

8. MOTIONS

A motion is a formal proposal made to the House that it take action of some kind—for example, that the House do something, order something to be done or express a particular opinion. The moving of and voting on a motion is the basic building block of parliamentary procedure. Decisions of the House are made by it agreeing to a motion, including decisions on the management of its own affairs.

The passage of legislation, which takes up the largest part of the time of the House, is based on the House agreeing to a series of motions (for example, 'That the bill be now read a second time'). The proceedings of the House are controlled by machinery or procedural motions (for example, 'That the debate be adjourned').

Motions may be classified as substantive motions—self-contained items of business for consideration and decision; or as subsidiary motions—amendments to motions and ancillary or procedural motions.

In summary, the steps in the processing of a motion by the House are:

- a Member gives notice (if necessary);
- the Member moves the motion;
- another Member seconds the motion (if necessary);
- the Chair proposes the question;
- Members debate the question;
- [Members may move amendments, which are debated and voted on];
- the Chair puts the question [as amended]; and
- the House makes its decision.

When a motion is agreed to, it becomes an order or resolution of the House.

Notice

Notice—that is, advice in advance of what is to be considered—is necessary to avoid decisions being taken without the prior knowledge of Members (and the opportunity to consider the matter and prepare). A Member may not, except by leave of the House, or unless it is otherwise provided by the standing orders, move any motion unless notice of the motion has first appeared on the Notice Paper (S.O. 111). Generally, substantive motions require notice. Procedural motions are often moved without notice, cannot be amended or debated, and must be voted on immediately.

A notice of motion states the full terms of the motion proposed to be moved. A notice of intention to present a bill specifies the title of the bill (see p. 63). The following procedures apply to both.

Giving notice

Notice is given by delivering a copy of the terms of the notice to the Clerk at the Table during a sitting of the House (S.O. 106). Members may hand notices directly to the Clerk, or take them to the Table Office, from where they are forwarded to the Chamber as soon as possible. Electronic proformas for notices are available from the Senators' and Members' Services Portal and the House Connect intranet site.

A notice must be signed by the mover and a seconder. In practice a seconder is not required for notices given by Ministers, as they are assumed to have the backing of the Government. A notice must also show the day proposed for moving the motion (S.O. 106(b)); almost invariably notices are given for 'the next sitting'.

Member absent

If a Member is absent, another Member, at his or her request, may give a notice of motion for the absent Member. The Member giving the notice on another Member's behalf must put his or her own signature and the name of the absent Member on the notice (S.O. 107). Notices are not received from a Member suspended from the service of the House (see p. 43).

Notice disallowed

The Speaker may disallow notices which are too lengthy or which do not contain a proposition but give information.

The Speaker may disallow any motion which is the same in substance as any question which, during the same session, has been resolved (in the affirmative or negative) (S.O. 114(b)).

Rules applying to the content of debate also apply to notices and motions—for example, a motion should not contain offensive words (see p. 37) or relate to matters which are *sub judice* (see p. 38).

Changes to notices

A Member who has given a notice of motion may change the terms of the notice or the day proposed for moving the motion. These changes must be notified to the Clerk in writing in time for the amendment to appear on the Notice Paper (S.O. 110). An amended notice must not exceed the scope of the original notice.

The Speaker must amend a notice if it contains inappropriate language or does not conform with the standing orders. If a notice contains unrelated matters the Speaker may divide the notice (S.O. 109).

A Member who gives notice of a motion may move its postponement without notice (S.O. 112). A Member may withdraw the notice by notifying the Clerk in writing before the notice is called on (S.O. 110(c)).

Notices received by the Clerk are entered on the next issue of the Notice Paper and are not effective until they appear on the Notice Paper (S.O. 108).

Moving the motion

The order in which motions are called on for consideration is the order in which they appear on the Notice Paper (S.O. 112) (see p. 25). Any motion before the House must be voted on, or debate on the motion adjourned, before another (substantive) motion can be moved. A Member may move a motion only after notice of the motion has appeared on the Notice Paper, unless he or she does so by leave of the House or as otherwise provided in the standing orders (S.O. 111). A Member cannot move a motion on behalf of another Member, except that a motion standing in the name of a Minister may be moved by any other Minister (or Parliamentary Secretary).

