

## *Matters of public importance*

### NATURE OF THE PUBLIC IMPORTANCE DISCUSSION PROCEDURE

On any sitting day after the first day of meeting of a Parliament a Member may propose to the Speaker that a definite matter of public importance be submitted to the House for discussion. The Member proposing the matter is required to present to the Speaker a written statement (*see* p. 540) of the matter proposed to be discussed not later than 12 noon on the sitting day in question.<sup>1</sup> If the Speaker determines that it is in order, it is read to the House by the Chair prior to calling on the business of the day. The proposed discussion must be supported by at least eight Members, including the proposer, rising in their places as indicating approval. The Speaker then calls upon the proposer to open the discussion which may last for up to two hours or may be terminated earlier if no further speakers rise to continue the discussion or by the House agreeing to a motion, moved by any Member, 'That the business of the day be called on'. In the event of more than one matter being presented for the same day, priority is given to the matter which, in the opinion of the Speaker, is the most urgent and important, and no other proposed matter may be read to the House that day.<sup>2</sup> On occasions when a matter proposed for discussion has not been presented to the Speaker by the time specified, standing and sessional orders have been suspended to allow the matter to be called on.<sup>3</sup>

This procedure is one of the principal avenues available to the Opposition and private Members generally to initiate immediate debate on a matter which is of current concern. The procedure is used on almost every sitting day and, in practice, almost all matters discussed are proposed by members of the opposition executive.

The public importance procedure is characterised by a number of features which are summarised as follows:

- any Member may initiate a matter for discussion, but it is not a procedure which would be used by Ministers as there are other avenues available to them to initiate debate on a particular subject; for a Minister to use the procedure would be regarded as an intrusion into an area recognised as the preserve of shadow ministers and backbench Members;
- the matter proposed is expected to contain an element of ministerial responsibility or come within the scope of ministerial action. Matters which do not fulfill this requirement have been ruled out of order;
- in view of the limited opportunities, until 1988, for private Members to initiate debate in the House, the procedure has assumed considerable importance, particularly for the Opposition which proposed 93 per cent of the matters during the period 1981 to 1988<sup>4</sup>;
- the procedure may be used on any sitting day after the first day of meeting of a Parliament<sup>5</sup>;
- the subject matter does not attract a distinct vote of the House as there is no motion before the Chair;

1 This was first initiated by sessional order effective from February 1984, VP 1983-84/495.

2 S.O. 107.

3 VP 1985-87/1713.

4 *See* Ch. on 'Private Members' business'.

5 S.O. 101. As there is no Speaker prior to the first meeting of a Parliament there is no one to whom a matter could be submitted.

- it has become unusual for a matter to be discussed for the full two hours allowed under the standing orders. Usually, by arrangement between the parties, two or three Members from each side are listed to speak;
- the matter proposed is scrutinised by the Speaker to see that it is in order and in an acceptable form before the matter is submitted to the House (*see* p. 537);
- as most matters originate from the Opposition, they are usually critical of government policy or administration or such criticism is made in the discussion itself, and
- the terms of a matter of public importance selected by the Speaker are made known through the Table Office to the Leader of the House or the Manager of Opposition Business, as the case may be, some time after 12 noon on the sitting day in question.

Matters of public importance developed from an earlier provision in the standing orders adopted in 1901 which permitted a Member to formally move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance. This procedure was described by Speaker Johnson as a provision based:

... on the supposition that something of an urgent public nature has suddenly arisen which prevents notice of a motion for its consideration being given in the ordinary way.<sup>6</sup>

