Chapter 8. Debate, order and disorder

Chapter outline

This chapter sets out general rules to establish orderly debate and behaviour in the Chamber and in the Federation Chamber.

The matters covered include:

- quorum of the House
- order in the Chamber
- leave of the House
- manner and right of speech
- references to other matters
- matters not open to debate
- adjournment of debate
- closure of debate
- debate of urgent matters
- point of order and Speaker's ruling, and
- disorder.

Quorum of the House

54 Bells at start of meeting of the House

At each sitting the bells shall be rung for five minutes before the appointed meeting time, calling Members to the meeting. The Speaker shall take the Chair and, if a quorum of 30 Members is present, commence the meeting as provided by *standing order 38 (acknowledgement of country and prayers)*. If a quorum is not present *standing order 57 (count out)* shall apply.

55 Lack of quorum

(a) When the attention of the Speaker is drawn to the state of the House and the Speaker observes that a quorum is not present, the Speaker shall count the Members present in accordance with *standing order 56*.

(b) On Mondays, if any Member draws the attention of the Speaker to the state of the House between 10 am and 12 noon, the Speaker shall announce that he or she will count the House at 12 noon, if the Member then so desires.

(c) On Mondays and Tuesdays, if any Member draws the attention of the Speaker to the state of the House between the hours of 6.30 pm and 8 pm, the Speaker shall announce that he or she will count the House at 8 pm, if the Member then so desires.

(d) On Tuesdays, if any Member draws the attention of the Speaker to the state of the House prior to 2 pm, the Speaker shall announce that he or she will count the House after the discussion of the matter of public importance, if the Member then so desires.

(e) If a quorum is in fact present when a Member draws attention to the state of the House, the Speaker may name the Member in accordance with *standing order 94(b) (sanctions against disorderly conduct)*.

56 Procedures for counting Members present

When the Speaker is counting the Members present:

(a) the bells shall be rung for four minutes;
(b) the doors of the Chamber shall remain unlocked;
(c) every Member within the physical limits of the Chamber, including the Speaker, shall be counted; and
(d) no Member may leave the Chamber while the bells are ringing, or until a quorum is present.

57 Count out

If a quorum is not present at the conclusion of the ringing of the bells, the Speaker may:

(a) adjourn the House to the next sitting; or
(b) if satisfied there is likely to be a quorum within a reasonable time, state the time at which he or she will resume the Chair. If at that time a quorum is not present, the Speaker shall adjourn the House to the next sitting.

58 No quorum at division

If a quorum of Members has not voted in a division, the House has not made a decision on the question, and *standing order 57 (count out)* shall apply.

59 Resumption of interrupted proceedings after count out

Proceedings that are adjourned by a count out may be resumed at a later sitting, on motion moved on notice, at the point where they were interrupted.

Order

60 Order kept by Speaker or Chair

(a) The Speaker, or the occupier of the Chair of the House at the time, shall keep order in the House.

(b) The Deputy Speaker, or the occupier of the Chair of the Federation Chamber at the time, shall keep order in the Federation Chamber. The House may address disorder in the Federation Chamber after receiving a report from the Deputy Speaker.

61 Members to recognise authority of the Speaker

(a) If the Speaker stands during a debate, any Member then speaking or seeking the call shall sit down and the House shall be silent, so the Speaker may be heard without interruption.

(b) When the Speaker is putting a question no Member may walk out of or across the Chamber.

62 Members moving in the Chamber

A Member in the Chamber must:

(a) take his or her seat promptly;
(b) bow to the Speaker on entering or leaving the Chamber;
(c) not remain in the aisles; and
(d) not pass between the Speaker and any Member who is speaking.

Leave of the House or Federation Chamber

63 Leave

The House or Federation Chamber may grant leave to a Member to act in a manner not expressly provided for in, or contrary to, orders of the House. Leave may be granted only if no Member present objects.

Manner and right of speech

64 No Member to be referred to by name

In the House and the Federation Chamber, a Member shall not be referred to by name, but by one of the following forms, as appropriate:

(a) the Member's ministerial office (e.g. Prime Minister, Minister for Defence, Attorney-General);
(b) the Member's parliamentary office (e.g. Leader of the House, Leader of the Opposition, Chief Government Whip);
(c) the Member's electoral division (e.g. Member for Adelaide).

