> The word 'parliament' originally meant a talk and was derived from the French parler (to speak or parley) and the Latin parliamentum. In the latter form it was applied to the after-dinner conversations held by monks in their cloisters ... The term was also used to describe conferences ... and diplomatic parley ... The word having at first signified the talk itself was by degrees transferred to the body of persons who assembled for discussion, and from the reign of Edward I it came to be regularly used in reference to a national assembly.
>
> N. Wilding and P. Laundy, An Encyclopaedia of Parliament, 4th edn, London: Cassell, 1972, p. 520-1

The House of Representatives is a decision-making body which is required to agree to expressions of opinion, courses of action and the detailed wording of bills (proposed laws). It does this by considering proposals (motions)—debating them, amending them if necessary, and finally voting on them. It is important that all Members have an opportunity to contribute to the discussion of issues and that decisions reflect the views of the majority.

The House has a set of rules, called standing orders, to govern the way debate is conducted and decisions are made. In this way the House works like many other bodies such as local councils and community organisations which have similar rules to ensure their proceedings are conducted fairly and logically.

This infosheet explains the role of debate in the parliamentary decision-making process. It also discusses why rules of debate are necessary and briefly describes the rules applying in the House of Representatives. Finally it outlines how decisions are taken by a vote of the House.

Debate in the House

The process of debate

With a few exceptions all business, including the passage of legislation, is dealt with as a series of motions which are debated and decided one at a time.

Moving a motion—a motion is a formal proposal made to the House that it take action of some kind, for example, that the House do something, order something to be done or express a particular opinion. The moving of and voting on motions is the basic building block of parliamentary procedure. Decisions the House makes are made by it agreeing to a motion, including decisions on the management of its own affairs. The passage of legislation, which takes up the largest part of the time of the House, is based on the House agreeing to a series of motions (for example—'That the bill be now read a second time'). The proceedings of the House are controlled by machinery or procedural motions (for example—'That the debate be adjourned', 'That the business of the day be called on', 'That (an item of business) be postponed to the next sitting').

In summary, the steps in the processing of a motion are:

- a Member gives notice (if necessary)
- the Member moves the motion
- another Member seconds the motion (if necessary)
- the Chair proposes the question
- Members debate the question
- [Members may move amendments, which are debated and voted on]
- the Chair puts the question [as amended]
- the House makes its decision

Generally speaking, procedural motions are moved without notice, cannot be amended or debated, and must be voted on immediately.

Notice—advance warning of what is to be considered. It is necessary to avoid decisions being taken without the prior knowledge of Members. A Member gives notice of their intention to move a motion or present a bill by giving a copy to the Clerk in the Chamber. The notice is printed in the Notice Paper for the next sitting.

Seconding—formal declaration of support. A motion must have at least some support before time is devoted to debating it. There are two main exceptions to the requirement for a seconder—motions moved during the consideration in detail of a bill and motions moved by a Minister. In the former case the need for a seconder would restrict the rights of individual Members to propose alterations to the text of bills and in the latter case Ministers are assumed to have the support of the entire ministry when they move a motion.

The 'question'—the question is the matter before the House for decision at any time. Only one question can be considered by the House at one time. When the question is first proposed to the House by the Chair it is the same as the motion moved—that is, 'That the motion be agreed to'. When the question is finally put to the House for decision it may be different from the original motion, depending on whether amendments have been agreed to.

Amendments—an amendment to a motion may propose to omit, insert or add words. If amendments to the motion are moved they are dealt with separately, in turn, with a question being put 'That the amendment be agreed to' or similar. Amendments may be made to amendments.

Debate—Although 'debate' is often loosely used to cover all speeches made in the course of parliamentary proceedings, strictly speaking it is a technical term meaning more than just discussion. 'Debate' is the proceedings between the moving of a motion and the putting of the question by the Chair for a vote—in essence, the argument for and against a motion. Some proceedings are not included in this definition of debate as there is no motion before the House for decision, for example the discussion of a matter of public importance and Question Time.

On the other hand, some parliamentary 'debates' are devices to permit general discussion of a particular topic (for example, debate on the motion 'That the House take note of the document) or to allow Members to make speeches on practically any subject (for example, the adjournment debate, when the question before the House is 'That the House do now adjourn').