The standing order originally adopted by the House<sup>7</sup> was similar to a procedure adopted by the House of Commons in 1882 which actually restricted the rights of private Members, being designed to prevent vexatious or obstructive motions from holding up the business of the House.<sup>8</sup> In accordance with the standing order adopted by the House of Representatives, a Member could rise immediately prior to the calling on of the business of the day and 'propose to move the adjournment for the purpose of discussing a definite matter of urgent public importance' which the Member then stated and handed in writing to the Speaker. Provided that five Members indicated approval of the proposed discussion by rising in their places<sup>9</sup>, the Member then formally moved the motion 'That the House do now adjourn' and addressed the House. The discussion was limited to two hours. If more than one Member wished to propose a discussion on a particular day, the Speaker accorded priority in the order in which Members intimated that they desired to submit matters to the House.<sup>10</sup>

The following developments in the procedure have subsequently occurred:

- In 1950 the standing order was amended to provide that a written statement of the matter proposed to be discussed had to be submitted to the Speaker at least one hour before the time fixed for the meeting of the House, eight Members instead of five, including the mover, were required to support the motion, and, if more than one motion was submitted for the same day, the Speaker determined priority.<sup>11</sup>
- In 1951, as an indirect result of views expressed by Speaker Cameron<sup>12</sup>, it was determined that the primary purpose of the motion was to allow discussion, and the standing order was amended to enable the matter to be initiated by submitting to the House a definite matter of urgent public importance instead of a motion. As a result of there being no motion before the House, the

6 H.R. Deb. (21.7.22)718-9.

7 In 1901, S.O. 38.

8 May, 10th edn, pp. 240-2; and *see Select Committee on Procedure, 2nd Report*, HC 282(1966-67)38.

9 S.O. 39 dealt with limitation of Members' speaking times.

10 H.R. Deb. (21.7.22)718.

11 S.O. 38 became S.O. 48.

12 VP 1951-53/198-9; H.R. Deb. (15.11.51)2136; H.R. Deb. (16.11.51)2218-19; H.R. Deb. (20.11.51) 2267-8.

closure could not be moved and it was therefore provided that discussion could be terminated by the House agreeing to a motion 'That the business of the day be called on'. If not terminated in this way, the discussion is terminated automatically after two hours or when discussion concludes, whichever is the earlier.<sup>13</sup>

- In 1963 the word 'urgent' in the standing order was omitted from the expression 'definite matter of urgent public importance', as for many years Speakers had not attempted to determine the degree of urgency but had been satisfied if the stipulated number of Members rose in support of the discussion. The standing order was further amended to provide that a motion for the adjournment of the debate and a closure motion were not in order and, in the event of more than one matter being presented the same day, no proposed matter, apart from the one given priority by the Speaker, could be read to the House that day.<sup>14</sup>
- In 1978 the standing orders were amended to enable grievance debate or general business, as the case may be, to take precedence over matters of public importance on sitting Thursdays (see below).<sup>15</sup>
- In 1980 standing order 107 was amended by sessional order to require a Member proposing a matter to present it to the Speaker at least two hours prior to the time fixed for the meeting of the House. This sessional order was renewed at the commencement of the 33rd Parliament in 1983.
- In 1984 standing order 107 was again amended by sessional order, and a provision inserted that a Member proposing a matter for discussion must present the terms to the Speaker not later than 12 noon on the sitting day in question. This sessional order was renewed in the 34th and 35th Parliaments.<sup>16</sup>

An interesting historical feature of the procedure was that prior to 1952 debate took place on a motion 'That the House do now adjourn'. In 1921 the Hughes Government was defeated on this motion but remained in office following a vote of confidence.<sup>17</sup> The Scullin Government was also defeated on such a motion in 1931 and the House was subsequently dissolved.<sup>18</sup> Since 1952 the possibility of the Government being defeated in such a manner has been eliminated by the change in the procedure to a form of discussion.

Prior to 1963 a matter of public importance could not be discussed before the Address in Reply was agreed to<sup>19</sup>, as no business, except of a formal character, could be taken before the Address was adopted.

In recent years there have been attempts to have the House record a decision on the matters discussed. Motions have been moved to suspend standing orders for this purpose, but on each occasion they have been unsuccessful. In 1973 the Standing Orders Committee considered a proposal that the standing order be amended to enable a vote to be taken on matters of public importance but the committee did not deem it desirable to proceed further with the proposal.

