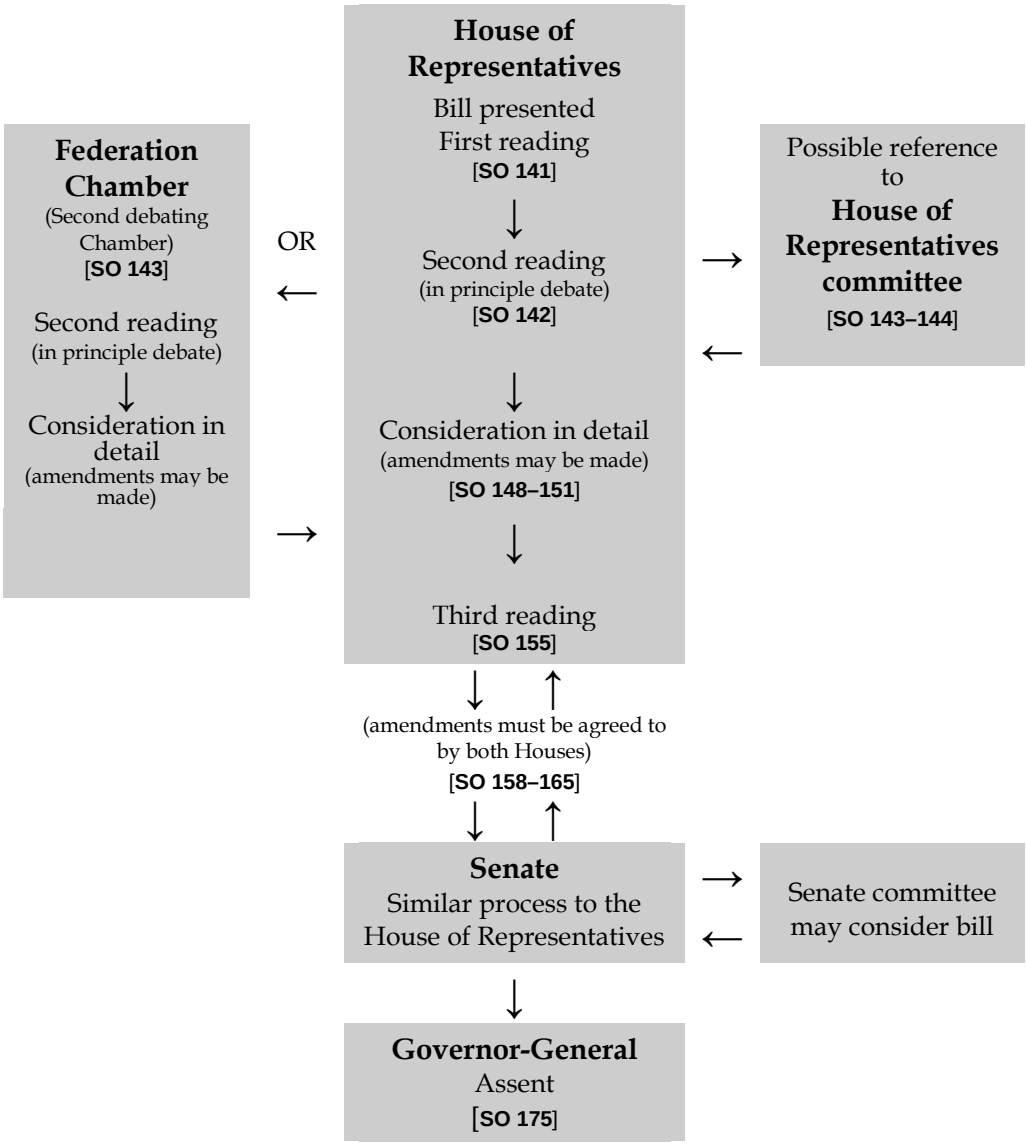
(a) A Member giving a notice of intention to present a bill must deliver the notice in writing to the Clerk at the Table.

(b) The notice must:

(i) specify the title of the bill and the day for presentation; and
(ii) be signed by the Member and at least one other Member.

(c) A notice of intention to present a bill shall be treated as if it were a notice of motion.

