

Chapter summaries

1 The Parliament and the role of the House	1
COMPOSITION.....	1
THE QUEEN.....	1
GOVERNOR-GENERAL.....	1
Appointment.....	2
Historical.....	2
Administrator and Deputies.....	3
Official Secretary.....	4
POWERS AND FUNCTIONS OF THE GOVERNOR-GENERAL.....	4
Prerogative powers.....	4
Dissolution.....	6
New Government commissioned without dissolution.....	10
Advice to dissolve not accepted.....	10
No advice to dissolve.....	11
Functions in relation to the Parliament.....	12
Functions in relation to the Executive Government.....	13
Functions in relation to the Judiciary.....	14
POWERS AND JURISDICTION OF THE HOUSES.....	15
Non-legislative powers.....	15
Section 49.....	15
Section 50.....	16
Legislative power.....	16
THE COURTS AND PARLIAMENT.....	18
Constitutional provisions.....	18
Removal of justices from office.....	20
Parliamentary Commission of Inquiry.....	20
The meaning of ‘misbehaviour’ and ‘incapacity’.....	20
Parliamentary Commission to investigate misbehaviour or incapacity.....	22
The courts as a check on the power of Parliament.....	22
Jurisdiction of the courts in matters of privilege.....	24
The right of Parliament to the service of its Members in priority to the claims of the courts.....	25
Attendance of parliamentary employees in court or their arrest.....	26
Parliament and the courts—other matters.....	26

1 The Parliament and the role of the House—continued

CONSTITUTION ALTERATION.....	26
Constitution alteration bills passed by one House only.....	27
Constitution alteration bills not submitted to referendum.....	28
Referendum.....	29
Distribution to electors of arguments for and against proposed constitutional alterations.....	30
Dispute over validity of referendum.....	30
Referendum results.....	30
Referendums for other purposes.....	32
Review of the Constitution.....	32
ASPECTS OF THE ROLE OF THE HOUSE OF REPRESENTATIVES.....	34
INDEPENDENCE OF THE HOUSES.....	36
FUNCTIONS OF THE HOUSE.....	37
The Government—making and unmaking.....	37
The initiation and consideration of legislation.....	38
Seeking information on and clarification of government policy.....	39
Surveillance, appraisal and criticism of government administration.....	39
Consideration of financial proposals and examination of public accounts.....	39
Inquiry by committee.....	40
Ventilation of grievances and matters of interest or concern.....	40
Receiving petitions.....	40
Examination of delegated legislation.....	41
Prerequisites for fulfilling functions.....	41

2 House, Government and Opposition.....43

GOVERNMENT AND PARLIAMENT.....	43
Relationships.....	43
A note on separation of powers and checks and balances.....	44
The Government and House proceedings.....	45
The Constitution and Executive Government.....	46
Constitutional conventions.....	48
Aspects of ministerial responsibility.....	49
Collective Cabinet responsibility.....	49
Individual ministerial responsibility.....	50
POLITICAL PARTIES.....	52
Leaders and office holders.....	53
Party whips.....	55
Party committees and meetings.....	56
Parties and their effect on the House.....	57

THE MINISTRY	58
Number of Ministers	58
Composition of the Ministry	58
The two-level Ministry.....	59
Coalition Ministries.....	59
Interim Ministries	60
Caretaker conventions.....	60
The Ministry and the Senate.....	60
Prime Minister	61
Treasurer.....	63
Attorney-General	64
Leader of the House.....	65
Cessation of ministerial office.....	66
Resignation	66
Dismissal.....	68
Leave of absence	69
Ministerial assistance.....	70
Parliamentary Secretaries	70
Ministerial salaries.....	72
Office of profit.....	72
Personal or pecuniary interest and related matters.....	73
Declarations of interests.....	73
Standards of ministerial ethics	73
Code of conduct for ministerial staff.....	74
Register and code of conduct for lobbyists.....	74
CABINET	74
Select Cabinets.....	75
FEDERAL EXECUTIVE COUNCIL.....	76
THE (OFFICIAL) OPPOSITION	78
Composition.....	78
Leader of the Opposition.....	79
Shadow Ministry.....	80
Role of the Opposition	81
3 Elections and the electoral system.....	83
THE FIRST ELECTION	83
THE COMMONWEALTH ELECTORAL ACT	83
Review of electoral arrangements.....	84
ELECTORS	84

3 Elections and the electoral system—*continued*

NUMBER OF MEMBERS	85
Territorial representation	86
The growth of the House.....	87
ELECTORAL DIVISIONS	87
Determination of divisions	87
Redistribution.....	89
Parliamentary procedure	90
Limited redistribution.....	91
Improper influence	91
GENERAL ELECTIONS	91
BY-ELECTIONS	92
SENATE ELECTIONS	94
METHOD OF VOTING.....	95
Preferential voting	95
Senate voting.....	95
THE ELECTION PROCESS	96
Issue of writs	97
Close of electoral rolls.....	97
Nomination of candidates	97
Electoral offences	99
Polling day	99
Scrutineers	99
Counting	99
Recount.....	99
Declaration of the poll.....	100
Return of writs	100
Meeting of a new Parliament.....	100
PUBLIC FUNDING AND FINANCIAL DISCLOSURE	101
Pending legislation	101
Public funding for elections	101
Financial disclosure	101
Disclosure threshold.....	102
Unlawful gifts and loans	102
Offences.....	102
DISPUTED ELECTIONS AND RETURNS.....	103

4 Parliament House and access to proceedings 105

THE PARLIAMENT BUILDINGS.....	105
Meetings in Melbourne and provisional Parliament House in Canberra	105