There has been a marked increase in the number of matters proposed and discussed during recent years, with most of them being proposed by members of the opposition executive. This fact and the fact that discussions tend to be dominated by Members from the two front benches have been criticised in the House.<sup>20</sup>

13 VP 1951-53/334-5; S.O. 48 became S.O. 106A.

14 VP 1962-63/455,655; S.O. 106A became S.O. 107.

15 S.O. 101; VP 1978-80/20.

16 VP 1983-84/495; 1985-87/39; 1987-88/24.

17 VP 1920-21/489,491; see also Ch. on 'Motions' and Sawyer, *Australian Federal Politics and Law, 1901-1929*, pp. 208-9 for comment.

18 VP 1929-31/945,947-8; see also Ch. on 'Motions'.

19 VP 1956-57/26; VP 1961/29-30.

20 H.R. Deb. (23.8.79)607.

The following table illustrates the increasing frequency of discussions of matters of public importance:

**TABLE 10 MATTERS OF PUBLIC IMPORTANCE 1970-88**

<i>Year</i>	<i>Sittings</i>	<i>Matters submitted to House</i>	<i>Matters discussed</i>
1970 . . . . .	73	22	22
1971 . . . . .	74	23	23
1972 . . . . .	60	21	21
1973 . . . . .	81	18	18
1974 . . . . .	62	39	32
1975 . . . . .	69	36	26
1976 . . . . .	79	51	47
1977 . . . . .	68	52	48
1978 . . . . .	75	64	56
1979 . . . . .	68	66	52
1980 . . . . .	51	44	33
1981 . . . . .	62	59	51
1982 . . . . .	53	51	46
1983 . . . . .	49	46	42
1984 . . . . .	52	50	41
1985 . . . . .	66	64	58
1986 . . . . .	79	79	70
1987 . . . . .	74	73	65
1988 . . . . .	65	61	47

Further trends have also been noticeable during the period 1970-1988:

- the percentage of the time of the House taken up in discussions of matters of public importance increased from an average of 4.4 per cent for the period from 1971 to 1975 to 7.4 per cent for the period from 1976 to 1988<sup>21</sup>, and
- during the period from 1974 to 1988 somewhat of a pattern of matters being submitted to the House but not proceeding to discussion is evident.

In May 1986 the Standing Committee on Procedure referred to the public importance procedure in its report on the days and hours of sitting and the effective use of the time of the House. It concluded that the procedure should remain essentially as it was, describing it as *de facto* opposition time, but felt that backbench Members from either side should not be excluded from raising matters for discussion. The committee recommended however that the procedure should be renamed 'Matter of Public Interest', that it should only take place on Mondays, Tuesdays and Wednesdays, that the discussion should follow presentation of papers in the routine of business, that the discussion should not exceed one hour and that the maximum period for which a Member may speak should be 10 minutes.<sup>22</sup>

<sup>21</sup> See Appendix 21. For statistics of matters of public importance since 1901 see Appendix 20.

<sup>22</sup> 'Days and hours of sitting and the effective use of the time of the House'; *Report of the Standing Committee on Procedure*, PP108 (1986) 24-6.

**DISCRETIONARY RESPONSIBILITY OF THE SPEAKER**

Standing order 107 invests the Speaker with the power to determine whether a matter of public importance is in order. A Member must present to the Speaker a written statement of the matter proposed to be discussed, and, in the absence of the Speaker, the practice of the House is that the Chairman of Committees determines whether matters are in order and determines priority, if necessary, before the House meets. The Chairman of Committees performs this function even though, on a particular day, he or she is not empowered to perform the duties of Speaker until the House, pursuant to standing order 14, is informed by the Clerk of the Speaker's absence.<sup>23</sup>

In the event of the absence of both the Speaker and Chairman of Committees the position would be somewhat different. As no assumption can be made that any particular Member will be elected to perform the duties of Speaker pursuant to standing order 15, there would be no person to whom a matter could be submitted as required by the standing or sessional orders, or who could determine priority if more than one matter is proposed for that day. In these circumstances it would appear to be necessary to move an appropriate motion to suspend the standing orders in order to allow the discussion to take place.

