

## *Matters of public importance*

### **NATURE OF THE PUBLIC IMPORTANCE DISCUSSION PROCEDURE**

A discussion of a matter of public importance (MPI), provided for by standing order 107, takes place on the majority of sitting days. 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. 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 fulfil this requirement have been ruled out of order;
- in view of the formerly limited opportunities for private Members to initiate debate in the House, the procedure developed into one of considerable importance, particularly for the Opposition. Although there has been an expansion of opportunities for private Members since 1988, the importance of the procedure has continued;
- the procedure may be used on any sitting day except Mondays after the first day of meeting of a Parliament<sup>1</sup>;
- the subject matter does not attract a distinct vote of the House as there is no motion before the Chair;
- it has become unusual for a matter to be discussed for the full two hours allowed under the standing orders. The accepted practice is that by arrangement between the parties, two or three Members from each side are listed to speak and the discussion lasts for about 50 minutes;
- 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;
- 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 to be proposed to the House 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.

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<sup>1</sup> S.O. 101.

## HISTORICAL BACKGROUND

Matters of public importance developed from a provision in the standing orders, adopted in 1901<sup>2</sup>, 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>3</sup>

The original standing order 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>4</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>5</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>6</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>7</sup>
- In 1951, as an indirect result of views expressed by Speaker Cameron<sup>8</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 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 was terminated automatically after two hours or when discussion concluded, whichever was the earlier.<sup>9</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

2 S.O. 38.

3 H.R. Deb. (21.7.22) 718–9.

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

5 S.O. 39 dealt with limitation of Members’ speaking times.

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

7 S.O. 38 became S.O. 48.

8 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.

9 VP 1951–53/334–5; S.O. 48 became S.O. 106A.

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>10</sup>

- In 1978 the standing orders were amended to enable grievance debate or general business, as the case might be, to take precedence over matters of public importance on Thursdays (*see below*).<sup>11</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.<sup>12</sup> This sessional order was renewed in successive Parliaments and adopted as a standing order in 1992.<sup>13</sup>
- In 1994 the routine of business was amended so as to omit provision for the MPI on Monday sittings (private Members' day), the equivalent time slot being allotted to the grievance debate.

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>14</sup> The Scullin Government was also defeated on such a motion in 1931 and the House was subsequently dissolved.<sup>15</sup> Since 1952 the possibility of the Government being defeated in such a manner has been eliminated by the change in the procedure to the form of a discussion.

Prior to 1963 a matter of public importance could not be discussed before the Address in Reply was agreed to<sup>16</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 since the 1970s<sup>17</sup>, with most of them being proposed by members of the opposition executive. This fact and the fact that discussions were often dominated by Members from the two front benches have been criticised in the House.<sup>18</sup> Nevertheless, it now appears taken for granted that the opportunity to propose a discussion under the procedure is, on the whole, a vehicle for the Opposition.

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

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

12 VP 1983-84/495.

13 VP 1990-92/1786.

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

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

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

17 *See* Appendix 21 and for statistics *see* Appendix 20.

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

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 a high of 8.8 per cent in 1987, before declining to an average of around 6.5 per cent.

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 is, not on the proposed private Members' Thursday), 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>19</sup> These recommendations were not adopted. In 1993 the committee again proposed, as part of a much wider reform package<sup>20</sup>, that the MPI not take place on private Members' day. The subsequent procedural changes of February 1994, which included moving private Members' day to Monday, incorporated this recommendation.

## PROPOSAL OF MATTER TO SPEAKER

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]

## Time

The proposed matter must be received by 12 noon of the day of the discussion. 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>21</sup>

## 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. In the absence of the Speaker, the practice of the House is that the Deputy Speaker determines whether matters are in order and determines priority, if necessary, before the House meets. The Deputy Speaker 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

19 Standing Committee on Procedure, *Days and hours of sitting and the effective use of the time of the House*. PP 108 (1986) 24-6.

20 Standing Committee on Procedure, *About time: bills questions and working hours*. PP 194 (1993).

21 VP 1985-87/1713.

by the Clerk of the Speaker's absence.<sup>22</sup> In the event of the absence of both the Speaker and Deputy Speaker the Second Deputy Speaker could perform the function.

On two occasions following the resignation of a Speaker, when the House was not due to elect a new Speaker until after the 12 noon deadline, proposed matters of public importance were processed and included on the Daily Program in anticipation of the new Speaker's approval (the approval of the Member expected to be elected Speaker having been first ascertained).<sup>23</sup>

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> Members cannot read to the House (or table) matters determined to be out of order or not selected for discussion.<sup>26</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>27</sup> However, on one occasion 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>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>

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.

### **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

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22 VP 1978-80/985, 989.

23 VP 1985-87/675; VP 1989/1419.

24 VP 1964-66/547.

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

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

27 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.

28 VP 1985-87/548.

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

30 VP 1977/396-7.

31 S.O. 107.

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

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 the modern House is to monitor and publicise the actions and administration of the Executive Government. The Speaker cannot be required to give reasons for choosing one matter ahead of another.<sup>35</sup>

### **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>36</sup> Nowadays a Member would be asked to amend a proposed matter seen as too general or indefinite, 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>37</sup> However more recent 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>38</sup> The Speaker of the House of Representatives 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

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 H.R. Deb. (19.9.96) 4458.

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

37 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.