Figure 3. Stages a House bill goes through



140 Signed copy of bill presented

(a) A Member presenting a bill must sign a legible copy of the bill and give it to the Clerk at the Table.

(b) The title of a bill must agree with the notice of intention to present it, and every clause must come within the title.

First reading

141 First reading and explanatory memorandum

(a) When a bill is presented, or a Senate bill is first received, the bill shall be read a first time without a question being put.

(b) For any bill presented by a Minister, except an Appropriation or Supply Bill, the Minister must present a signed explanatory memorandum. The explanatory memorandum must include an explanation of the reasons for the bill. For other bills, the Member presenting the bill may present an explanatory memorandum.

Second reading

142 Second reading

(a) If copies of the bill are available to Members, the Member presenting the bill may move immediately after the first reading, or at a later hour—

That this bill be now read a second time.

At the conclusion of the Member's speech the debate on the question must then be adjourned to a future sitting.

(b) If copies of the bill are not available, a future sitting shall be appointed for the second reading and copies of the bill must then be available to Members.

143 Bill referred to Federation Chamber or committee

After the first reading but before the resumption of debate on the motion for the second reading:

(a) a motion may be moved without notice to refer a bill to the Federation Chamber for further consideration as provided by *standing order 183*; or

(b) a motion may be moved without notice or a determination may be made by the Selection Committee as provided by *standing order 222* to refer a bill to a committee for an advisory report. The motion or determination may specify a date by which the committee is to report to the House. After an advisory report has been presented to the House, the bill may then be referred to the Federation Chamber under paragraph (a).

(c) If, having considered a bill referred to it for an advisory report, a committee finds no issues requiring a formal report, the Chair or deputy Chair may make a statement to the House to that effect. The statement, with the presentation of the relevant minutes of proceedings, discharges the committee's obligation to report on the bill.

144 Report on bill referred to committee

When a standing or select committee has presented a report on a bill, the Member in charge of the bill shall move a motion without notice to set a time for the consideration in detail of the bill.

145 Second reading amendment

(a) An amendment to the question—

That this bill be now read a second time –

(i) must be relevant to the bill;

(ii) may propose to omit words from the question in order to substitute other words (see *standing order 122(a)(ii)*)

(iii) must not propose the addition of words to the question; and

(iv) must not anticipate an amendment which may be moved during consideration in detail.

(b) For Appropriation or Supply Bills for the ordinary annual services of government, an amendment to the motion may relate to public affairs beyond the scope of the bill.

146 Amendment to dispose of bill

An amendment may be moved to the question—

That this bill be now read a second time—

by omitting 'now' in order to insert 'not', which, if carried, shall finally dispose of the bill. No amendment may be moved to this amendment.

147 Message recommending appropriation

Immediately after the second reading of a bill, other than an Appropriation or Supply Bill where *standing order 180(b)* applies, the Speaker shall announce any message from the Governor-General in accordance with section 56 of the Constitution recommending an appropriation in connection with the bill.

Consideration in detail

148 Consideration in detail

The House or the Federation Chamber shall consider the bill in detail immediately following the second reading or after the Speaker has announced a message from the Governor-General under *standing order 147*, except that a bill referred to a standing or select committee under *standing order 143(b)* shall not be considered in detail until the committee has reported.

A bill shall not be considered in detail if:

(a) the bill is before the House and the House grants leave for the question to be moved immediately—
That this bill be now read a third time; or

(b) the bill is before the Federation Chamber and the Federation Chamber grants leave for the question to be put immediately—
That this bill be reported to the House without amendment.

149 Order in considering bill

(a) A bill shall be considered in the following order:

(i) clauses and proposed clauses, in numerical order;
(ii) schedules and proposed schedules, in numerical order;
(iii) postponed clauses which have not been postponed to a specific point;
(iv) preamble; and
(v) title.

(b) By leave, a bill may be considered as a whole.

(c) The Speaker shall propose a question on each clause or schedule or the preamble or title—

That the *[clause or schedule or preamble or title]* ***be agreed to***.

No question shall be put on the words of enactment at the head of the bill.