A matter is put before the House only if the Speaker has determined that it is in order<sup>24</sup> and the Speaker is not obliged to inform the House of matters determined to be out of order.<sup>25</sup> The decision of the Speaker is regarded as a decision that cannot be challenged by a motion of dissent as the Speaker does not make a ruling but exercises the authority vested in the Speaker by the standing order.<sup>26</sup> On one occasion however when two matters were proposed and the Speaker made a choice, a point of order was taken that the matter selected by the Speaker did not contain an element of ministerial responsibility and did not comply with standing order 107. In response to the point of order the Speaker ruled that he had exercised his responsibility of selecting a matter which he had determined to be in order. A motion of dissent from the Speaker's determination that the matter selected was in order under standing order 107 was then moved.<sup>27</sup> Members cannot read to the House (or table) matters determined to be out of order or not selected for discussion.<sup>28</sup>

Prior to 1950 a matter could be brought before the House even though it may have been out of order as Members were not required to give the Speaker notice of formal adjournment motions, although this was usually done as a matter of courtesy.<sup>29</sup>

Prior to the meeting of the House, Members are sometimes requested by the Speaker to amend the wording of their proposed matter in order to make it accord with the standing orders and Members often consult with the Clerk on the terms of proposed matters. A proposed matter determined to be in order and granted priority appears on the Daily Program if it has not already been issued. If the Daily Program has been issued, a separate notification of the proposed matter is distributed in the Chamber.

23 VP 1978-80/985,989.

24 VP 1964-66/547.

25 H.R. Deb. (30.9.54)1767.

26 VP 1954-55/85-6; H.R. Deb. (30.9.54)1767-73; VP 1951-53/283-4 (in respect of according priority); H.R. Deb. (17.3.82) 1042.

27 VP 1985-87/548.

28 H.R. Deb. (30.9.54)1773; VP 1954-55/255-6.

29 H.R. Deb. (3.3.49)961.

### More than one matter proposed

In the event of more than one matter being proposed for discussion on the same day (up to five have been so proposed<sup>30</sup>), the Speaker gives priority to the matter which, in the Speaker's opinion, is the most urgent and important. No other proposed matter may be read to the House that day<sup>31</sup>. It had been ruled that such a matter could not even be read as part of a motion,<sup>32</sup> but there is a precedent for a motion to suspend standing orders to enable a Member to bring on 'for discussion a matter of public importance in the following terms: . . .', the terms being those of a matter submitted but not given priority.<sup>33</sup> A matter determined to be in order but not accorded priority has been accepted and accorded priority on a later occasion.<sup>34</sup>

The Speaker, in judging which is the most urgent and important matter for submission to the House, does so against the background that a principal function of a modern House is to monitor and publicise the actions and administration of the Executive Government.

### Criteria for determining a matter in order

In deciding whether a matter is in order the following aspects of the proposed matter must be considered.

#### *Matter must be definite*

The requirements of the House are that a proposed matter must be definite, that is, single, specific and precise in its wording. Prior to 1952 formal adjournment motions had been ruled out of order on the grounds that they were not definite.<sup>35</sup> Now a Member would be asked to amend a proposed matter before acceptance by the Speaker. The modern view is that the intent and spirit of the standing order is contravened by including diverse topics in the matter, the underlying reasons being:

- that notice of the discussion is limited and, therefore, it is impracticable to prepare for a wide-ranging debate, and
- the time limit for discussion is strictly limited and does not thereby allow for an adequate discussion of several disparate matters.

