

8 Notices of motion

1. What is a notice of motion?

All decisions of the Senate begin as motions moved by senators. The first step is usually for a senator to **give notice** of his or her intention to move a motion. A notice of motion therefore signals a potential decision of the Senate.

Notice is required for all motions except where the standing orders provide otherwise. (For a list of motions not requiring notice see [chapter 9](#) of *Odgers' Australian Senate Practice*.)

Notices of motion may seek the Senate's endorsement of an issue of domestic or foreign policy or recognition of a particular achievement or event. Others relate to the machinery of Senate business and include notices for the introduction of bills or relating to the Senate's routine of business. A third category proposes an exercise of the Senate's powers to, for example:

- refer a matter to a committee for inquiry
- establish a select (or special purpose) committee
- require ministers to place certain documents or information on the public record
- require the appearance of witnesses before committees; and
- disallow an instrument of delegated legislation (see [Guide No. 19](#)—Disallowance).

2. How is notice given?

Each day time is set aside for giving notice. This occurs at approximately 3.30 pm on Mondays, Tuesdays and Wednesdays, and at approximately 11.15 am on Thursdays. A senator gives a notice:

- by handing a signed copy to the Clerk or lodging it with the Sub-Table Office, before the time for giving notices; or
- by seeking the call in the Senate at the time for giving notices, giving the notice orally and handing a signed copy to the Clerk.

One category of notices is not subject to the usual time limit: a notice of motion to refer a matter to a legislative and general purpose standing committee may be handed to the Clerk at any time before the adjournment is proposed, or given orally in the Senate between items of business. Notices are published in the aptly-named [Notice Paper](#).

The purpose of a notice is to give advance warning of a proposed decision. Therefore, a notice has no effect, and cannot be used, on the day it is given.

3. Are there rules about the content of notices?

The standing orders set out the rules for notices ([standing order 76](#)). In essence, a notice must:

- be legible and signed by the senator giving it
- show the day proposed for moving the motion—usually the next sitting day, a specific date, a number of sitting days into the future or at the occurrence of a specific contingency (see below)
- consist of a clear and succinct proposed resolution or order of the Senate
- relate to matters within the competence of the Senate

and must not:

- contain statements, quotations or other matter not strictly necessary to make the proposed resolution or order intelligible
- for a general business notice of motion—exceed 200 words, unless it is a motion:
 - (a) for the consideration of legislation or the conduct of Senate or committee business (including the appointment of a select committee), or
 - (b) proposing an order for the production of documents.

Notices are edited for the *Notice Paper* and the President may delete extraneous matter, require a senator to reframe a notice if it does not comply with the standing orders, or ask the Clerk to divide it into two or more notices if it contains matters not relevant to each other, including to ensure that motions meet the definition of a particular category of business or are eligible for consideration as formal business. Notices may be given in general terms with the complete version being handed to the Clerk. Two or more senators may give the same notice.

4. Contingent notices

Contingent notices specify a set of conditions under which a senator may move a certain motion: if **an event** happens, Senator A may move **a motion**. Most contingent notices provide for standing orders to be suspended to enable a senator to take an action that the standing orders would otherwise prevent. An absolute majority of the Senate (39 senators) must agree to a suspension of standing orders where it is moved without notice. Where notice has been given, however, only a simple majority is required (a majority of senators voting). In most cases, senators use contingent notices to attract the lesser requirement of a simple majority in favour of the suspension. Examples of contingent notices may be found in any day's *Notice Paper* in the section called "Contingent Notices" (for more detail see [Guide No. 5](#)—Suspension of Standing Orders).

5. Who "owns" a notice of motion?

A notice of motion belongs to the senator who gave it until the motion is moved. Then it belongs to the Senate. Before moving a motion, a senator may alter its terms or change the day for moving it (see below). A senator may also withdraw a notice of motion when it is called on or at any time before it is moved. Because the senator "owns" the notice, leave is not required to withdraw it, although special rules apply to the withdrawal of disallowance notices (see [Guide No. 19](#)—Disallowance). Notices of motion which are neither moved nor withdrawn remain on the *Notice Paper* until the end of a Parliament when all business lapses.

6. Amending a notice of motion

Notices may be amended by a senator before they are moved, in one of two ways. Senators may alter their notices in writing before the day on which the motion is to be moved by way of a letter to the Clerk ([standing order 77](#)), which can be provided to the Sub-Table Office before adjournment. The amended notice is then published in the next day's *Notice Paper*. Senators may also amend notices before moving them, provided that leave (unanimous consent of all senators present in the chamber) is given. If this method is chosen, senators should sign a copy of the changes and give it to the Clerk. If the changes are substantial, it is often useful to arrange to have them circulated to other senators in the chamber prior to seeking leave to amend.

7. Changing the day for moving a motion

A notice may be postponed under [standing order 67](#), or the day for moving it may be put back, but not brought forward, by letter under [standing order 77](#) (in the same way as the terms of a notice may be altered by letter—see above).

To postpone a notice under standing order 67, senators should ask their whips to take the necessary action or fill in a [proforma](#) and lodge it with the Clerk. Proformas are also available from the Table Office or the Clerk Assistant (Procedure), and [online](#). When the time comes for postponing or rearranging business, the Clerk reads out the list of postponements received for that day and these items are taken to be postponed unless any senator requests that the Senate itself determine the postponement of any item by a vote.

A senator may also postpone business at the last minute by seeking leave in the chamber to move a motion to do so.

8. Discovery of formal business

On each sitting day, there is an opportunity for some motions to be “fast tracked”; that is, moved and determined (or voted on) **without debate**. This is known as **discovery of formal business** and it occurs shortly after the time provided each sitting day for notices to be given for another day ([standing order 66](#)).

A senator who wants to use this opportunity should, when the President asks “Are there any formal motions?”, seek the call and ask for a particular notice of motion to be “taken as formal”. If no senator present objects, the senator may then move the motion for immediate determination. Notices of motion may be dealt with in this way if there is unanimous consent. To facilitate this process, the Red lists all notices of motion that may be considered that day under the “formal motions” item.

Which notices can be taken as formal?

Most notices of motion fall into one of three main categories of business: business of the Senate, government business or general business (see [Guide No. 4—Categories of Business](#)). While all business of the Senate and government business notices of motion may be dealt with as formal, there are restrictions on the types of general business notices of motion that may be dealt with in this way. Only general business notices of the following types may have formality requested:

- for the consideration of legislation (including the introduction of bills);
- relating to the conduct of Senate business;
- relating to the conduct of committee business (including the appointment of a select committee); and
- proposing an order for the production of documents (including proposing further action in relation to an order for the production of documents).

What happens if there is an objection?

An objection from any senator prevents a notice of motion being dealt with as a formal motion. If the notice is a business of the Senate or government business notice, this rarely matters because such notices will be called on later in the normal course of the day’s business and may be moved **and debated** then.

When an objection is raised to a general business notice of motion being dealt with as a formal motion, the senator in charge of it has two choices. The first choice is to do nothing. In this case, the notice of motion remains on the *Notice Paper* but the opportunity to “discover” (or fast-track) it has been lost. It may, however, be moved, by leave, at another time or it may be selected for

debate during the time set aside for general business on Thursday afternoons, and moved and debated then (see [Guide No. 4](#)—Categories of Business under Consideration of general business).

The second choice is for a senator to move to suspend standing orders to bring on either a vote or a debate on that item: see [Guide No. 5](#)—Suspension of standing orders.

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 or ca.table.sen@aph.gov.au, and non-government senators or their staff should contact the Clerk Assistant (Procedure), on extension 3380 or ca.procedure.sen@aph.gov.au.

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