(d) With the following types of bill schedules shall be considered before clauses:

(i) an Appropriation or Supply Bill—schedules of services for which an appropriation is to be made shall be considered before the clauses and proposed expenditures in a schedule shall be considered, in the order in which they appear, unless the House otherwise orders;
(ii) a bill imposing taxation; and
(iii) an amending bill—items within a schedule shall be considered in their numerical order, and consecutive items which amend the same section of an Act shall be considered together, unless the House otherwise orders.

150 Amendments to bills during consideration in detail

(a) An amendment may be moved to any part of a bill, if the amendment is within the title or relevant to the subject matter of the bill and conforms to the standing orders.

(b) Debate shall be relevant to the clause or amendment before the House or the Federation Chamber.

(c) If a clause or schedule is amended, the Speaker shall propose a further question—

***That the** [clause or schedule]**, as amended, be agreed to**.*

Consideration of this question may be postponed.

(d) If an amendment has been made and an amendment of the title is necessary, the title shall be amended, and the question proposed—

***That the title, as amended, be the title of the bill**.*

If the bill has been considered in the Federation Chamber the amendment of the title shall be reported to the House.

(e) No amendment, new clause or new schedule may be moved if it is:

(i) substantially the same as one already negatived by the House or the Federation Chamber; or

(ii) inconsistent with one agreed to already by the House or the Federation Chamber.

If the bill is reconsidered an amendment, new clause or new schedule may be moved.

151 Detail amendments not seconded

As an exception to *standing order 121*, an amendment moved during consideration in detail need not be seconded.

Report from Federation Chamber

152 Bill reported to the House

(a) After a bill is returned from the Federation Chamber, the Speaker shall report the bill when other business is not before the House. Any Governor-General's messages, schedules of amendments or unresolved questions shall also be reported at that time.

(b) When a bill is reported from the Federation Chamber with amendments or with unresolved questions, the report may be considered immediately if copies of the amendments or unresolved questions are available to Members. If copies are not available, a future time shall be set for considering the report and copies of the amendments or unresolved questions must then be available to Members.

153 Questions to be put

(a) If a bill is reported from the Federation Chamber without amendment or unresolved questions the question shall be put immediately—

That the bill be agreed to.

The question must be decided without amendment or debate.

(b) If a bill is reported with amendment or unresolved question, matters shall be dealt with in the following order:

(i) A separate question shall be proposed on each unresolved question and each shall be open to amendment or debate.

(ii) A single question shall be proposed, if necessary—

That the amendments made by the Federation Chamber be agreed to.

The question must be decided without amendment or debate.

(iii) New amendments may only be moved as a consequence of the resolution by the House of any unresolved question.

(iv) The question shall be proposed—

That the bill *[as amended]* ***be agreed to***.

The question must be decided without amendment or debate.

Reconsideration

154 Reconsideration

Before the third reading of a bill is moved, a Member may move without notice that a bill be reconsidered in detail, in whole or in part, by the House.

Third reading and passing the House

155 Question for third reading

(a) When a bill has been agreed to, the House may grant leave for the motion for the third reading to be moved immediately, or a future sitting may be set for the motion.

The question shall be proposed on the motion—

That this bill be now read a third time.

(b) The only amendment which may be moved to this question is by omitting 'now' in order to insert 'not', which, if carried, shall dispose of the bill.

(c) After the third reading the bill has passed the House and no further question may be put.

156 Corrections to a bill

Under the authority of the Deputy Speaker, the Clerk may correct clerical or typographical errors in a bill.

157 Bill certified and sent to Senate

(a) When the House passes a House bill, the Clerk shall certify that the bill originated in the House, the date on which it passed, and any accompanying schedules.

(b) After the bill is certified, it shall be sent to the Senate with a message asking the Senate to agree to the bill.

Senate amendments to House bills

158 Bills returned by Senate with amendments

(a) If a House bill is returned from the Senate with amendments, the amendments shall be made available to Members and a time set for the House to consider them.

(b) The House may:

- (i) agree to any Senate amendment ;
- (ii) make an amendment, which shall be relevant to the Senate amendment, to any Senate amendment;
- (iii) disagree to any Senate amendments;
- (iv) postpone consideration of any Senate amendments; or
- (v) order the bill to be laid aside.