#### *Public importance*

In 1967 the Speaker directed that a matter be amended before presentation to the House partly because it dealt with procedure and proceedings of the House which were of domestic concern and could not be considered as appropriate for discussion as 'a definite matter of public importance'.<sup>36</sup> However current interpretation would allow any matter relating to or concerning any subject in respect of which the House has an authority to act or a right to discuss.

#### *Ministerial responsibility*

The Speaker of the House of Commons, in determining whether a matter of urgency is proper to be discussed, is expected to have regard to the extent to which the matter concerns the administrative responsibilities of Ministers or could come within the scope of ministerial action.<sup>37</sup> The Speaker of the House of Representatives

30 VP 1977/396-7.

31 S.O. 107.

32 VP 1954-55/265-6; H.R. Deb. (9.6.55)1579.

33 VP 1985-87/545-6.

34 Matter not accorded priority on 22 May 1979 was accorded priority the next day, VP 1978-80/792,806.

35 VP 1932-34/938 (the motion also anticipated an order of the day); VP 1943-44/101; H.R. Deb. (17.3.44)1562.

36 But see VP 1970-72/172; VP 1974-75/571-2,1044,1066,1086,1096 for discussions of matters relating to the procedure and practice of the House.

37 May, p. 351.

will pay regard to these factors in determining whether a matter of public importance is in order. As a reflection of this, standing order 91 (time limits for speeches), prior to 1972, presupposed that a matter would fall within areas of ministerial responsibility by providing that a Minister was given the same speaking time as the proposer in order to reply to the proposer's speech. The standing order was subsequently amended to take account of those cases where a matter is proposed by a government Member, and now provides for equal speaking time to the Member next speaking after the proposer, whether it be a Minister or a Member of the Opposition.<sup>38</sup>

### *Anticipation*

The rule relating to anticipation provides that no Member may anticipate the discussion of any subject which appears on the Notice Paper and a matter on the Notice Paper must not be anticipated by another matter contained in a less effective form of proceeding, although the Speaker must have regard to the probability of the matter anticipated being brought before the House within a reasonable time.<sup>39</sup> A notice of motion has been withdrawn prior to discussion of a matter of public importance on the same subject.<sup>40</sup>

This rule has only limited application in judging whether a matter proposed is in order. After a long period of sittings the Notice Paper will contain notices and orders of the day on almost every phase of government responsibility so that strict application of the rule could rule out a very large proportion of matters proposed. In a statement in May 1986 Speaker Child noted that the practice with regard to matters of public importance in the House was quite different from that which had evolved in other Parliaments with which our Parliament has links, such as the Parliaments in the United Kingdom, Canada and New Zealand, that discussions were held in the House almost every sitting day and that an important feature of them was that they were of immediate and current public interest. Speaker Child who had, at the previous sitting, accepted a matter which dealt with a subject covered in legislation listed for debate as an order of the day, noted that standing order 82 gave the Speaker a discretion in relation to the anticipation rule and commented:

'In my view this discretion should be used in its widest sense where a matter of public importance is involved if our system is to continue in its present form. The possibility that the Bills may be debated later this week had to be weighed against the immediacy of the matter put forward for discussion. I intend to continue to exercise my discretion in respect of the anticipation rule, as it relates to matters of public importance, in a very wide sense.'<sup>41</sup>

### *Current committee inquiries*

A matter of public importance encompassing a subject under consideration by a committee of the Parliament has been permitted.<sup>42</sup>

### *Sub judice*

There is no specific difference between the application of the sub judice rule to matters of public importance and that which applies to debate generally.<sup>43</sup> The Chair has ruled that part of a proposed matter was sub judice but allowed discussion

38 VP 1970-72/1018-20,1375.

39 S.O.s 82, 163; and see Chs on 'Motions' and 'Control and conduct of debate'.

40 VP 1962-63/483; NP 85(16.5.63)1467.

41 VP 1985-87/975, 977; H.R. Deb. (26.5.86)3919.

42 The subject under inquiry was wastage and the defence force (N.P. (26.4.88) 2171) and this subject was canvassed during discussion on a matter drafted in wider terms (H.R. Deb. (26.4.88) 2056-64).