The permanent Parliament House	106
The layout of the building.....	106
THE CHAMBER	107
The Mace	109
Seating.....	110
Bar of the House.....	111
Galleries	112
The Federation Chamber.....	113
Strangers and visitors.....	113
Strangers ordered to withdraw.....	114
Wartime private meetings.....	114
Senators.....	114
Distinguished visitors invited to the floor of the House.....	115
ACCESS TO PROCEEDINGS.....	116
Relations with the media	117
Broadcasting of proceedings.....	118
Radio broadcasts	118
Joint Committee on the Broadcasting of Parliamentary Proceedings.....	118
Televising.....	119
Legal aspects.....	120
Photographs and films of proceedings	120
Televising, recording and photographs of committee proceedings.....	121
Photography, filming, etc inside Parliament House.....	121
Promoting community awareness.....	123
Internet access to the House.....	123
Parliamentary Education Office.....	124
PARLIAMENTARY PRECINCTS AND THE EXERCISE OF	
AUTHORITY	124
The parliamentary precincts.....	124
The parliamentary zone.....	125
The security of the parliamentary precincts.....	126
Entry to Parliament House and galleries	127
Disorder and disturbances.....	127
Application of the law in Parliament House	128
Powers of police in Parliament	129
Demonstrations.....	130
5 Members.....	131
THE MEMBER'S ROLE	131
Parliamentary	131
Constituency	132
Party.....	132
THE MEMBER AND THE HOUSE IN THE DEMOCRATIC PROCESS.....	133

5 Members —*continued*

QUALIFICATIONS AND DISQUALIFICATIONS.....	134
Constitutional provisions.....	134
Electoral Act provisions	135
Challenges to membership.....	135
Section 44(i) of the Constitution	135
Section 44(iv) of the Constitution	136
Section 44(v) of the Constitution.....	137
Section 45(ii) of the Constitution	138
Section 163 of the Commonwealth Electoral Act	139
SWEARING-IN	139
NEW MEMBERS	141
First speech.....	141
PECUNIARY INTEREST	142
Personal interest in committee inquiry	144
Professional advocacy	145
Lobbying for reward or consideration	146
Registration—Committee of Privileges and Members’ Interests.....	146
Proposed code of conduct	148
MEMBERS’ REMUNERATION AND ENTITLEMENTS	150
Review of Parliamentary Entitlements	150
Salaries	150
Electorate allowance and other entitlements	151
Superannuation benefits	152
ATTENDANCE	153
Leave of absence.....	153
VACANCY	154
Resignation	154
Absence without leave	155
Ineligibility	155
Penalty for sitting while ineligible.....	156
Consequences of Member sitting while ineligible	156
Death	156
Expulsion	157
TITLES ACCORDED TO MEMBERS	157
MP (Member of Parliament).....	157
Honourable.....	158
Academic and other titles.....	158
Longest serving Member.....	158
DRESS AND CONDUCT IN THE CHAMBER.....	159
SERVICE ON NON-PARLIAMENTARY ORGANISATIONS	160

6 The Speaker, Deputy Speakers and officers	161
THE OFFICE OF SPEAKER	161
Origins.....	161
The Speaker today.....	162
Impartiality of the Chair.....	163
Period in office.....	165
Party.....	165
ELECTION OF SPEAKER	166
POWERS, FUNCTIONS AND DUTIES	170
Constitutional.....	170
Ceremonial and traditional.....	171
Statutory.....	173
Procedural.....	173
Powers and functions under the standing orders.....	174
Discretionary powers.....	174
Participation in debate.....	176
Questions.....	177
Administrative.....	177
Control over Parliament House.....	177
Parliamentary administration.....	179
Services to Members.....	179
Ex officio membership of committees and associations.....	179
ABSENCE OF SPEAKER AND VACANCY IN OFFICE	180
Vacancy.....	180
Acting Speaker.....	181
Deemed Speaker.....	181
THE SPEAKER'S VOTE	182
Exercise of the casting vote.....	182
To enable a further decision of the House.....	183
To enable debate to continue.....	183
To decide a matter before the House.....	184
Speaker voting in committee.....	186
SOURCES OF PROCEDURAL AUTHORITY	186
Constitution.....	186
Standing orders.....	186
Traditional practice.....	187
SPEAKER'S RULINGS	188
Points of order.....	189
Dissent from rulings.....	189
Interpretation of the Constitution or the law.....	191
CRITICISM OF SPEAKER'S ACTIONS AND CONDUCT	192
Speaker's authority not supported by the House.....	198

6 The Speaker, Deputy Speakers and officers—continued

DEPUTY SPEAKER.....	199
Election of Deputy Speaker	199
Deputy Speaker as Chair of House.....	200
Powers and duties of Deputy Speaker as Chair of the Federation Chamber.....	201
Resignation and vacancy.....	202
SECOND DEPUTY SPEAKER.....	202
SPEAKER’S PANEL.....	203
STAFF OF THE HOUSE AND ADMINISTRATION.....	204
The Parliamentary Service Act	204
Principal staff of the House	205
The Clerk of the House.....	205
Role and functions of the Clerk.....	207
Deputy Clerk and senior staff.....	208
Serjeant-at-Arms	208
The Department of the House of Representatives	209
The other parliamentary departments	209
Department of the Senate.....	210
Department of Parliamentary Services.....	210
Parliamentary Budget Office	210
Bodies advising the Presiding Officers	211
Parliamentary finances	211
House Appropriations and Administration Committee	212

7 The parliamentary calendar.....213

TERMINOLOGY	214
A PARLIAMENT.....	216
Summoning Parliament.....	216
Proceedings on opening day	216
Welcoming ceremony	217
House assembles and Parliament opened	217
Deputy appointed by Governor-General.....	218
Members sworn.....	218
Election of Speaker	218
Presentation of Speaker to Governor-General.....	219
Governor-General’s speech	219
Formal business.....	220
Report of Governor-General’s speech and Address in Reply Committee.....	220
Other business	221
Proposed new arrangements for opening day.....	222
Dissolution	223
Effects of dissolution.....	224