65 Members wishing to speak

(a) A Member wishing to speak shall rise and, when recognised by the Speaker, address the Speaker. If a Member is unable to rise, he or she will be permitted to speak while seated.

(b) When a Member is speaking, no Member may converse aloud or make any noise or disturbance to interrupt the Member.

(c) If two or more Members rise to speak, the Speaker shall call on the Member, who in the Speaker's opinion, rose first. If the Speaker's selection is challenged, a motion may be moved—

***That** [Member who was not called] **be heard now**.*

The question must be put immediately and resolved without amendment or debate.

66 When interruption of Member allowed

A Member may only interrupt another Member to:

(a) call attention to a point of order;
(b) call attention to a matter of privilege suddenly arising;
(c) call attention to the lack of a quorum;
(d) call attention to the unwanted presence of visitors;
(e) move—
***That the Member be no longer heard**;*
(f) move—
***That the question be now put**;*
(g) move—
***That the business of the day be called on**;* or
(h) make an intervention as provided in the standing orders.

66A Interventions

During consideration of any order of the day a Member may rise and, if given the call, ask the Speaker whether the Member speaking is willing to give way. The Member speaking will either indicate his or her:

(a) refusal and continue speaking, or
(b) acceptance and allow the other Member to ask a short question or make a brief response immediately relevant to the Member's speech, for a period not exceeding 30 seconds—

Provided that, if, in the opinion of the Speaker, it is an abuse of the orders or forms of the House, the intervention may be denied or curtailed.

67 Question is stated

At any time, except when another Member is addressing the House, a Member may request the Speaker to state the question or matter under discussion. This requirement shall not apply when the terms of the question or matter have been circulated among Members.

68 Personal explanation

A Member may explain how he or she has been misrepresented or explain another matter of a personal nature whether or not there is a question before the House. The following conditions shall apply:

(a) the Member must rise and seek permission from the Speaker;
(b) the Member must not interrupt another Member addressing the House; and
(c) the matter must not be debated.

If a Member has given a personal explanation to correct a misrepresentation and another Member subsequently repeats the matter complained of, the Speaker may intervene.

69 Member may speak further in limited circumstances

A Member may not speak a second or further time to a question except:

(a) during consideration in detail of a bill;
(b) during consideration of amendments to a bill made or requested by the Senate;
(c) having moved a substantive motion or the second or third reading of a bill, the Member shall be allowed a reply confined to matters raised during the debate;
(d) during the adjournment debate, if no other Member rises; or
(e) to explain some material part of his or her speech which has been misquoted or misunderstood. In making this explanation the Member may not interrupt another Member addressing the House, debate the matter, or introduce any new matter.

70 Seconder may speak immediately or later

A Member seconding a motion or amendment may speak immediately, or inform the House that he or she reserves the right to speak later during the debate.

71 Reply closes debate

When the Member who moved the original motion replies, the debate shall close except during consideration in detail of a bill or consideration of amendments to a bill made or requested by the Senate.

72 Member not to speak after question put

A Member must not speak to a question after it has been put and decided.

References to other matters

73 References to other debates or proceedings

Unless the reference is relevant to the discussion, a Member must not refer to debates or proceedings of the current session of the House.

74 Reflections on votes of House

A Member must not reflect adversely on a vote of the House, except on a motion that it be rescinded.

75 Irrelevance or tedious repetition

(a) The Speaker, after having called attention to the conduct of a Member who has persisted in irrelevance or tedious repetition, either of his or her own arguments or of the arguments used by other Members in debate, may direct the Member to discontinue his or her speech.

(b) The Member may then ask the Speaker to put the question—

That the Member be further heard.

The question shall be put immediately and resolved without amendment or debate.

76 Exceptions to confining debate to the question

A Member must speak only on the subject matter of a question under discussion. There are three exceptions:

(a) on the question for the adjournment of the House to end the sitting, or for the adjournment of the Federation Chamber;

(b) on the debate of the address in reply to the Governor-General's speech;

(c) on the motion for the second reading of the Main Appropriation Bill, and Appropriation or Supply Bills for the ordinary annual services of government, when public affairs may be debated.

77 Anticipating discussion

During a debate, a Member may not anticipate the discussion of a subject listed on the Notice Paper and expected to be debated on the same or next sitting day. In determining whether a discussion is out of order the Speaker should not prevent incidental reference to a subject.