Interruptions to the moving of a motion

While a Member is formally moving the terms of a motion allowed under the standing orders, the motion 'That the Member be no longer heard' may not be moved (S.O. 80) but such a motion may be moved after the Member has formally moved the motion and is speaking to it. The motion 'That the question be now put' cannot be moved until after the question has been proposed from the Chair—and that is not until after the motion has been moved and, where necessary, seconded (S.O. 81).

Seconding

Unless otherwise provided for in the standing orders, a motion must be seconded. Exceptions include motions moved by Ministers and certain motions moved by the Chief Government Whip (S.O. 116).

After the Member moving the motion has finished speaking the Chair calls for a seconder. The seconder need not be the Member who signed the notice of motion as seconder. The seconder may speak to the motion immediately or inform the House that he or she reserves the right to speak later during the debate (S.O. 70). Alternatively, a seconder may choose only to second the motion—he or she does not have to speak to it. Motions which are not seconded (when seconding is necessary) are dropped—that is,

consideration ceases and the moving of the motion is not recorded in the Votes and Proceedings (S.O. 116(a)).

Seconders are specifically required for motions of dissent to a ruling of the Speaker (S.O. 87) and motions without notice to suspend standing orders (S.O. 47(c)).

Question proposed by the Chair—debate

Once a motion has been moved and, if necessary, seconded, the Chair proposes the question to the House—that is, places the motion before the House for debate (S.O. 117(a)). The ‘question’ is the matter before the House for decision. Only one question can be considered by the House at a time. When the question is first proposed to the House by the Chair it is the same as the motion moved. In proposing the question, instead of reading the motion out in full, the Chair usually announces ‘The question is that the motion be agreed to’.

Unless the motion is one on which, under the standing orders, no amendment may be made or no debate allowed (see p. 30), it is then in order for any Member to speak to the motion or move an amendment.

The various procedural motions that can be used to adjourn or limit debate are outlined at page 39.

Withdrawal of question

Once proposed from the Chair, the question is in the possession of the House and cannot be withdrawn without leave (S.O. 117(b)).

End of debate—question put

Debate finishes when:

- the mover of the motion has spoken in reply to matters raised in debate;
- no further Member rises to speak;
- the House agrees to a motion that ‘the question be now put’ (the closure); or
- the time allotted by the standing orders (or by any guillotine) expires.

After the debate has concluded the Chair puts the question to the House for decision (S.O. 117(c)), for example: ‘The question is: That the motion be agreed to. Those of that opinion say “Aye”; of the contrary “No”. I think the “Ayes” (or “Noes”) have it.’ The question at this stage may be different from the original motion moved, depending on whether amendments have been agreed to (S.O. 118). Again, instead of reading out the motion (or the motion

as amended) in full the Chair usually states 'The question is that the motion be agreed to', or 'The question is that the motion as amended be agreed to'.

A question once put is immediately voted on (see p. 55).

Amendments

An amendment is an alteration proposed or made to a motion or a bill. An amendment starts in the form of a subsidiary motion proposing to alter the wording of the motion or bill under consideration.

An amendment must be worded as a proposal to omit certain words and/or insert or add words (S.O. 121(a)). It is permissible, by way of amendment to move to leave out all the words of a motion except the initial word 'That' and substitute other words relevant to the motion. The Clerks can assist Members to draft amendments.

Relevance

Every amendment must be relevant to the question it proposes to amend (S.O. 121(c)), except that irrelevant amendments may be moved to the second reading of the main appropriation and supply bills (see p. 81) and to the grievance debate question (see p. 107).

Disallowed amendments

Standing order 123 lists restrictions to amendments:

- a proposed amendment must not be inconsistent with a previous decision on the question (S.O. 123(a));
- an amendment may not be moved to an earlier part of the question after a later part has been amended or after an amendment to a later part has been proposed and the proposal has not, by leave, been withdrawn (S.O. 123(b));
- when an amendment seeks to omit words in the main question in order to insert or add others, the question 'that the words proposed to be omitted stand part of the question' must be determined before further amendments to amend the words proposed to be inserted or added may be moved (S.O. 123(c));
- only an amendment which adds other words may be moved to words which the House has resolved stand part of the question, or which have been inserted in, or added to, a question (S.O. 123(d)); and
- each proposed amendment shall be disposed of before another amendment to the original question can be moved (S.O. 123(e)).

The practice of the House disallows amendments which:

- if carried, would make the motion to which it is moved unintelligible; or
- is merely a direct negative (for example the insertion of the word 'not' into a proposition).