Expiry	224
Prolongation.....	225
A SESSION.....	225
Opening of a new session.....	226
‘Opening’ by the Sovereign	227
First Session	227
New Session.....	228
Prorogation.....	228
Effects of prorogation	230
THE ADDRESS IN REPLY	231
Presentation to House.....	231
Debate	232
Amendments.....	232
Presentation to Governor-General	233
SITTING AND NON-SITTING PERIODS.....	234
Statistics.....	234
Sitting periods	234
Pattern of sittings	234
History of sitting pattern	235
Days and hours of meeting.....	235
Special adjournments	237
Special reassemblies of the House.....	237
8 Order of business and the sitting day.....	239
SITTINGS	239
Definition	239
Two sittings commencing on the one day	240
Length of sittings	240
Joint sittings	241
Joint meetings	241
Addresses to both Houses by foreign heads of state.....	242
Secret sittings and meetings	243
Suspension of sittings	243
Pursuant to standing orders.....	243
Election of Speaker and deputies.....	243
Meeting of a new Parliament	244
Grave disorder.....	244
Lack of quorum.....	244
Pursuant to resolution of the House	244
Practice of the House	244
Meal breaks	245
Other occasions.....	245

8 Order of business and the sitting day—continued

MEETING OF THE HOUSE.....	247
Preliminaries to meeting—the Daily Program.....	247
Meetings at hour other than pursuant to adjournment.....	248
Meeting when House has not adjourned the previous sitting.....	248
ACKNOWLEDGEMENT OF COUNTRY AND PRAYERS.....	249
ORDER OF BUSINESS.....	250
Business on Mondays.....	252
Motions to set or vary the order of business.....	252
Ordinary order of business.....	252
Government business.....	252
Notices and orders of the day.....	252
Determination of precedence.....	253
Postponement of notices and orders of the day—re-arrangement of items of business.....	253
Member absent or failing to rise when notice called on.....	254
Discharge of orders of the day.....	254
Notices and orders of the day not called on.....	255
90 second statements.....	255
Question Time.....	255
Presentation of documents.....	256
Matter of public importance.....	257
Ministerial statements (by leave).....	257
Matters accorded precedence.....	257
Censure or no confidence motions and amendments.....	257
Matters of privilege.....	259
Motions of thanks or condolence.....	259
Motions for leave of absence to a Member.....	259
Announcements of ministerial arrangements.....	259
Swearing-in of Members and announcements of returns to writs.....	260
Other matters that can interrupt the ordinary order of business.....	260
Personal explanations.....	260
Acknowledgment and admission of distinguished visitors.....	260
Announcements and statements by the Speaker.....	260
Committee reports and documents.....	261
Matter of special interest.....	261
Suspension of standing orders.....	261
Points of order.....	262
Disorder.....	262
Absence of a Minister.....	262
NEW BUSINESS RULE.....	263
ADJOURNMENT.....	264
Standing orders provisions.....	264
Motion moved by a Minister.....	265

Automatic adjournment	265
Adjournment of the House	266
Adjournment of the House for special reasons	268
MEETING AND ADJOURNMENT OF THE FEDERATION CHAMBER	268
QUORUM.....	270
Standing orders provisions	270
Quorum at time of meeting.....	270
Quorum during sitting.....	271
Lack of quorum in division	271
Lack of quorum noticed.....	271
Quorum count deferred	273
Resumption of proceedings after count out	273
Quorum in the Federation Chamber	274
DIVISIONS.....	274
Determination of questions arising	274
Number of divisions	274
Entitlement of Members to vote	275
Divisions not proceeded with.....	275
Only one Member calling for division	275
Request for division withdrawn.....	275
Discretion of Chair	276
Recording dissent	276
Procedure during divisions.....	276
Ringing of bells and locking of doors	276
Four or fewer Members on a side.....	277
Appointment of tellers	277
Members to be within area of Members' seats to vote	278
Members not to move places during vote	278
Recording the vote	279
Requirement to vote a certain way	279
Points of order and Members' remarks during a division	280
Successive divisions	280
Deferred divisions.....	280
Record of divisions	281
Division repeated	282
Pairs	282
Proxy voting.....	283
Free votes	283
Proposals for change in division procedure	285
Electronic voting	286
BALLOTING	286

9 Motions	289
DEFINITION OF A MOTION.....	289
NOTICE.....	291
Motions requiring notice.....	291
Motions moved without notice.....	291
Giving notice.....	293
Member absent.....	293
Member suspended.....	293
Notices of matters sponsored by more than one Member.....	293
Need for seconder.....	294
Contingent notice.....	294
Order on the Notice Paper.....	294
Notice amended or divided by Speaker.....	295
Notice altered by Member.....	295
Withdrawal or removal of notice.....	296
FORM AND CONTENT OF MOTIONS.....	296
Authority of the Speaker to amend or disallow.....	296
Length.....	297
Wording.....	297
Rules regarding subject matter.....	297
Unparliamentary words.....	297
Frivolous or rhetorical content.....	298
Sub judice.....	298
Same motion rule.....	298
PROGRESS OF MOTION IN HOUSE.....	299
Motion moved.....	299
Motion seconded.....	300
Motion dropped.....	301
Question proposed—motion in possession of House.....	302
Withdrawal of motion.....	302
Question superseded or dropped.....	303
Question deferred.....	303
Consideration of question interrupted.....	304
Motion declared urgent.....	304
Complicated question divided.....	304
Question put and result determined.....	305
Consideration in the Federation Chamber.....	305
AMENDMENTS TO MOTIONS.....	306
How to move.....	306
Restrictions on Members in moving and speaking to amendments.....	307
Secunder required.....	308
Closures and expiry of time during moving of amendment.....	308

