

17. Debating legislation under time limits

Debate on a bill is not normally subject to overall time limits, although individual speaking times apply. However, a majority of the Senate may agree that a particular bill should be subject to a time limit. Colloquially, the application of a time limit to the consideration of a bill is referred to as a guillotine. Although the practice is most often used in relation to government bills it can also be used for private senators' bills.

Why are guillotines used?

Guillotines are used to limit debate on a bill. They are most frequently imposed at the end of a period of sittings when the time available to deal with legislation is running out. They may also be used to end protracted debate on a bill (e.g. in cases where a determined minority prolongs debate to delay or frustrate the passage of a bill). Adoption of a time limit ensures that the questions necessary to pass a bill are put to the vote.

The formal procedure to establish a guillotine involves numerous steps and is set out in [standing order 142](#), although this has fallen into disuse in recent years (for more information, see [chapter 12](#) of *Odgers' Australian Senate Practice*). The more common approach is to establish a guillotine through a single motion that combines the key elements of standing order 142, allowing it to be determined more expeditiously.

How is a guillotine initiated?

A motion to establish a guillotine can be moved by any senator, although it is most often moved by a minister. Although notice may be given of a senator's intention to move a guillotine motion, such motions are often moved by leave (with the unanimous consent of senators present) or after a suspension of standing orders (see [Guide No. 5](#)—Suspension of standing orders).

A guillotine motion may be debated and amended, including to increase the time allotted for consideration of the bill. The ability to debate or amend such a motion, however, may be restricted, for instance, if the Senate agrees to a closure motion (see [Guide No. 2](#)—Rules of debate) or, if the guillotine motion is moved after a suspension of standing orders that requires the guillotine motion to be put without amendment or debate.

Guillotine motions are often moved as part of broader motions varying the days and hours of sitting and the routine of business for a day.

How much time can be spent debating a bill subject to a guillotine?

A guillotine motion will specify the length of time that can be spent debating the bill. Such motions may set a time limit for each stage of a bill (e.g. the second reading stage, committee of the whole stage, third reading stage etc.) or, more commonly, may set a time limit for consideration of "all remaining stages" of a bill. Time limits may be specified in relation to a duration of time (e.g. "one hour for all remaining stages") or a set time in a day (e.g. "all remaining stages to conclude by 5 pm today").

Once a guillotine is in place, senators are not able to further limit debate on any proceedings on the bill by moving a closure motion, (“That the question be now put”) (see [standing order 142\(5\)](#)).

What happens when the allotted time expires?

When the time available has expired, the chair must put the question then before the Senate or the committee of the whole, and any other questions necessary to conclude proceedings on the bill. The question is put on any amendments that have been circulated at least 2 hours before the expiration of time. Any amendments circulated after this time may only be considered by leave of the Senate.

Alternatively, a minister may move that the allotted time be extended, or a non-government senator may use a contingent notice to suspend standing orders to enable a motion to be moved for the extension of time or for unlimited time on the bill (see [Guide No. 5](#)—Suspension of standing orders).

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 or ca.table.sen@aph.gov.au; and non-government senators or their staff should contact the Clerk Assistant (Procedure), on extension 3380 or ca.procedure.sen@aph.gov.au.

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