38 May, p. 300–1.

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>39</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>40</sup> A notice of motion has been withdrawn prior to discussion of a matter of public importance on the same subject.<sup>41</sup>

This rule has somewhat of a qualified application in judging whether a matter proposed is in order. After a long period of sittings the Notice Paper may contain notices and orders of the day on many aspects of government responsibility, so that strict application of the rule could rule out a large proportion of matters proposed. In a statement in May 1986 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, indicated that, in her view, the discretion available to the Speaker should be used in a very wide sense.<sup>42</sup> Where the topic of an MPI has been very similar to the subject matter of a bill due for imminent debate, the discussion has been permitted, subject to the proviso that the debate on the bill should not be canvassed.<sup>43</sup>

### *Current committee inquiries*

A matter of public importance encompassing a subject under consideration by a committee of the Parliament has been permitted.<sup>44</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>45</sup> The Chair has ruled that part of a proposed matter was sub judice but allowed discussion to take place on the remainder of the subject.<sup>46</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 negated and the House then proceeded to discuss the matter with the latter part omitted.<sup>47</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>48</sup>

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

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

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

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

43 H.R. Deb. (5.5.92) 2358. The MPI was on the control of entry for permanent settlement and the bill, the first order of the day on the *Notice Paper*; was the Migration Amendment Bill 1992.

44 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); see also VP 1993-95/753 (community cultural, recreation and sporting facilities—an issue subject to an inquiry by the Standing Committee on Environment, Recreation and the Arts)

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

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

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

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

*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>49</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>50</sup> However, more recent thinking has been that a matter can continue to be one of public importance and that the Opposition should not be restricted in bringing it forward again with 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>51</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>52</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>53</sup> Similarly, the Leader of the Opposition has informed the House that he did not wish to proceed with a proposed matter of public importance as the Government had taken, by way of motion, a matter in the same terms.<sup>54</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>55</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>56</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>57</sup>

49 S.O. 169.

50 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.

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

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

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

54 H.R. Deb. (22.11.89) 2679, VP 1987-89/1632.

55 VP 1977/302, 308.

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

57 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, should not be included in the matter proposed.<sup>58</sup> A formal adjournment motion has been 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>59</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>60</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>61</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.

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 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 of the absence of the proposer<sup>62</sup> or because they lacked the necessary support.<sup>63</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>64</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>65</sup>

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

59 VP 1944-45/58.

60 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.

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

62 H.R. Deb. (24.5.89) 2819, VP 1987-89/1273 (proposer suspended from House); H.R. Deb. (31.3.92) 1480; VP 1990-93/1404.

63 VP 1920-21/799; VP 1929-31/941; VP 1954-55/356, 365; H.R. Deb. (19.8.93) 356.

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

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

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>66</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>67</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. Reasons for withdrawal have included: coverage of the subject of the discussion in earlier debate that day<sup>68</sup>; late commencement of the discussion prior to the imminent start of the Budget speech<sup>69</sup>; a government motion in the same terms as the matter proposed for discussion<sup>70</sup>; general agreement to extend the preceding debate<sup>71</sup>; 'in the interest of the better functioning of the House' following debate of a censure motion.<sup>72</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>73</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>74</sup> A Member may be granted an extension of time by the House.

Discussion has been interrupted temporarily, following suspension of standing orders, to enable the Budget and associated bills to be introduced<sup>75</sup> and, by leave, to allow a ministerial statement to be made.<sup>76</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>77</sup> but in such circumstances a

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

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

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

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

70 H.R. Deb. (22.11.89) 2662, 2679.

71 H.R. Deb. (21.8.90) 1153, 1155.

72 H.R. Deb. (20.9.90) 2333.

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

74 S.O. 91.

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

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

77 VP 1974-75/528-30; VP 1990-92/1430-2.

motion that the business of the day be called on has also been moved.<sup>78</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>79</sup>

The proposer of a matter of public importance has no right of reply although a proposer has spoken again by leave<sup>80</sup> and following the suspension of standing orders.<sup>81</sup>

### **Termination of discussion**

At the expiration of the allotted two hours the discussion is automatically concluded. The House has extended the time for discussion<sup>82</sup>, and further extended the time<sup>83</sup>, by suspending standing orders. The discussion cannot be adjourned and a motion 'That the question be now put' is not in order.<sup>84</sup> A motion that a Member speaking 'be not further heard' may however be moved.<sup>85</sup> At any time during the discussion 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>86</sup> 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—the motion is in effect a closure. Such motions are, from time to time, moved immediately the proposer has been called by the Chair to open the discussion. It has become common in recent years for the Leader of the House or other Minister to take this action following occasions when the House has spent time earlier in the day on unscheduled opposition initiated debate (e.g. censure motion, motion to suspend standing orders to debate a matter, motion of dissent from ruling of the Chair). Alternatively discussion may be concluded prior to the two hour time limit if no Member rises to speak on the matter and this is now the usual method of ending the discussion. 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 and generally in about 50 minutes.

### **SUSPENSION OF MPI PROCEDURE**

As well as the premature termination of the discussion by use of the motion to call on the business of the day, priority to other business may be provided by the suspension of standing orders.

Standing orders have been suspended to enable matters to be discussed at a later hour<sup>87</sup> and standing order 107 itself has been suspended until a certain bill has been disposed of.<sup>88</sup>

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78 VP 1985–87/198–9.

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

80 VP 1964–66/139.

81 VP 1962–63/297–8.

82 VP 1968–69/416.

83 VP 1968–69/417.

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

85 VP 1996/533.

86 S.O. 107.

87 VP 1976–77/565; VP 1993/456.

88 VP 1974–75/639–40.

In 1993 the House suspended standing order 107 for several weeks to allow more time for the debate of legislation (in the context of a Senate deadline for the receipt of bills for consideration during the same period of sittings).<sup>89</sup>

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<sup>89</sup> H.R. Deb. (31.8.93) 524–27 (suspended until 28.10.93).