Amendment in possession of House	308
Form and content of amendment	309
Relevancy	309
Intelligible and legible.....	309
Length	309
Consistency.....	309
Same amendment	309
Amendment to earlier part of question.....	310
Amendment to words already agreed to	310
Direct negative.....	310
Omission of all words	311
Alternative propositions.....	311
Other restrictions	312
Order of moving amendments	313
Withdrawal of proposed amendment.....	313
Amendment to proposed amendment.....	313
Putting question on amendment.....	314
Question on amendment—trial of simple form for all cases	314
Question on amendment proposing to omit words—traditional form	315
Main question put as amended	316
MOTIONS AGREED TO—RESOLUTIONS AND ORDERS OF THE	
HOUSE.....	316
Duration	316
Effect	318
Resolution or vote of the House rescinded or varied.....	319
Resolution expunged from records.....	321
MOTIONS OF NO CONFIDENCE AND CENSURE	321
The Government.....	321
Withdrawal of confidence shown by defeat on other questions	322
Prime Minister and other Ministers	325
Censure of Minister or Government by Senate.....	327
Censure of a Member or Senator	327
Censure of the Opposition.....	328
ADDRESSES	328
To the Sovereign.....	329
To members of the Royal Family.....	329
To the Governor-General	330
Resolutions to Sovereign and Governor-General	330
Presentation of Addresses	331
Reply	331
Address to the Presiding Officers	331
MOTIONS OF CONDOLENCE	331
MOTIONS OF THANKS.....	334

9 Motions—continued

MOTION OF APOLOGY	335
MOTION TO DISCUSS MATTER OF SPECIAL INTEREST	335
MOTIONS RELATING TO THE STANDING ORDERS.....	336
Motions to make or amend standing or sessional orders.....	336
Leave of the House.....	336
Motion to suspend standing or sessional orders.....	337
Pursuant to notice.....	338
By leave of the House.....	338
Without notice.....	338
Without notice as a tactical measure.....	339
Debate on motion.....	340
Combined motions.....	341
Absolute majority.....	341
Constitutional validity.....	341

10 Legislation 343

CONSTITUTIONAL PROVISIONS	343
BILLS—THE PARLIAMENTARY PROCESS.....	343
Form of bill	344
Long title.....	344
Preamble.....	345
Enacting formula.....	345
Clauses.....	346
Short title.....	346
Commencement provision.....	347
Activating clause.....	348
Definitions.....	348
Substantive provisions.....	348
Schedules.....	348
Associated documentation.....	349
Table of contents.....	349
Headings and notes.....	349
Explanatory memorandum.....	349
Statement of compatibility with human rights.....	350
Comparative memorandum (black type bill).....	350
Preparation of bills—the extra-parliamentary process.....	350
Synopsis of major stages.....	351
Classification of bills.....	353
Ordinary bill procedure.....	356
Initiation and first reading.....	356
The application of the same motion rule to bills.....	357
Referral to Federation Chamber.....	358

Proceedings in the Federation Chamber	359
Referral to standing or select committee	359
Referral for advisory report.....	359
Bill referred to select committee.....	360
Bill referred directly by Minister	361
Attempted referral by second reading amendment.....	361
Second reading	361
Moving and second reading speech	361
Resumption of debate	363
Nature of debate—relevancy.....	364
Questions during second reading debate	366
Second reading amendment.....	366
Relevancy and content.....	366
Length.....	367
Anticipation of detail stage amendment	367
Addition of words	368
Direct negative	368
Form of amendment.....	368
Moving of amendment	368
Seconding.....	369
Debate and questions put.....	369
Effect of question being put in the form ‘words omitted stand’	370
Effect of agreeing to reasoned amendment	370
Reasoned amendment in the Federation Chamber.....	371
‘6 months’ amendment.....	371
Determination of question for second reading.....	372
Bill reintroduced.....	372
Bill not proceeded with.....	372
Proceedings following second reading.....	373
Reference to legislation committee	373
Leave to move third reading/report stage immediately	373
Former committee of the whole	374
Consideration in detail.....	374
Moving of motions and amendments.....	375
Debate.....	375
Questions put.....	376
Inadmissible amendments.....	376
Bill considered clause by clause	377
Clauses.....	378
New clauses.....	378
Schedules.....	379
Postponed clauses	379
Preamble.....	380
Title.....	380
Reconsideration of part of bill during detail stage	380
Bill considered as a whole, or by parts.....	380

10 Legislation—continued

Report stage (for bills considered by Federation Chamber).....	381
Reconsideration of bill before third reading.....	382
Third reading and final passage.....	383
Rescission of third reading.....	384
PROCEDURAL VARIATIONS FOR DIFFERENT CATEGORIES	
OF BILLS.....	385
Private Members' bills.....	385
Constitution alteration bills.....	386
Absolute majority.....	386
Disagreements between the Houses.....	387
Senate bills.....	387
Introduction and first reading.....	387
Subsequent proceedings.....	388
PROCEDURES TO SPEED THE PASSAGE OF BILLS.....	388
Cognate second reading debate.....	389
Bills considered together.....	390
All stages without delay.....	391
By leave.....	391
Following suspension of standing orders.....	391
Contingent notices.....	391
Programming motions following suspension of standing orders.....	392
Bills declared urgent (guillotine).....	393
Declaration of urgency.....	394
Allotment of time.....	394
Debate and amendment of allotment of time motion.....	396
Variation of allotment of time.....	396
Proceedings under guillotine.....	397
DIVISION OF A BILL.....	398
LAPSED BILLS.....	398
ADMINISTRATIVE ARRANGEMENTS.....	400
Printing and distribution.....	400
Introduced copy.....	401
Third reading print.....	401
Deputy Speaker's amendments.....	401
Clerk's certificate and transmission to the Senate.....	401
Error in certificate.....	402
PRESENTATION OF BILLS FOR ASSENT.....	403
Preparation of bills for submission for assent.....	403
Presentation of first bill for assent.....	404
Governor-General's assent.....	404
Bills reserved for the Queen's assent.....	404
Presentation of double dissolution bills.....	405

