# 6 Opportunities for private Members

September 2019

The largest proportion of the time of the House is taken up with government business, that is, government sponsored legislation and, to a lesser extent, motions and ministerial statements. All Members, subject to time constraints, are able to participate in debate on government business and this is the time when they can put forward their views on the government's agenda. As well as this, the rules of the House provide opportunities for private Members to initiate legislation and motions for debate (private Members' business) and to make speeches on topics of their own choice—they can propose and discuss matters of individual concern regardless of whether the government has any related items on its agenda.

## What is a private Member?

For the purposes of private Members' business in the House of Representatives, a private Member is defined as any Member of the House other than the Prime Minister, the Speaker, a Minister or Parliamentary Secretary. This is the definition used in this infosheet—in other contexts the term is often defined as also excluding opposition leaders. The commonly used term 'backbencher', which is sometimes used as a synonym for the term private Member, strictly refers to Members who sit on a back bench in the Chamber of the House, as opposed to those Members who sit on the front benches reserved for Ministers and members of the Opposition Executive (shadow ministry). Shadow Ministers, technically, are private Members but not backbenchers.

## Why are private Members' opportunities important?

It is sometimes said that the House exists merely to 'rubber stamp' government legislation. This ignores the roles of the opposition and of private Members in the House, not to mention their very active participation in parliamentary committees (see Infosheet No. 4 *Committees*). A third or more of the House's time is spent on matters raised by private Members, parliamentary committee business and other matters not sponsored by the government.

Members use the opportunities described in this infosheet to raise matters which are of particular concern to them. Such concerns range widely, from the purely local to the international. One Member may want to speak on industrial, employment or environmental issues in their electorate, or to note a constituent's difficulties with the bureaucracy. Another Member may wish to publicise an event not widely covered by the media, such as an achievement by an individual. A Member may wish to draw attention to a new scientific discovery or to a significant overseas development, perhaps with implications for Australia. A Member may want to try to correct a perceived deficiency in a particular law, or to propose alternative economic policies.

The opportunities available to private Members allow such matters to be raised without going through the formalised processes for development of party policy or strategy. Matters brought forward under the various procedures open to private Members are sometimes of a partisan nature. However a great many are not party-political, and there are occasions when matters raised are supported or endorsed by Members on the other side of the House or a motion is seconded by a Member of different political persuasion to the mover.

## Private Members' Mondays

Each sitting Monday, time is allocated for non-government business in both the House and Federation Chamber (the House's second debating chamber). In the House, time is allocated for the following:

- petitions
- committee and delegation business
- private Members' business
- 90 second statements.

In the Federation Chamber time is allocated for:

- 3 minute constituency statements
- committee and delegation business
- private Members' business
- 90 second statements.

### Petitions

Petitions are usually presented on Mondays by the Chair of the Petitions Committee. The Chair presents a report containing the subject and the number of signatories to each petition. The Chair traditionally makes a short statement to draw attention to any petition trends,

provide general information on petitioning the House or to update the House on the work of the Committee.

If a Member wishes to present a petition they can do so at other allocated times, including during Members' statements, constituency statements, the adjournment debate or the grievance debate.

Once presented, petitions are included in the Votes and Proceedings (the official record of the House). (See Infosheet No. 11 *Petitions*.)

## Committee and delegation business

There are periods available on Mondays in both the House and Federation Chamber for presentation and debate on reports of parliamentary committees and delegations on which private Members serve. During this period in the House, chairs and deputy chairs of committees may make statements about ongoing committee inquiries. Additional periods may be scheduled on Tuesdays, Wednesdays and Thursdays in the Federation Chamber. The objective of most committee inquiries is the presentation of a report to the House, setting out the committee's conclusions and recommendations (see Infosheet No. 4 *Committees*). Reports may be presented by a member of the committee (usually the chair or deputy chair) or by the Speaker on behalf of the committee. Reports are also presented from delegations of Members who have taken part in fact finding visits overseas or who have attended parliamentary conferences. The Member presenting a report and other Members may make statements about it. The Member presenting the report usually also moves 'that the House take note of the report'. This is a way of making the report an item of business on the Notice Paper so that it can be debated further at a later date, generally in the Federation Chamber. Following the presentation of reports, proceedings may be resumed on reports presented on an earlier occasion.

The Selection Committee decides the order of presentation and allots time for the consideration of committee and delegation reports.

## Private Members' business

After committee and delegation business in the House and Federation Chamber on Mondays debate takes place on private Members' business, that is, bills (proposed laws) and motions sponsored by private Members.

A private Member wishing to move a motion or introduce a bill gives notice (that is, advance warning of his or her intention) in writing to the Clerk. Notices are listed on the Notice Paper under the heading 'Private Members' Business'. Those not selected by the Selection Committee for debate within eight sitting Mondays are removed from the Notice Paper.

The arrangement of private Members' business is the responsibility of the Selection Committee. When the House is sitting the Committee meets to look at the notices lodged by private Members. The Committee then reports to the House, listing the matters recommended for debate on the next sitting Monday. The Selection Committee ensures that all Members have a fair chance of having matters debated and also takes into account the nature of the subject, for example, its importance and topicality.

Private Members' business time in the Chamber

## Private Members' motions

A motion is a proposal framed in such a way that, if agreed to, it would claim to express the will or judgment of the House. Typical private Members' motions may take the form 'That this House places on record its support for/opposition to/concerns about . . .' or 'That this House notes/acknowledges/condemns . . .' An extremely wide range of propositions has been put to the House under these procedures. Topics of national and international importance have been discussed, as well as matters of concern to particular regions, groups or industries.