43 See Ch. on 'Control and conduct of debate'.

to take place on the remainder of the subject.<sup>44</sup> The Speaker has also upheld a point of order that the latter part of a matter was sub judice. Dissent from the ruling was negatived and the House then proceeded to discuss the matter with the latter part omitted.<sup>45</sup> In 1969 discussion of a matter before the Commonwealth Conciliation and Arbitration Commission was ruled to be in order on the ground that it was not before the Commonwealth Industrial Court.<sup>46</sup>

*Matter presented, or subject debated, previously*

The Speaker has the discretion to disallow any motion or amendment which is the same in substance as any question which has been resolved during the same session.<sup>47</sup> The same principle may be applied to matters of public importance and the Speaker has privately disallowed a matter that was substantially the same as one submitted earlier in the session.<sup>48</sup> However, current thinking is that a matter can continue to be one of public importance and that the Opposition should not be restricted in bringing it forward again and again with slightly different wording. Thus matters are submitted and discussed on the same subject as ones previously discussed, the Chair having ruled privately that new, different or extenuating circumstances existed.<sup>49</sup> It has also been ruled that the scope of a matter was wider than the previous one, debate thus being permitted provided it did not traverse ground covered in the previous matter<sup>50</sup> although this would be almost impossible to enforce.

A Member has withdrawn a matter before it was announced to the House as it had already been covered in debate earlier that day.<sup>51</sup>

It is normal practice that matters on which no effective discussion has taken place may be resubmitted and allowed during the same session.<sup>52</sup>

*Matters involving legislation*

It has been the practice of the House to allow matters involving legislation to be discussed, provided that no other criterion is transgressed. In 1967, however, the Speaker privately ruled that certain words in a proposed matter were out of order. The matter proposed was:

The Government's failure to maintain the purchasing power of repatriation payments and general benefits and its abuse of legislative processes to prevent debate *and voting on the adequacy of Repatriation entitlements.*

The italicised words were ruled out of order on the grounds that their primary purpose was to draw attention to the way in which the Repatriation Bill 1967 had been drafted with a restricted title which limited debate to pensions payable to children of a deceased member of the Forces. When the bill was debated at the second reading, an amendment dealing with a wider range of repatriation matters had been ruled out of order as not being relevant to the bill.<sup>53</sup> A motion of dissent from the ruling was negatived. The words were also ruled out of order as, by inference, there was a criticism of the Chair, and a reflection upon the vote (S.O. 73) which negatived the motion of dissent. It might also be noted that the wording proposed was deficient in that it tended to raise more than one matter. The matter was submitted and discussed in its amended form.<sup>54</sup>

44 VP 1974-75/169-70; H.R. Deb. (18.9.74)1460.

45 VP 1962-63/297-8; H.R. Deb. (15.11.62)2462-74.

46 H.R. Deb. (16.4.69)1145.

47 S.O. 169.

48 Matter submitted on 23 August 1971 was amended before submission to House so as not to be identical to matter previously discussed on 7 April 1971, VP 1970-72/514,666-7.

49 VP 1951-53/357-8,421-2; VP 1985-87/1431, 1485, 1511, 1539.

50 H.R. Deb. (1.11.50)1718.

51 H.R. Deb. (4.11.77)2901.

52 VP 1977/302,308.

53 VP 1967-68/211; H.R. Deb. (27.9.67)1356-8.

54 VP 1967-68/218.



*Subject that can only be debated upon a substantive motion*

A matter of public importance is similar to a motion in that words critical of the character or conduct of a person, whose actions can only be challenged by means of a substantive motion, may not be included in the matter proposed.<sup>55</sup> A formal adjournment motion was ruled out of order as it reflected on the conduct of the Speaker which could only be questioned by means of a substantive motion.<sup>56</sup> In 1972 the Speaker ruled privately that a matter of public importance should not be the vehicle for the use of words critical of the conduct of a Member of the House.<sup>57</sup> It was ruled privately in 1955 that the committal to prison of Messrs Fitzpatrick and Browne, after being found guilty of a breach of privilege, could not be discussed as an urgency matter.