Presentation of constitution alteration bills	406
Amendment recommended by Governor-General	407
Errors in bills assented to	408
Publication of Acts.....	408
THE INTERPRETATION OF ACTS	409
Construction of Acts subject to the Constitution.....	409
Regard to purpose or object of Act.....	409
Use of extrinsic material in the interpretation of an Act	409
DELEGATED LEGISLATION	410
Legislative Instruments Act.....	411
Making and registration of legislative instruments	412
Notification of intention and consultation.....	412
Register of Legislative Instruments	412
Sunset provisions.....	412
Parliamentary scrutiny and control	412
Presentation to the House	413
Disallowance	413
Action in the House—giving notice of disallowance	414
Reckoning of time	415
Notice to disallow before presentation.....	415
Approval.....	416
Regulations and Ordinances Committee	417
11 Financial legislation	419
CONSTITUTIONAL PROVISIONS	419
Parliament’s control of government finances by means of legislation.....	419
The Consolidated Revenue Fund.....	419
Financial initiative of the Executive	419
Limits on the Senate’s powers in respect of financial legislation.....	420
Initiation.....	420
Amendment	422
FORMER FINANCIAL PROCEDURES	422
BILLS CONTAINING SPECIAL APPROPRIATIONS.....	423
Procedures peculiar to special appropriation bills	424
Introduction	424
Second reading amendment.....	424
Proceedings following second reading	425
Message recommending appropriation.....	425
Message for amendment.....	426
Consideration in detail	427
APPROPRIATION AND SUPPLY BILLS.....	428
Summary of annual financial legislation	428

11 Financial legislation—continued

Ordinary annual services of the Government.....	429
The components of the annual Budget.....	430
Appropriation Bill (No. 1)—the main appropriation bill.....	430
Message recommending appropriation and introduction	430
Second reading—Budget speech and debate	430
Reasoned amendment.....	431
Consideration by estimates committees.....	431
Consideration in detail.....	432
Amendments	433
Proposed improvements to procedures for consideration of estimates....	433
Appropriation Bill (No. 2).....	434
Appropriation (Parliamentary Departments) Bill.....	434
Budget papers and related documents.....	434
Explanatory memorandums for appropriation bills.....	435
Additional appropriation bills	435
Additional appropriation bills for special purposes.....	436
Supply bills.....	437
Advance to the Finance Minister	437
Advances to the Presiding Officers	438
TAXATION BILLS	438
Procedures peculiar to taxation bills.....	441
Introduction	441
Second reading amendment.....	442
Consideration in detail	442
Customs and excise tariff proposals	443
Consolidation and validation of tariff proposals.....	444

12 Senate amendments and requests..... 445

PROCEDURE FOLLOWING SENATE CONSIDERATION	445
Limitations on Senate power of amendment.....	445
Certain amendments viewed as initiation	445
Agreement by Senate without amendment (or requests).....	445
Senate amendments	446
Further and non-relevant amendments by House.....	448
Rescission of agreement to Senate amendments.....	448
Reconsideration of Senate amendments—rescission of resolution to lay bill aside	449
Reasons	449
Senate requests for amendments.....	449
Bills which the Senate may amend, in parts, and must request, in parts	450
Senate amendments which, in the view of the House, should be made as requests.....	451
Increases in proposed charges or burdens on the people	451

Inquiries into the interpretation and application of the 3rd paragraph of section 53	452
Amendments requiring a Governor-General's message	454
Variation of the destination of an appropriation	455
Bills imposing fees amounting to taxation.....	455
Requested amendments made.....	456
Requested amendments not made	456
Requested amendment not made, but effect achieved by other means	457
Pressed requests	457
Pressed requests and s. 57 of the Constitution.....	462
Division of a House bill by the Senate	462
Proceedings in case of continued disagreement.....	463
SENATE BILLS AMENDED BY HOUSE	464
13 Disagreements between the Houses.....	467
CONFERENCES	467
Informal conference.....	469
SECTION 57 OF THE CONSTITUTION.....	470
DOUBLE DISSOLUTIONS	472
The 1914 double dissolution	472
The 1951 double dissolution	474
The 1974 double dissolution	477
The 1975 double dissolution.....	478
Significance of the constitutional crisis of 1975	483
Tensions in the system of Cabinet government in a State- represented federal system	484
Impact of the 'supply' provisions	485
The 1983 double dissolution.....	486
The 1987 double dissolution.....	487
JOINT SITTING.....	488
The 1974 joint sitting.....	489
High Court cases relating to the joint sitting	491
14 Control and conduct of debate.....	493
MANNER AND RIGHT OF SPEECH.....	494
When Members may speak	494
Matters not open to debate.....	494
General rule—a Member may speak once to each question.....	494
Moving and seconding motions	495
Moving and speaking to amendments.....	495
Leave to speak again	496