If a motion is agreed to it becomes a resolution and is binding on those it affects. A resolution once agreed to can only be reconsidered by first agreeing to a motion to rescind the resolution.

Rules of debate

The purpose of debate is to reach a decision. Rules are necessary to ensure decisions are reached without undue delay and, at the same time, to allow all points of view to be considered. The rules applying in the House of Representatives are outlined below. Some of these are set down by the standing orders—the written rules of the House; others are based on 'practice'—that is, convention or tradition.

Rules of debate cover, for example:

- how a subject is to be presented
- the order of speaking
- how debate is to be kept relevant to the matter in hand
- how to avoid wasting time
- how order is to be maintained—i.e. debate kept methodical and disciplined
- how to make sure of a clear decision
- when and how votes are to be taken

Enforcing the rules

Without order in the House no worthwhile debate can take place. It is the task of the person chairing the debate—the Speaker or one of their deputies—to enforce the rules of the House and maintain order.

The Chair has a certain amount of discretion in interpreting the rules, and the strictness with which they enforce them varies, depending on the situation. It is often less disruptive to the flow of debate to ignore a minor infringement.

Most infringements are settled by a few words from the Chair drawing Members' attention to the relevant rule. In cases of unparliamentary (offensive) language the Chair may order the Member to 'withdraw' the words concerned. In the event of more serious or repeated offences the Chair issues a formal warning before progressing to the disciplinary measure of ordering the offender to withdraw from the Chamber for an hour, or imposing the ultimate sanction of 'naming' the Member which is normally followed by suspension for 24 hours or more.

Points of order

If any Member considers the rules have not been followed they may raise a 'point of order', which in effect is a request to the Chair to take action. The Chair then responds to and may rule on the matter. 'Spurious' points of order, made with the purpose of interrupting debate, are fairly common and, if persistently taken, may lead to disciplinary action.

Content of debate

A number of restrictions apply to debate including:

Restrictions to ensure debate is relevant

- matters not relevant to the question under discussion (i.e. the motion or amendment moved), except where specifically permitted (e.g. adjournment, grievance, address in reply and budget debates)
- references to previous debate, unless relevant to the discussion
- 'tedious' repetition

Restrictions to maintain order

- references to the Queen, the Governor-General, or state governors which are disrespectful or made for the purpose of influencing the House in its deliberations
- offensive words against either House or any Member of Parliament, or a member of the judiciary

However, criticisms of the character or conduct of these people may be made by way of a motion moved specifically on that particular subject (a 'substantive' motion).

Restriction to avoid prejudicing the course of justice

- matters before a court of law or listed to come before a court (sub judice convention)

Programming of debate

The selection of subjects for debate and the allocation of time for each debate is a matter for the government, in the case of government business, or the Selection Committee, in the case of private Members' and committee and delegation business. More information about programming the business of the House can be found in Infosheets No. 2 *A typical sitting day* and No. 6 *Opportunities for private Members*.

Length of speeches

Time limits are imposed by the standing orders, and vary from 5 to 30 minutes. In addition, there is provision for a period of 90 second statements in the House each sitting day and in the Federation Chamber on Mondays, and for a period of 3 minute statements in the Federation Chamber each day it meets.

Who can speak—allocation of the call

The 'call' (that is, the opportunity for a Member to speak) is a matter for the Chair to decide. Occupants of the Chair follow the tradition of alternating the call between government and opposition Members, leaving reasonable opportunities for non-aligned members and minor parties. Parties in coalition share the call in proportion to their numbers.

The Chair also usually gives priority to the Prime Minister, Ministers (except when intending to speak in reply and thus close debate) and party leaders and deputy leaders over the other Members of their respective parties. To assist the Chair a list of intending speakers is supplied by the party whips. The Chair usually follows the list, but does not have to do so.

The general rule is that each Member is allowed to speak only once on each question before the Chair. As an amendment results in a new question being put from the Chair, a Member who has already spoken to a motion may also speak on the amendment. Movers of motions may speak again in reply (to sum up the arguments) at the end of a debate. During the consideration in detail stage of bills (when the bills may be amended) Members may speak as many times as they wish.