In 1922 the Speaker allowed a formal adjournment motion criticising the judgment and award of a judge in the Commonwealth Court of Conciliation and Arbitration. He ruled that discussion must be confined to the award and such matters as did not involve criticism and reflection on the judge. In giving reasons for his ruling the Speaker saw the matter as one of some doubt which 'must depend largely on the tone and scope of the discussion'. He had regard to the fact that the Member was debarred from moving a substantive motion because precedence had been given to government business and he did not feel justified in ruling the motion out of order 'provided it is clearly understood that, under cover of this motion, no attack or personal reflection can be made upon the Judge or the Court, nor can the conduct of the Judge be debated'.<sup>58</sup>

**READING OF MATTER TO THE HOUSE**

If a matter has been proposed within the specified time, accepted as in order, and accorded priority if more than one matter has been proposed, the Speaker reads it to the House before the calling on of notices and orders of the day. Only one proposed matter may be read to the House each day. Matters are usually proposed to the Speaker by letter in the following form:

[date]

Dear Mr/Madam Speaker,

In accordance with standing order 107, I desire to propose that [today] [tomorrow] [on Tuesday, . . . ] the following definite matter of public importance be submitted to the House for discussion, namely:

[terms of matter]

Yours sincerely,  
[signature of Member]

Standing orders have been suspended to enable a matter to be discussed at a later hour<sup>59</sup> and standing order 107 itself has been suspended until a certain bill has been disposed of.<sup>60</sup>

After reading the matter to the House the Speaker calls on those Members who approve of the proposed discussion to rise in their places. The proposed discussion

55 S.O. 75; and see Ch. on 'Control and conduct of debate'.

56 VP 1944-45/58.

57 On 7 April 1971 a matter accusing a Minister of 'provocative behaviour' was altered. The matter discussed on 21 March 1972 had been altered at the Speaker's suggestion as it originally contained expressions critical of the conduct of a Member.

58 H.R. Deb. (20.9.22)2443-4.

59 VP 1976-77/565.

60 VP 1974-75/639-40.

must be supported by at least eight Members, including the proposer, rising in their places as indicating approval. The Speaker then calls upon the proposer to open the discussion.

On occasions matters have not been further proceeded with because they lacked the necessary support.<sup>61</sup> The Member who proposes a matter for discussion must, under the standing orders, open the discussion in the House. However, on one occasion standing orders were suspended to enable another Member to act for the Member who had proposed a matter for discussion.<sup>62</sup> On another occasion, when the Member who had proposed the approved discussion had been suspended from the service of the House prior to opening the discussion, standing orders were suspended to permit another Member to move a motion on a related subject.<sup>63</sup>

The action of Members rising in their places does not indicate approval of the subject matter in any way, but simply indicates approval to a proposed discussion taking place. Once a proposed discussion commences the only relevant provision concerning the number of Members present in the House is that relating to a quorum, and there is no requirement that all or any of the supporting Members remain.<sup>64</sup>

### **Matter submitted amended**

No amendment can be moved to a matter being discussed as it is not a motion before the House, although, as mentioned earlier, matters proposed are often amended on the suggestion of the Speaker or the Clerk before being accepted by the Speaker. In addition, the Speaker may not be aware when approving a matter for discussion that the matter, or part of the matter, is sub judice. Part of a matter has been ruled out of order in the House on this ground on several occasions.<sup>65</sup>