14 Control and conduct of debate—continued

Speaking in reply.....	496
Misrepresentation of a speech	497
Personal explanations.....	497
Other matters by indulgence of the Chair	498
Statements by indulgence referred to Federation Chamber	500
Statements by leave	500
Ministerial statements	501
Leave requirement for ministerial statements.....	502
Statements on a topic following suspension of standing orders	502
Allocation of the call	502
List of speakers.....	504
Manner of speech	504
Remarks to be addressed to Chair	504
Place of speaking.....	505
Reading of speeches.....	505
Language of debate	505
Incorporation of unread material into Hansard.....	506
Display of articles to illustrate speeches.....	508
Citation of documents not before the House	510
RULES GOVERNING CONTENT OF SPEECHES	510
Relevancy in debate.....	510
General principles and exceptions.....	510
Cognate debate	511
Persistent irrelevance or tedious repetition	512
Anticipation.....	512
Allusion to previous debate or proceedings	513
References to committee proceedings	513
References to Members.....	514
Offensive or disorderly words.....	514
Reflections on Members	515
Reflections on the House and votes of the House	517
References to the Senate and Senators	518
References to the Queen, the Governor-General and State Governors	518
References to other governments and their representatives	519
Reflections on members of the judiciary	520
Sub judice convention	521
Right to legislate and discuss matters.....	522
Discretion of the Chair.....	522
Civil or criminal matter	523
Chair’s knowledge of the case.....	524
Matters before royal commissions and other bodies	524
INTERRUPTIONS TO MEMBERS SPEAKING	525
Interventions.....	526
Interjections.....	526

CURTAILMENT OF SPEECHES AND DEBATE	527
Curtailment of speeches	527
Time limits for speeches	527
Extension of time	528
Closure of Member	529
Adjournment and curtailment of debate	530
Motion for adjournment of debate	530
Leave to continue remarks	532
Closure of question	532
Guillotine	534
Other provisions for the interruption and conclusion of debates	534
POWERS OF CHAIR TO ENFORCE ORDER	535
Sanctions against disorderly conduct	535
Direction to leave the Chamber	536
Naming of Members	537
Proceedings following the naming of a Member	537
Gross disorder by a Member	540
Removal by Serjeant-at-Arms	541
Grave disorder in the House	541
Disorder in the Federation Chamber	541
Other matters of order relating to Members	542
Questions	543
QUESTION TIME	543
Some historical features	543
Duration of Question Time	545
Number of questions	546
Allocation of the call	546
Supplementary questions	547
RULES GOVERNING QUESTIONS	548
Questioners	549
Private Members	549
Ministers	549
Parliamentary Secretaries	549
Speaker	549
Direction of Questions	549
To Ministers	549
Rostering of Ministers	550
To Parliamentary Secretaries	550
To private Members	551
To committee chairs, etc	552
To the Speaker	553
Length of questions	554

15 Questions—continued

Form and content of questions	554
To relate to Minister's public responsibilities	554
Statutory authorities.....	555
Questions to seek factual information or press for action	556
Debate, argument, etc.....	556
Inferences, etc.....	556
References to debates.....	557
References to committee proceedings.....	557
Information, comment, etc. in questions	557
References to newspaper reports, etc.	558
Questions seeking opinions	559
Announcement of government policy.....	560
Questions regarding persons.....	560
Questions concerning the Crown	561
The sub judge convention.....	562
Language	562
Repetition of questions.....	562
Question without notice similar to question on Notice Paper.....	563
Personal interest	563
Questions requiring detailed response	563
QUESTIONS IN WRITING	564
Notice of question.....	564
Form and content	565
Printing of questions on Notice Paper.....	565
Removal of questions from Notice Paper	565
ANSWERS	565
No obligation to answer	565
Answers to questions put to Ministers representing Senate Ministers.....	566
Answers to questions without notice	566
Addition to or correction of an answer	567
Content of answers and relevance	568
Length of answers.....	570
Answers and the authority of the Chair	570
Answers to questions in writing.....	570
Unanswered questions	572

16 Non-government business..... 573

PRIVATE MEMBERS' MONDAYS.....	574
Order of business on Mondays	574
Selection and programming of business—role of the Selection Committee.....	574
Referral of business listed for the Federation Chamber.....	575
COMMITTEE AND DELEGATION BUSINESS.....	576

Consideration in the House	576
Consideration in the Federation Chamber.....	577
Removal of reports from the Notice Paper.....	577
PRIVATE MEMBERS' BUSINESS	577
Removal of private Members' business from the Notice Paper	578
Consideration in government time.....	578
Voting on private Members' business.....	578
Private Members' motions	579
Private Members' bills.....	580
Drafting.....	582
Financial initiative	583
Impact	584
GRIEVANCE DEBATE	587
Programming and scope of the debate	587
MEMBERS' 90 SECOND STATEMENTS.....	588
CONSTITUENCY STATEMENTS	589
ADJOURNMENT DEBATE	589
Time limits	590
Debate	590
Call of the Chair.....	591
Adjournment debate in the Federation Chamber	591
MATTERS OF PUBLIC IMPORTANCE.....	592
Proposal of matter to Speaker	592
Discretionary responsibility of the Speaker.....	593
Whether matter in order	593
More than one matter proposed.....	594
Criteria for determining a matter in order.....	594
Matter must be definite	594
Public importance.....	594
Ministerial responsibility.....	595
Anticipation	595
Current committee inquiries	595
Sub judice	595
Matter discussed previously.....	595
Matters involving legislation	596
Subject that can only be debated upon a substantive motion.....	597
Matter proposed withdrawn	597
Discussion	598
Matter read to House and supported	598
Matter amended.....	598
Relevance.....	599
Speaking times	599
Interruptions.....	599

