



NO. 14—DEBATING LEGISLATION UNDER TIME LIMITS

Debate on a bill is not normally subject to overall time limits, although individual speaking times apply (see [Brief Guide No. 4—Rules of Debate](#)). Theoretically, consideration of a bill can continue indefinitely. However, a majority of the Senate may agree with the declaration by a minister that a particular bill is urgent and should be subject to a time limit. Colloquially, such a time limit is referred to as a *guillotine*. This procedure is, in practice, limited to government bills because only a minister may move the necessary procedural motions.

Why are guillotines used?

Where the government can obtain the support of a majority of the Senate, guillotines are used to provide finite debating times for a particular bill or to bring protracted debates to a close. They are most frequently imposed at the end of a period of sittings when the time available to deal with complex or copious legislation is running out. They are also used where a determined minority, by using the debating opportunities open to it, has prolonged debate on a bill. Adoption of a time limit ensures that the questions necessary to determine whether a bill will pass are put to the vote.

How is a time limit initiated?

Only a minister may initiate a time limit. The first step is for a minister to declare that a bill is an urgent bill and move that the bill be considered an urgent bill. The declaration and motion may refer to a single bill or to multiple bills or packages of bills. This motion may not be debated or amended and must be put immediately ([standing order 142](#)).

Non-government senators have contingent notices on the *Notice Paper* to enable them to move, contingent on a bill being declared urgent, that so much of the standing orders be suspended as would prevent the motion being debated. When notice has been given in this way, the suspension of standing orders requires only a simple majority rather than an absolute majority (see [Brief Guide No. 5—Suspension of Standing Orders](#)). The suspension motion may be debated for up to 30 minutes but debate may be foreshortened if any senator moves the *closure* (a motion that the question be now put). These contingent notices potentially enable the limitations built into the process of putting a guillotine in place to be set aside. Contingent notices relating to other parts of the process (or *occasions*) are mentioned below. Only one such contingent notice may be used on any single occasion.

How much time can be spent debating an urgent bill?

Once the motion that a bill is urgent is agreed to, the next step is for a minister to move a motion allotting time for the remaining stages of debate on the bill, or for any particular stage. This may be expressed in terms of hours, minutes or days or it may incorporate specific deadlines. Times may be allotted to each or any of the remaining stages or all remaining stages. For example:

Tariff Amendment Bill—allotment of time	
second reading	1 hour
committee of the whole	2 hours
or	
Tariff Amendment Bill—allotment of time	
second reading	till 9:30pm, Monday 14 December
committee of the whole	till 11:30pm, Monday 14 December
third reading	till 11:45pm, Monday 14 December
or	
Tariff Amendment Bill—all remaining stages 3½ hours	

The motion for the allotment of time may be debated for up to an hour, unless debate is foreshortened by the closure, and it may also be amended. Again, non-government senators have on the *Notice Paper* contingent notices for the suspension of standing orders to set aside this limitation and enable unlimited debate on the motion for the allotment of time. The suspension motion may be debated for up to 30 minutes unless the closure is successfully used. If the suspension motion is unsuccessful, debate on the motion for the allotment of time resumes, unless foreshortened by the closure. Once the allotment of time is agreed to, with or without amendment, the guillotine operates from the time that debate on the bill commences or resumes.

What happens when the allotted time expires?

When the time available has expired, the chair must put the question then before the Senate or the committee of the whole, and any other questions necessary to bring proceedings on the bill to a conclusion. The question is put on any amendments that have been circulated at least 2 hours before the expiration of time.

Alternatively, a minister may move that the allotted time be extended, or a non-government senator may use a third contingent notice to suspend standing orders to enable a motion to be moved for the extension of time or for unlimited time on the bill.

An urgent bill remains urgent until proceedings are finally concluded. If an urgent bill is returned from the House of Representatives, a minister may move a further allotment of time for its consideration.

A “civilised” guillotine?

Where the various parties agree to the allotment of time limits for bills, this is known as a “civilised” guillotine. It is a formal device to manage the time available for considering legislation, employed by consensus.

Need assistance?

For assistance with any of the matters covered by this guide, government senators or their staff should contact the Clerk Assistant (Table), on extension 3020; and non-government senators or their staff should contact the Clerk Assistant (Procedure), on extension 3380.

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This publication is available electronically at <http://www.aph.gov.au/senate/pubs/guides/index.htm>.