159 Motion on Senate amendments not seconded

A motion for consideration of amendments to a bill made or requested by the Senate need not be seconded.

160 Further amendments to a bill must be relevant

The House may only amend a House bill which has been returned from the Senate if its further amendment is relevant to or consequent on the Senate amendments or requests for amendments.

161 Messages and reasons

(a) If the House agrees without amendment to Senate amendments to a House bill, the House shall inform the Senate by message.

(b) If amendments to Senate amendments are agreed to by the House, the House shall send a message returning the bill with a schedule of the House amendments and asking the Senate to agree to the House amendments.

(c) If the House disagrees to Senate amendments to a House bill, a Member shall:

(i) move—

That the amendment[s] be disagreed to; and

(ii) present to the House written reasons for the House not agreeing to the Senate amendments; and

(iii) immediately move—

That the reasons be adopted.

The House shall send a message returning the bill for reconsideration, with a schedule listing amendments disagreed to and the reasons.

162 Continued Senate disagreement on amendments

(a) If the Senate returns a House bill insisting on the original Senate amendments to which the House has disagreed, the House may:

(i) agree, with or without amendment, to the Senate amendments to which the House had previously disagreed, and make any necessary consequential amendments to the bill; or

(ii) insist on its disagreement to the Senate amendments and make any necessary amendments relevant to the rejection of the Senate amendments.

(b) If the Senate returns a House bill disagreeing to House amendments, the House may:

(i) withdraw its amendments and agree to the original Senate amendments;

(ii) make further amendments to the bill consequent upon the rejection of its amendments;

(iii) make new amendments as alternative to its amendments to which the Senate has disagreed; or

(iv) insist on its amendments to which the Senate has disagreed.

(c) If the Senate returns a House bill with further amendments to the bill or to House amendments, the House may:

(i) agree, with or without amendment, to the further Senate amendments, making consequential amendments to the bill, if necessary; or

(ii) disagree to the further Senate amendments and insist on its own amendments which the Senate has amended.

(d) In the situations described in paragraphs (a), (b) and (c) the House may:

(i) return the bill to the Senate;

(ii) order the bill to be laid aside; or

(iii) ask for a conference.

If the House returns the bill to the Senate, and the Senate returns the bill still disagreeing with any of the requirements of the House, the House shall set a time for consideration of the Senate message. On its

consideration, the House can order the bill to be laid aside or ask for a conference.

163 Final agreement sent by message

If the House has agreed to the requirements of the Senate in the bill, the House shall inform the Senate by message.

164 Clerk to certify House bill

At every stage, when the House concludes its consideration of Senate amendments to a House bill, the Clerk shall certify the bill and any accompanying schedules.

Bills the Senate may not amend

165 Senate requests

The Senate may return to the House a bill which the Senate may not amend, and by message, request the omission or amendment of any items or provisions. The House may consider the requests immediately, or set a time for considering them. When they are considered:

(a) The House may agree to the requested amendments, with or without its own amendment. The Clerk shall then incorporate the amendments in the bill.

(b) The bill shall be returned to the Senate with a message, stating how the House has dealt with the requests and asking the Senate to agree to the bill.
[Section 53 of the Constitution]

Senate bills

166 Procedures for Senate bill

A Senate bill coming to the House for the first time shall proceed, to the necessary extent, as if it were a House bill.

167 Clerk to certify when Senate bill agreed to

When the House passes a Senate bill:

(a) The Clerk shall certify that the bill has been agreed to by the House, without amendment or with amendments shown in any accompanying schedules, and the House shall return the bill to the Senate by message.

(b) If the House amends the bill, the schedule of amendments shall refer to the clause, page, and line of the bill as amended.

168 Senate amendments to House amendments

If the Senate disagrees to or amends the House amendments to a Senate bill and returns the bill to the House:

(a) the Speaker shall announce the Senate message returning the bill;

(b) the House shall set a time for considering the message; and

(c) any schedule with the message shall be made available to Members.