16 Non-government business—continued	
Termination of discussion	599
Motion to call on business of the day	600
Suspension of MPI procedure	600
17 Documents	601
DOCUMENTS PRESENTED TO THE HOUSE	601
Method of presentation	602
Time of presentation	602
By the Speaker	602
Pursuant to statute	603
At government initiative	604
Deemed to have been presented	605
By leave	605
By private Members	605
Ministers	605
Pursuant to standing order 201	606
Presented by the Clerk	607
Returns to order	607
Election petitions	607
Returns to writs	608
Parliamentary committee and delegation reports	608
Ministerial statements	608
ORDERS AND RESOLUTIONS IN RELATION TO DOCUMENTS	609
Motion that a document be made a Parliamentary Paper	609
Motion to take note of document	609
Resolutions authorising the production of documents and attendance of House employees in court or other proceedings	610
DISTRIBUTION AND PRINTING OF DOCUMENTS	611
Custody and availability of original documents	611
Release prior to presentation	612
Presentation when Parliament not sitting	612
Parliamentary Papers Series	612
Role of the Publications Committee	613
The Parliamentary Paper function	613
The investigatory function	614
Reports	614
HOUSE DOCUMENTS—AGENDA AND RECORD	615
Notice Paper	615
Items of business	615
Notices	615
Orders of the day	616
Contingent notices of motion	616

Questions in writing.....	616
General information.....	617
Votes and Proceedings.....	617
Accuracy and alterations.....	619
Hansard—the parliamentary debates.....	620
Control of publication.....	621
Correction, deletion and incorporation of material.....	621
Copyright.....	622
PARLIAMENTARY PRIVILEGE RELATING TO DOCUMENTS.....	622
Documents presented to the House.....	623
Committee documents.....	623
Hansard.....	623
Votes and Proceedings.....	624
Notice Paper.....	624
PUBLIC INTEREST IMMUNITY.....	624
The courts.....	625
The Parliament.....	625
PETITIONS.....	628
Definition of a petition.....	629
Rules for the form and content of petitions.....	630
Electronic petitions.....	630
Attachments.....	632
Moderate language.....	632
Rules about signatures.....	633
Forgery of signatures.....	633
Principal petitioner.....	633
Petitions Committee.....	634
Lodging a petition.....	634
Presentation.....	634
Presentation by the Petitions Committee.....	634
Presentation by a Member.....	635
Presentation of out of order petitions.....	635
Motion at time of presentation.....	635
Action taken on petitions.....	636
Referral to a Minister.....	636
Public hearing by Petitions Committee.....	636
Referral to another committee.....	636
Petitions from unusual sources.....	637
Abuse of the right of petition.....	638
Privilege attaching to petitions.....	638

18 Parliamentary committees	639
AUTHORITY FOR THE APPOINTMENT OF COMMITTEES	639
TYPES OF COMMITTEES AND TERMINOLOGY	640
Parliamentary committees	640
Different terminology used for House of Commons committees	641
Federation Chamber—functions and status as a committee	641
Unofficial committees	642
HOUSE STANDING COMMITTEES	642
General purpose standing committees	642
Committees concerned with the operations of the House	643
Committee of Privileges and Members' Interests (S.O. 216)	643
Library Committee (S.O. 217)	644
House Committee (S.O. 218)	644
Publications Committee (S.O. 219)	644
Petitions Committee (S.O. 220)	644
Procedure Committee (S.O. 221)	644
Selection Committee (S.O. 222)	645
House Appropriations and Administration Committee (S.O. 222A)	645
HOUSE SELECT COMMITTEES	645
CONFERRAL WITH COMMITTEES OF THE SENATE	646
JOINT COMMITTEES	648
Joint committees appointed by resolution	648
Joint Standing Committee on the Parliamentary Library	649
Joint statutory committees	649
Joint Committee of Public Accounts and Audit	649
Parliamentary Standing Committee on Public Works	650
Joint Committee on the Broadcasting of Parliamentary Proceedings	651
Other statutory committees	651
APPOINTMENT AND DURATION	651
Committees of the House	651
Joint committees appointed by resolution	651
Joint statutory committees	652
Avoidance of duplication of inquiries	652
Effects of dissolution and prorogation on committees	653
Dissolution	653
Prorogation	653
Different positions taken by the two Houses	654
MEMBERSHIP	656
Eligibility to serve on committees	656
Pecuniary and personal interest	656

Suspension from the House	658
Ex officio members	658
Number of members and party composition	658
Appointment of Members	659
Vacancies.....	659
CHAIR	660
Election	660
Chair required to be government member	660
Chair appointed	661
Procedural authority	661
Administrative authority.....	662
Deputy chair.....	663
COMMITTEE ADMINISTRATION — STAFF AND ADVISERS	663
General principles for the administration of parliamentary committees.....	664
POWERS OF COMMITTEES	666
Source of power.....	666
Derivation and extent of investigatory powers.....	667
Delegation of investigatory power	669
Powers of joint committees.....	670
Statutory secrecy provisions	670
CONDUCT OF INQUIRIES.....	671
Referral of matters for inquiry.....	671
Scope of inquiry and procedures	672
Change to scope of inquiry or procedures	672
Obtaining evidence.....	672
Invitation of submissions	672
Compulsory attendance.....	673
Witness in prison	674
Answers to questions, provision of information	674
Evidence from Commonwealth public servants.....	676
Evidence from State public servants and State Members	677
Evidence from Members and Senators	679
Evidence from former Members and Senators	681
Evidence from parliamentary staff	682
Evidence from judges	682
Public interest immunity.....	683
The Government’s strong position	683
Government guidelines.....	683
Committee practice	684
Documentary evidence—additional considerations	686
Submissions and exhibits.....	687
Search for documents.....	688
Withdrawal, alteration, destruction or return of documents.....	688
Sub judice convention	689