Matters not open to debate

78 Matters not open to debate

The following questions and motions are not open to debate, must be moved without comment and must be put immediately and resolved without amendment:

(a) motion that a Member's time be extended (*standing order 1*);
(b) motion that the business of the day be called on (*standing order 46(e)*);
(c) motion that a Member be heard now (*standing order 65*);
(d) motion that a Member be further heard (*standing order 75*);
(e) motion that debate be adjourned (*standing order 79*);
(f) motion that a Member be no longer heard (*standing order 80*);
(g) motion that the question be now put (*standing order 81*);
(h) question that the bill or motion be considered urgent, following a declaration of urgency (*standing orders 82 to 83*);
(i) motion that a Member be suspended (*standing order 94*);
(j) question that amendments made by the Federation Chamber be agreed to (*standing order 153*);
(k) question that a bill reported from the Federation Chamber be agreed to (*standing order 153*);
(l) motion that further proceedings on a bill be conducted in the House (*standing order 197*);
(m) question in the Federation Chamber that a bill be reported to the House (*standing order 198*).

Should any of these questions be negatived, no similar proposal shall be received if the Speaker is of the opinion that it is an abuse of the orders or forms of the House, or is moved for the purpose of obstructing business.

Adjournment of debate

79 Adjournment of debate

(a) Only a Member who has not spoken to the question or who has the right of reply may move the adjournment of a debate. Unless a Member requests that separate questions be put, the time for the resumption of the debate may be included in the adjournment question. The question must be put immediately and resolved without amendment or debate.

(b) If the question is resolved in the affirmative, the Member who moved the adjournment may speak first on the resumption.

(c) If the question is negatived, the Member who moved the adjournment may speak at a later time during the debate.

Closure of debate

80 Closure of a Member speaking

If a Member is speaking, other than when giving a notice of motion or moving the terms of a motion, another Member may move—

That the Member be no longer heard.

The question must be put immediately and resolved without amendment or debate.

81 Closure of question

After a question has been proposed from the Chair, a Member may move without notice, and whether or not any other Member is speaking—

That the question be now put.

The question must be put immediately and resolved without amendment or debate.

Debate of urgent matters

82 Urgent bill

(a) A Minister may declare a bill to be urgent at any time.

(b) When a bill is declared urgent, the question—

That the bill be considered urgent –

must be put immediately and resolved without amendment or debate.

(c) If the question is agreed to, a Minister may move at any time, except when a Member is speaking, a motion specifying times for any stage of the bill. Any motion shall be subject to *standing orders 84 (limited debate on allotment of time) and 85 (proceedings on urgent matter)*.

(d) The order for the consideration in detail stage may allocate times to particular clauses or parts of the bill.

83 Urgent motion

(a) Once a motion has been moved, a Minister may declare the motion to be urgent.

(b) When a motion is declared urgent, the question—

That the motion be considered urgent –

must be put immediately and resolved without amendment or debate.

(c) If the question is agreed to, a Minister may immediately move a motion specifying times for the urgent motion. Any motion is subject to *standing orders 84 (limited debate on allotment of time) and 85 (proceedings on urgent matter)*.

84 Limited debate on motion for allotment of time

(a) The maximum times for debate on a motion for allotment of time are: whole debate 20 minutes; each Member 5 minutes.

(b) After 20 minutes, or if debate concludes earlier, the Speaker must immediately put the question on any amendment or motion already proposed from the Chair.

85 Proceedings on urgent matter

(a) If a time has been set for the start of an urgent matter, at the set time the business before the House or the Federation Chamber must be interrupted and all necessary steps taken so that the urgent matter can proceed.

(b) At the end of the times allotted for particular proceedings the Speaker must conclude the proceedings:

(i) First the Speaker shall immediately put any question already proposed from the Chair, and then put any other question required to dispose of the urgent matter.

(ii) If the Government has circulated copies of amendments, new clauses and schedules, and modifications to a bill, at least two hours before the end of the allotted time, they shall be treated as if they have been moved.

(c) *Standing order 81*, providing for the closure of a question, shall not apply to any proceedings for which time has been allotted.

Point of order and Speaker's ruling

86 Point of order

(a) Subject to *standing order 104*, a Member may raise a point of order with the Speaker at any time. After the question of order has been stated to the Speaker by the Member rising to the question of order, consideration and decision of every other question shall be suspended until the matter is disposed of by the Speaker giving a ruling thereon.