Interruptions to Members speaking

Technically all interjections are out of order. However, in practice the Chair often deliberately does not take notice of interjections if they do not obviously upset the Member speaking or disrupt the flow of their speech. Interventions (short questions or brief responses relevant to the Member's speech) are allowed, if accepted by the Member speaking. The exception is during the consideration in detail stage of a bill where the time limit is 5 minutes, so Members do not have to wait long for an opportunity to ask a question.

Ending the debate

Debate finishes when:

- the mover of the motion has spoken in reply to matters raised in debate
- no more Members rise to speak
- the House agrees to a motion that 'the question be now put' (the 'gag')
- the time allotted by the standing orders or by any motion to limit the time spent on a debate (the guillotine) expires

The most common way in which a debate ends is when no more Members rise to speak. Usually the party whips, after assessing the interest in the issue among their party Members, negotiate the number of Members who will speak on a particular motion. The Member who moved the motion normally responds. No one else is allowed to speak after the mover has replied and the question is put to the vote.

Debate may be interrupted and postponed to another day or later the same day by the motion 'That the debate be now adjourned'.

Cutting debate short

Speeches or debate may be cut short by the House agreeing to the following motions, which cannot be amended or debated:

- 'That the Member be no longer heard'. This is known as a 'closure of Member' and, if passed, prevents the Member from completing their speech
- 'That the question be now put'. This is known as a 'closure' or 'gag'. If this motion is passed, the question on the motion being debated must be put to the vote immediately without any further debate or other business intervening
- 'That the business of the day be called on' (to conclude discussion of a matter of public importance)

Debate may also be limited by the 'guillotine'—motions declaring a matter to be urgent and setting times for each stage of debate to be completed. In practice this procedure is used only with bills and, in recent years, has been rare. An alternative procedure is now more common, by which times are set without a declaration of urgency.

Decision

Putting the question

At the end of the debate the Chair 'puts the question' to the House for decision—for example, they announce that 'The question is that the motion (or 'the motion as amended') be agreed to'.

'On the voices'

A decision is then made by the House for or against the question. To start with this is done by the Chair asking those supporting the motion to say 'aye' and those against it to say 'no'. This is called voting 'on the voices'. The Chair announces whether, in their opinion, the majority of the voices are for the 'Ayes' or 'Noes', by saying 'I think the "Ayes" have it' or 'I think the "Noes" have it'. If no Member challenges the Chair's opinion the matter is decided there and then. Most decisions of the House are in fact made at this stage, that is, by Members present in the Chamber agreeing.

If more than one Member challenges the Chair's opinion of the vote on the voices the question has to be decided by a formal vote of the House (if only one Member does so the Member's dissent may be noted in the official record but no vote is held).

Division

In the House of Representatives a formal vote is taken by division, that is, the Members divide themselves into two groups, for and against the question.

When a division is called for, the Chair instructs the Clerk 'to ring the bells' to alert those Members who are not present and summon them to the Chamber. The Clerk activates the bells for four minutes, using a sandglass to measure the time. The bells sound throughout Parliament House, accompanied by flashing green lights to indicate that it is the House of Representatives Members being called (red lights indicate Senators are being called).

After four minutes the bells are stopped and the Chair orders the doors of the Chamber to be locked and again states the question, directing the 'Ayes' to pass to the right of the Chair and the 'Noes' to pass to the left. Members take seats on the relevant side of the Chamber and the Chair appoints Members (known as tellers) on each side to record the names of the Members voting. When counting has finished the tellers' lists of Members voting are handed to the Chair, and the Chair announces

the number of votes on each side and whether or not the question is agreed to. The House then carries on with the next stage of the business being considered, or the next item of business.

If, at the time the doors are locked, there are four or fewer Members on one side, the Speaker declares the decision of the House immediately and the division is not proceeded with. The names of the Members in the minority are recorded.

If a division is called following a division and there is no intervening debate, the bells for the second division are rung for one minute.

Deferred divisions

Divisions may be deferred at certain times to allow Members to attend functions outside the House, knowing they will not be absent for a formal vote. Divisions are deferred when called on Mondays between 10 am and 12 noon and on Tuesdays before 2 pm.

Casting vote

If the result of a division shows an equal number of Members for and against, the Speaker has a casting vote—that is, they may vote one way or the other to decide the matter. The Speaker does not otherwise have a vote in the House.

For more information

House of Representatives Practice, 7th edn, Department of the House of Representatives, Canberra, 2018, pp. 274–341, 493–542.

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