18 Parliamentary committees—continued

Charges against Members	690
Swearing of witnesses	691
Offences by witnesses	692
Protection of witnesses	693
Privacy	693
Counsel or advisers	693
Protection in legal proceedings.....	695
Protection from improper interference, arrest and molestation	696
Protection of persons referred to in evidence	696
Protection of witnesses—joint committees.....	697
Payment to witnesses.....	697
Evidence as to proceedings.....	697
Publication of evidence	698
Authorisation for publication of evidence	698
Limited publication	698
Partial publication.....	699
Media coverage	699
Private or in camera hearings	700
Disclosure of private or in camera evidence.....	701
Disclosure of in camera evidence in dissenting reports	702
Disclosure of in camera evidence after 30 years	703
Resolution on disclosure of in camera evidence	703
Documents treated in confidence	703
Access to old evidence and documents.....	704
Unusual secrecy provisions	704
Unauthorised disclosure or publication of evidence	705
Expunging of material from evidence.....	706
Reports	707
Frequency of reporting.....	707
Drafting and consideration of reports.....	708
Protest or dissent	709
Presentation of reports	710
Oral reports.....	711
Presentation of reports and minutes—joint committees	711
Amendment of presented reports	711
Premature disclosure or publication.....	712
Authority for release when House not sitting	713
Government responses to reports	713
MEETING PROCEDURES.....	714
First meeting.....	714
Time and place of meeting	715
Meetings during sittings of the House	715
Joint committees—meetings during sittings of the Senate	715
Meetings outside Parliament House.....	716
Meetings overseas	716

Quorum	717
Quorum—joint committees	718
Presence at meetings of Members who are not members of the committee	719
Visitors	719
Procedures at hearings	720
Less formal proceedings	722
Inspections	722
Seminars, informal discussions, public meetings and workshops	722
Video and teleconferencing	723
Use of internet	724
Disorder	725
Motions and voting	725
Minutes of proceedings	726
Confidentiality of proceedings and records	727
Televising, filming and recording of proceedings	727
SUBCOMMITTEES	729
19 Parliamentary privilege	731
PRIVILEGE DEFINED	731
Distinction between breach of privilege and contempt	731
THE COMMONWEALTH PARLIAMENT'S PRIVILEGE POWERS	732
Derivation	732
Reference to House of Commons practice	732
Statutory provisions	732
Judicial interpretation of section 49	733
No new privilege may be created except by legislation	734
THE PRIVILEGE OF FREEDOM OF SPEECH	735
Absolute and qualified privilege	736
Proceedings in Parliament	736
Privilege attaching to Hansard reports	739
Use of Hansard and other documents in courts or other tribunals	739
Restriction on use of or reference to parliamentary records	739
Arrangements for the production of parliamentary records	742
Waiver of privilege by House not possible	743
Matters arising when House is not sitting	743
Precedents	744
'Brigance line' Royal Commission	744
Sankey 'Loans affair' prosecution	744
Order of Mr Justice Begg in the case of <i>Uren v. John Fairfax & Sons</i>	744
Royal Commission into Australia's Security and Intelligence	
Agencies	745
Cases involving Mr Justice Murphy and Judge Foord	745
Case involving charges against a Member	746

19 Parliamentary privilege—continued

Freedom of information.....	746
OTHER PRIVILEGES	747
Freedom from arrest	747
House to be informed of the detention of a Member	748
Extension of privilege to others.....	748
Exemption from jury service.....	748
Exemption from attendance as a witness	748
ACTS CONSTITUTING BREACHES OF PRIVILEGE AND CONTEMPTS.....	749
Misconduct.....	750
In the presence of the House or a committee.....	750
Disobedience to the rules or orders of the House.....	750
Abuse of the right of petition.....	751
Forged or falsified documents	751
Conspiracy to deceive	751
Deliberately misleading the House.....	751
Corruption in the execution of their office as Members.....	752
Lobbying for reward or consideration.....	753
Improper interference with and obstruction of Members and House employees in the discharge of their duty	753
Attempts by improper means to influence Members in the performance of their duties	754
The offer of a benefit or bribe.....	754
Intimidation etc. of Members.....	754
‘Bankstown Observer’ (Browne/Fitzpatrick) Case.....	754
Case involving Hon. G. Scholes MP.....	755
Cases involving letters written by Members	755
Case involving Mr Katter MP	756
Brown case (UK).....	756
Chairman of the Sydney Stock Exchange Case	756
Offences against witnesses.....	757
Berthelsen Case and other cases.....	757
Acts tending indirectly to obstruct Members in the discharge of their duty.....	758
Reflections on Members	758
Premature publication or disclosure of committee proceedings, evidence and reports	758
Other offences	760
Interference with the administration of the Parliament.....	760
PENAL JURISDICTION OF THE HOUSE.....	760
Power and source.....	760
Commitment	762
Form of warrant.....	762
Imposition of a fine.....	763

Reprimand or admonishment.....	763
Apology.....	764
Exclusion of persons from precincts.....	764
PUNISHMENT OF MEMBERS	764
Apology by Member	765
Suspension	765
Former power of expulsion	766
MANNER OF DEALING WITH PRIVILEGE AND CONTEMPT	766
Raising of matter.....	766
Determination of whether a matter can be accorded precedence	767
Matter not accorded precedence.....	768
Matter arising in committee proceedings.....	769
Matter arising when the House is not sitting.....	769
Recommended changes	769
Committee of Privileges and Members' Interests	769
Membership.....	769
Authority and jurisdiction	770
Procedures	771
Reports	773
Proceedings following report.....	773
Records of the committee.....	774
CITIZEN'S RIGHT OF REPLY	774
Submissions from persons referred to in debate	774
LIMITATIONS AND SAFEGUARDS IN THE USE OF PRIVILEGE.....	776