169 Senate disagreement with House amendments

(a) If the Senate disagrees to House amendments to a Senate bill, the House may:

(i) insist, or not insist, on its amendments;

(ii) make further amendments to the bill consequent upon the rejection of its amendments;

(iii) make new amendments alternative to the amendments to which the Senate has disagreed; or

(iv) order the bill to be laid aside.

(b) If the Senate agrees to House amendments with amendments, the House may:

(i) agree to the Senate's amendments, with or without amendment, making any consequential amendments to the bill;

(ii) disagree to the Senate's amendments and insist on its own amendments; or

(iii) order the bill to be laid aside.

(c) Except when a bill is laid aside, the House shall inform the Senate by message of its decision under paragraph (a) or (b). On any further return of the bill from the Senate with any of the requirements of the House still disagreed to, the House may order the bill to be laid aside.

170 House disagrees to or amends Senate amendments

(a) If the House amends any Senate amendments to original House amendments to a Senate bill, the House must prepare a schedule of further amendments. The schedule must list each Senate amendment amended by the House and the further amendment made by the House.

(b) If the House disagrees to Senate amendments to House amendments, a Member shall:

(i) move—

That the amendment**[s]* ***be disagreed to; and

(ii) present to the House written reasons for the House not agreeing to the Senate amendments.

The message returning the bill to the Senate shall contain the reasons.

171 Clerk to certify Senate bill

At every stage, when the House concludes its consideration of a Senate bill returned from the Senate after amendment by the House, the Clerk shall certify the bill and any accompanying schedules.

172 Amendments to words agreed to

The House may not amend any words of a bill which both Houses have agreed to, unless:

(a) the words have been the subject of, or directly affected by, some previous amendment; or

(b) the proposed House amendment is consequent upon an amendment previously agreed to or made by the House.

Bills altering the Constitution

173 Absolute majority required

If, in accordance with section 128 of the Constitution, an absolute majority of the House does not agree to the third reading of a bill which proposes an alteration of the Constitution, the bill shall be laid aside immediately and may not be revived during the same session of Parliament.

Lapsed bills

174 Restoration after prorogation

(a) A bill shall lapse if Parliament is prorogued before the bill has reached its final stage.

(b) Proceedings on the bill may be resumed in the next session, at the stage reached in the preceding session, if:

(i) a periodical election for the Senate, or a general election has not taken place between the two sessions; and

(ii) the House in which the bill originated agrees to the resumption of proceedings.

The House in possession of the bill may resolve to restore it to the Notice Paper. When a bill is in the possession of the House in which it did not originate, that House may not resolve to restore the bill unless it has received a message from the originating House asking for consideration of the bill to be resumed.

(c) A bill restored to the Notice Paper shall proceed as if it had not been interrupted by prorogation.

(d) If the House in which the bill originated does not ask for the resumption of proceedings, the bill may be re-introduced.

Governor-General's consideration of bills

175 House bills presented to Governor-General

When a House bill has finally passed both Houses, the Clerk shall certify this and the Speaker shall present the bill to the Governor-General for the Queen's assent in accordance with section 58 of the Constitution.

176 Governor-General's proposed amendments to House bills

(a) If the Governor-General returns a bill recommending amendment in accordance with section 58 of the Constitution, the House shall deal with the amendment in the same manner as Senate amendments.

(b) The House may agree to an amendment proposed by the Governor-General, with or without amendment, and may make any consequential amendments. The House shall send any amendment to the Senate for its agreement.

(c) If the Senate makes an amendment, the House shall deal with it in the manner provided for Senate amendments to House bills in *standing orders 158 to 164*.

(d) If the Governor-General's recommendations have been agreed to by both Houses, with or without amendment, any amendments shall be incorporated, the Clerk shall certify the bill, and the Speaker shall present it to the Governor-General.

(e) If the House disagrees to the Governor-General's proposed amendment, or if the two Houses cannot agree on the proposed amendment before the last day of the session, the Speaker shall again present the bill in the form as before presented to the Governor-General for assent.

177 Governor-General's proposed amendment of Senate bills

If the Senate has agreed to amendments recommended by the Governor-General in accordance with section 58 of the Constitution to a Senate bill, the House shall deal with the amendment in the manner provided in *standing orders 166 to 172*.