Private Members' motions are generally used as a vehicle for debating an issue rather than to commit the House to an opinion or bind it to action, so the majority of motions considered as private Members' business are not voted on. At the end of the time allotted they are placed on the Notice Paper for a subsequent sitting Monday.

## Private Members' bills

The introduction of a private Member's 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 any explanatory memorandum. It is then read a first time. If copies of the bill are available, the Member may then immediately move the second reading of the bill and make a second reading speech. At the conclusion of the Member's speech the debate is adjourned to a future sitting. The Selection Committee may allocate time for the remainder of the second reading debate. If the second reading is agreed to by the House, further consideration of the bill takes precedence over other private Members' business. (see Infosheet No. 7 *Making laws*).

Under the procedures of the House, private Members have great freedom in the introduction of bills, with the important exception that only the government may initiate a bill imposing or varying a tax or requiring the appropriation of revenue or money. Private Members' bills (like government bills) are unable to become law unless they gain the support of the majority of Members (and subsequently also pass the Senate). Since they are prepared by an opposition or non-aligned Member, or by a government Member outside the party's formalised approval mechanisms this has not happened often (although it does happen, and even if a government may not support a private Members' bill directly, it may be influenced to adopt similar legislation). Nevertheless it is important that every Member of the House has the right to put legislative proposals before it. It is a way for Members to signal publicly matters they believe need legislative action or to stimulate a debate on specific items of concern.

Procedures in operation since 1988 have seen an increase in the number of private Members' bills although bills initiated by private Members are still a small proportion of legislation dealt with by the House. Between 1901 and 1988, 104 private Members' bills were introduced into the House—by the end of 2018 this figure had risen to 555. Since Federation 30 non-government bills have passed into law—23 introduced by private Members or private Senators and 7 by the Speaker or President of the Senate. In addition, provisions of other private Members' bills have become law by being incorporated into government legislation.

## Members' statements

Members may make short statements each day in the House and on Mondays in the Federation Chamber. In the House, 30 minutes is allocated prior to Question Time each day, and in the Federation Chamber, 45 minutes is allocated from approximately 4 pm on Mondays, for any Member other than a Minister or a Parliamentary Secretary to seek the call of the Chair to make a statement of up to 90 seconds in duration. 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.

A similar opportunity occurs at the beginning of every meeting of the Federation Chamber except that the period, known as Members' constituency statements, is 30 minutes in length, individual statements may be up to three minutes long and all Members are able to participate (including Ministers and parliamentary secretaries). Thirty minutes is allocated irrespective of any interruptions caused by suspensions or by divisions in the House.

## Grievance debate

At 6.30 pm in the Federation Chamber on Tuesdays the Chair proposes the question 'That grievances be noted'. Debate on the question is practically unlimited in scope, giving Members the opportunity, in 10 minute speeches, to raise matters in which they have a particular interest or to discuss concerns of constituents. It would be unusual for two or more Members participating in the debate to speak on the same subject. Members may present petitions during the grievance debate and may also speak about the petition for all or part of their 10 minute speech.

The origins of the grievance debate lie in the former financial procedures of the House (pre–1963), which were derived from the ancient practice of the House of Commons insisting on airing its grievances before granting money to the Crown. However, the grievance debate today has no practical significance, its value being the provision of an opportunity for wide debate, similar to that provided by the motion for the adjournment of the House. The distribution of the call to speak is similar to that of the adjournment debate, the first call going to a non-government Member, then alternating. Ministers are allowed to participate, although in practice they rarely do.

## Other opportunities

### Adjournment debate

An adjournment debate is scheduled at the end of every sitting day in the House for half an hour. Debate takes place on the motion 'That the House do now adjourn' and the usual rule that debate must be relevant to the question before the House does not apply. This means that the scope of debate is practically unlimited. Members may speak for five minutes each. A non-government Member traditionally is called to speak first and the call then alternates in the normal way. If no other Member wishes to speak, a Member who has already spoken may speak again. Normally at 8 pm (Mondays, Tuesdays and Wednesdays) or 5 pm (Thursdays), the Speaker interrupts the debate in order to adjourn (close) the House until the time of its next meeting. A Minister may, however, require the debate in the House to be extended for up to 10 minutes to enable Ministers to speak in reply to matters raised in the debate.

A Member who intends to raise a matter in the adjournment debate which falls within the responsibilities of a particular Minister or concerning a particular Member, would usually alert that Minister or Member beforehand. As well as being courteous, this practice allows the Minister or Member to be present during the debate if they so wish and, in the case of a Minister, to make a response.

A half hour adjournment debate also takes place on Thursdays (and sometimes on other days) in the Federation Chamber (see Infosheet No. 16 *The Federation Chamber*), from 12.30 pm or earlier if the day's business is completed.

### Budget debate

Traditionally it has been considered appropriate for any matters connected with government activity or possible government activity to be canvassed in the debate on the second reading of Appropriation Bill (No. 1) (the annual budget debate). The standing orders allow for this by exempting the debate from the usual rule of relevance and allowing 'matters relating to public affairs' to be debated. The budget debate thus provides a significant opportunity, often extending over several weeks, for Members to speak on matters of their choosing.

A private Member debating in the Chamber

### Address in Reply

At the beginning of each new Parliament a formal 'Address in Reply' is prepared in response to the Governor-General's opening speech which outlines the government's legislative program for the coming Parliament. A wide ranging debate on the motion 'That the Address be agreed to' then takes place, possibly lasting several weeks. Each Member may speak for 20 minutes. The Address in Reply debate is traditionally an opportunity for newly elected Members to make their first speeches in the House.

### For more information

*House of Representatives Practice*, 7th edn, Department of the House of Representatives, Canberra, 2018, pp. 573–99.

The House of Representatives Order of Business chart is available from: www.aph.gov.au/house/chamberdocs.

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