(b) A Member interrupted by a point of order must resume his or her seat.

(c) During a division, Members may speak while seated to a point of order arising out of or during the division.

87 Dissent from ruling of Speaker

If a Member dissents from a ruling of the Speaker, the objection or dissent must be declared at once. A Member moving a motion of dissent must submit the motion in writing. If the motion is seconded, the Speaker shall then propose the question to the House, and debate may proceed immediately.

Disorder

88 Use of certain names

A Member must not refer disrespectfully to the Queen, the Governor-General, or a State Governor, in debate or for the purpose of influencing the House in its deliberations.

89 Offensive words

A Member must not use offensive words against:

(a) either House of the Parliament or a Member of the Parliament; or
(b) a member of the Judiciary.

90 Reflections on Members

All imputations of improper motives to a Member and all personal reflections on other Members shall be considered highly disorderly.

91 Disorderly conduct

A Member's conduct shall be considered disorderly if the Member has:

(a) persistently and wilfully obstructed the House;
(b) used objectionable words, which he or she has refused to withdraw;
(c) persistently and wilfully refused to conform to a standing order;
(d) wilfully disobeyed an order of the House;
(e) persistently and wilfully disregarded the authority of the Speaker; or
(f) been considered by the Speaker to have behaved in a disorderly manner.

92 Intervention by Speaker

(a) The Speaker can intervene:

(i) to prevent any personal quarrel between Members during proceedings; and
(ii) when a Member's conduct is considered offensive or disorderly.

(b) When the Speaker's attention is drawn to the conduct of a Member, the Speaker shall determine whether or not it is offensive or disorderly.

93 Member ordered to attend House

A Member who wilfully disobeys an order of the House may be ordered to attend the House to answer for his or her conduct. A motion to this effect can be moved without notice.

94 Sanctions against disorderly conduct

The Speaker can take action against disorderly conduct by a Member:

Direction to leave the Chamber

(a) The Speaker can direct a disorderly Member to leave the Chamber for one hour. The direction shall not be open to debate or dissent, and if the Member does not leave the Chamber immediately, the Speaker can name the Member under the following procedure.

Member named and suspended

(b) The Speaker can name a disorderly Member. Immediately following a naming, on a motion being moved, the Speaker shall put the question—

That the Member be suspended from the service of the House.

The question must be resolved without amendment, adjournment or debate.

Urgent action

(c) If the Speaker determines there is an urgent need to protect the dignity of the House, the Speaker can order a grossly disorderly Member to leave the Chamber immediately. When the Member has left, the Speaker must immediately name the Member and paragraph (b) shall apply; except that the Speaker shall put the question for suspension without a motion being necessary. If the question is resolved in the negative, the Member may return to the Chamber.

Term of suspension

(d) If a Member is named and suspended, the term of the suspension shall be:

(i) on the first occasion, for the 24 hour period from the time of suspension;

(ii) on the second occasion during the same calendar year, for the three consecutive sittings following the day of suspension; and

(iii) on a third or later occasion during the same calendar year, for the seven consecutive sittings following the day of suspension.

A suspension in a previous session or a direction to leave the Chamber for one hour shall be disregarded in the calculation of these terms.

Exclusion from Chamber and Federation Chamber

(e) A Member who is subject to a direction to leave the Chamber for one hour, or a suspension for 24 hours or more, shall be excluded from the Chamber, its galleries and the room in which the Federation Chamber is meeting.

Removal of Member

(f) If a Member refuses to follow the Speaker's direction, the Speaker may order the Serjeant-at-Arms to remove the Member from the Chamber or the Federation Chamber or take the Member into custody.

95 If grave disorder, House suspended or adjourned

In the event of grave disorder occurring in the House, the Speaker, without any question being put, can:

(a) suspend the sitting and state the time at which he or she will resume the Chair; or

(b) adjourn the House to the next sitting.

96 Serjeant-at-Arms to remove persons

(a) If a visitor or person other than a Member disturbs the operation of the Chamber or the Federation Chamber, the Serjeant-at-Arms can remove the person or take the person into custody.

(b) If a visitor or other person is taken into custody by the Serjeant-at-Arms, the Speaker must report this to the House without delay.