



Australian Government

Australian Government response to the
House of Representatives Standing Committee on Procedure
Interim report:

Maintenance of the standing orders

November 2019

**Response from the Government to the House of Representatives Standing Committee on
Procedure interim report: *Maintenance of the standing orders***

Recommendation No.1

The Committee recommends that standing order 1 be amended as outlined in Appendix A.

Response

The Government supports the recommendation as it relates to standing orders 63A, 87 and 222. The Standing Orders were amended on 4 July 2019 to implement the recommendation.

The Government does not support the recommendation as it relates to standing orders 47 and 84, considering the current arrangements for speaking times for suspension of orders and debate of urgent matters are working well.

Recommendation No.2

The Committee recommends that standing order 8(c) be amended to include an acknowledgement of country, as is provided for at the start of other sitting days:

(c) The Speaker shall make an acknowledgement of country and read Prayers.

Response

The Government supports this recommendation. The Standing Orders were amended on 4 July 2019 to implement the recommendation.

Recommendation No.3

The Committee recommends that standing order 39(a) be amended to read ‘The Chair and/or deputy Chair of a committee may make a statement...’

Response

The Government supports this recommendation. The Standing Orders were amended on 4 July 2019 to implement the recommendation.

Recommendation No.4

The Committee recommends that standing order 41(c) be amended to read:

(c) Subject to this standing order, the first and second reading shall proceed in accordance with standing orders 141 and 142. The Member who has presented the bill may speak to the second reading for no longer than 10 minutes at the time of presentation and 5 minutes, in continuation, on resumption of the debate (if required by mover). The Selection Committee may determine times for consideration of the remainder of the second reading debate.

Response

The Government supports this recommendation. The Standing Orders were amended on 4 July 2019 to implement the recommendation

Recommendation No.5

The Committee recommends that standing orders 82-85 be amended as outlined in Appendix A.

Response

The Government does not support the recommendation, considering the current arrangements for the debate of urgent matters are working well.

Recommendation No.6

The Committee recommends that standing order 105(a) be amended to read:

- (a) A Minister's written reply to a question must be delivered to the Clerk. The Clerk shall provide a copy of the reply to the Member who asked the question, and the question and reply shall be published ~~in Hansard~~.*

The Committee further recommends that the Department of the House of Representatives prioritise the creation of an online repository of questions in writing and replies to them, to replace their publication in Hansard.

Response

The Government supports the recommendation. The Standing Orders were amended on 4 July 2019 to implement the recommendation

The Government has been advised the Department of the House of Representatives supports the recommendation directed to the prioritisation of an online repository of questions in writing and replies to them. Work has commenced on progressing this part of the recommendation.

Recommendation No.7

The Committee recommends that standing orders 122 and 123 be amended to read:

122 Questions put on proposed amendments

- (a) The Speaker shall put ~~a~~ the question reflecting the purpose of ~~on~~ a proposed amendment -*
- (i) If the purpose is to omit certain words, the question shall be ~~That the words proposed to be omitted stand part of the question.~~*
 - (ii) If the purpose is to omit certain words in order to insert or add other words, the question shall be ~~That the words proposed to be omitted stand part of the question. If this question is resolved in the affirmative, the amendment is disposed of: if negatived, the Speaker shall put a further question ~~That the words proposed be [inserted, or added].~~~~*
 - (iii) If the purpose is to insert or add certain words, the question shall be ~~That the words proposed be [inserted, or added].~~*
- (b) ~~If no Member objects, instead of the questions in paragraph (a), the Speaker may put the question -~~*

That the amendment be agreed to.

123 Restrictions on amendments to be moved

- (a) A proposed amendment must not be inconsistent with a previous decision on the question.*
- (b) An amendment may not be moved to an earlier part of the question:*
- (i) after a later part has been amended, or*

- (ii) after an amendment to a later part has been proposed and the proposal has not, by leave, been withdrawn.
- ~~(c) When it is moved to omit words in the main question in order to insert or add others, no amendment to the words proposed to be inserted or added may be moved until the question 'that the words proposed to be omitted stand part of the question' has been determined.~~
- ~~(d) Only an amendment which adds other words may be moved to words which the House has resolved stand part of the question, or which have been inserted in, or added to, a question.~~
- ~~(e)(c) Each proposed amendment shall be disposed of before another amendment to the original question can be moved.~~

Response

The Government supports the recommendation. The Standing Orders were amended on 4 July 2019 to implement the recommendation

Recommendation No.8

The Committee recommends that standing order 153(b) be amended to read:

(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.

Response

The Government does not support the recommendation, considering the current arrangements for reports from the Federation Chamber are working well.

Recommendation No.9

The Committee recommends that standing order 197 be amended to read:

197 Return of matters to the House

The Federation Chamber may return a matter to the House before its consideration is completed:

- (a) A matter may be returned to the House on a motion moved without notice at any time by a ~~Minister~~ Member—*

That further proceedings be conducted in the House.

The motion shall be put without amendment or debate. If the Federation Chamber agrees to, or is unable to resolve, this question, the bill or order of the day shall be returned to the House. Consideration in the House must continue from the point reached in the Federation Chamber and the House must resolve any issues that the Federation Chamber reports.

(b) *The House may at any time require a matter to be returned for further consideration, on a motion moved without notice by a ~~Minister~~ Member. The matter must be set down for consideration at a later hour that day.*

(c) *An item of government business may be returned to the House by a programming declaration made in accordance with standing order 45.*

Response

The Government does not support the recommendation, considering the current arrangements for the Federation Chamber are working well.

Recommendation No.10

The Committee recommends that the definition of 'document' in standing order 2 be corrected to match the definition in section 2B of the Acts Interpretation Act 1901.

Response

The Government supports the recommendation. The Standing Orders were amended on 4 July 2019 to implement the recommendation.

Recommendation No.11

The Committee recommends that standing order 80 be amended to read:

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.

Response

The Government does not support the recommendation, considering the current arrangements for closure of debate are working well.