### **Matter proposed withdrawn**

Matters proposed which have been accepted and included on the Daily Program have been withdrawn, by the proposer notifying the Speaker in writing. The Speaker has informed the House of this fact when the time for discussion was reached. A matter has been withdrawn as the subject had already been covered in matters debated earlier that day<sup>66</sup>, and on Budget day in 1984 when a matter proposed had not been discussed by the dinner break, the proposer felt that it was appropriate to withdraw the matter, presumably to avoid any interference with arrangements for the Budget speech at 8 p.m.<sup>67</sup> On one occasion, two matters having been proposed, the matter accorded priority was withdrawn and no mention made of the other, and on a further occasion a matter which had been approved was withdrawn when another was proposed.<sup>68</sup>

## **DISCUSSION**

The time allowed for discussion of a matter is limited to two hours. The proposer and the Member next speaking are each allowed 15 minutes to speak and any other Member 10 minutes.<sup>69</sup> A Member may be granted an extension of time by the House. A motion that a Member speaking 'be not further heard' is in order.

61 VP 1920-21/799 (including the proposer); VP 1929-31/941; VP 1954-55/356,365.

62 VP 1962-63/463. The Member's plane had been delayed by fog, H.R. Deb. (7.5.63)1043.

63 VP 1987-89/527-8; *see also* VP 1987-89/1273.

64 H.R. Deb. (20.9.77)1297-8.

65 VP 1962-63/297-8; H.R. Deb. (15.11.62)2460-74; VP 1974-75/169; H.R. Deb. (18.9.74)1460.

66 H.R. Deb. (4.11.77)2901.

67 H.R. Deb. (21.8.84)60.

68 H.R. Deb. (10.10.78)1641; VP 1987-89/1162-3.

69 S.O. 91.

Discussion has been interrupted temporarily, following suspension of standing orders, to enable the Budget and associated bills to be introduced<sup>70</sup> and, by leave, to allow a ministerial statement to be made.<sup>71</sup> A discussion has been interrupted by a motion to suspend standing orders to enable a motion to be moved relating to the subject matter under discussion. No such motion has been successful, discussion often continuing after the motion to suspend standing orders has been negatived,<sup>72</sup> but in such circumstances a motion that the business of the day be called on has also been moved.<sup>73</sup> A motion to suspend the standing orders temporarily supersedes discussion of a matter of public importance but the discussion remains as a proceeding still before the House and, as a result, the time taken up by the motion, or any other form of interruption, forms part of a Member's speech time and part of the period of two hours allotted for the discussion.<sup>74</sup>

The proposer of a matter of public importance has no right of reply although a proposer has spoken again by leave<sup>75</sup> and following the suspension of standing orders.<sup>76</sup>

At the expiration of the allotted two hours the discussion is automatically concluded. The House has extended the time for discussion<sup>77</sup>, and further extended the time<sup>78</sup>, by suspending standing orders. The discussion cannot be adjourned and a motion 'That the question be now put' is not in order.<sup>79</sup> At any time during the discussion, however, any Member may move a motion 'That the business of the day be called on' which question is put forthwith and decided without amendment or debate.<sup>80</sup> Such motions have, from time to time, been moved immediately the proposer has been called by the Chair to open the discussion. The term 'business of the day' has been given a wide interpretation to include ministerial statements, announcements of messages from the Senate and the Governor-General, and so on. Alternatively discussion may be concluded prior to the two hour time limit if no Member rises to speak on the matter. It has become the practice in recent times to limit the number of Members participating in a discussion, by arrangement between the parties, to two or three Members from each side which means that the discussion is concluded well before the expiration of the allotted two hours.

70 VP 1968-69/489-90,491.

71 VP 1970-72/988; VP 1978-80/671.

72 VP 1974-75/528-30.

73 VP 1985-87/198-9.

74 VP 1970-72/920-2; and see Ch. on 'Control and conduct of debate'.

75 VP 1964-66/139.

76 VP 1962-63/297-8.

77 VP 1968-69/416.

78 VP 1968-69/417.

79 S.O. 107 (there being no question before the House).

80 S.O. 107.