Rules applying to the content of notices and motions (see p. 47) also apply to amendments. Matters which should be raised only by means of a substantive motion (see p. 37) may not be raised by way of an amendment.

Availability of amendment

While the standing orders do not require notice of an amendment, Members who wish to move amendments to bills or to motions should ensure that they are submitted to one of the Clerks in sufficient time for them to be checked for compliance with the standing orders and for a printed stock for distribution to be produced.

A Member proposing to move an amendment may determine the time at which he or she would wish copies of the amendment to be made available to other Members. However, as a working rule, amendments (especially those relating to the text of bills) should be available as early as possible so as to enable other Members to study the effect of each amendment before it is put before the House or Federation Chamber for debate and decision.

Moving and seconding

An amendment may be moved only while the item to be amended is before the House—that is, after it has been moved and, if necessary, seconded, and after the question has been proposed from the Chair. Each proposed amendment must be disposed of before another amendment to the original question can be moved (S.O. 123(e)).

The amendment must be submitted in writing and be signed by the mover and by the seconder, if a seconder is required. A seconder is not required when an amendment is moved by a Minister, or for amendments moved during consideration in detail of a bill or consideration of Senate amendments to a bill. An amendment moved but not seconded (when seconding is necessary) is dropped—that is, it cannot be debated and it is not recorded in the Votes and Proceedings (S.O. 121(b)).

During the consideration in detail stage of bills it is common for leave to be granted for amendments (from the same Member) to be moved together.

Withdrawal of amendment

After an amendment has been proposed by the Chair it may be withdrawn, by leave (S.O. 121(d)).

Amendments to amendments

An amendment can be made to a proposed amendment as if the proposed amendment were an original question (S.O. 124).

An amendment may be moved to words proposed to be inserted or added. When it is moved to omit words in the main question in order to insert or add others, no amendment to the words proposed to be inserted or added can be moved until the question 'that the words proposed to be omitted stand part of the question' has been determined (S.O. 123(c)).

Question on amendment

If no Member objects, the Chair puts the question on an amendment in the form 'That the amendment be agreed to' (S.O. 122(b)). This is the normal practice; the alternative ways of putting the question described below are no longer used:

- When the proposed amendment is to omit certain words, the Chair puts the question in the following manner, 'That the words proposed to be omitted stand part of the question' (S.O. 122(a)(i)).
- When the proposed amendment is to omit certain words in order to insert or add other words, the Chair puts the question, 'That the words proposed to be omitted stand part of the question'. If this question is resolved in the affirmative, the amendment is disposed of. If negated, the Chair puts a further question 'That the words proposed be [inserted or added]' (S.O. 122(a)(ii)).
- When the proposed amendment is to insert or add certain words, the Chair puts the question, 'That the words proposed be [inserted or added]' (S.O. 122(a)(iii)).

When an amendment has been agreed to, the main (original) question is put as amended (S.O. 118(a)). When an amendment has been moved but has not been agreed to, the question is put as originally proposed (S.O. 118(b)); this includes occasions when a closure has been agreed to before the question on the amendment has been put from the Chair.

Debate

A Member who has already spoken before an amendment is moved can speak again to the amendment. Other Members speaking after the moving

of the amendment are deemed to be speaking both to the original question and to the amendment and cannot speak again.

Amendments to bills

Amendments moved at the second reading, consideration in detail, and third reading stages of bills are covered at pages 68, 71 and 73 respectively.

Special types of motion

Motion to suspend standing orders

Motions to suspend standing orders are covered at page 2.

Motion of condolence

By practice of the House a motion of condolence is moved without notice. It is usually moved by the Prime Minister and seconded by the Leader of the Opposition. Condolence motions are normally given precedence over other business (S.O. 49), although recent practice has been for them to be moved at 2 pm (i.e. immediately prior to question time) rather than at the beginning of the day. Time limits do not apply, although individual speeches are usually quite brief. Debate may be interrupted and resumed at a later hour the same day. At the conclusion of the speeches the Speaker puts the question and asks Members to signify their approval of the motion by rising in their places for a short period of silence. Depending on the circumstances, a condolence motion has on occasion been followed by a suspension of the sitting to a later hour or by an adjournment to the next sitting. However, this is no longer the usual practice. Sometimes debate on the motion is resumed in the Federation Chamber.

Motion of thanks

Like motions of condolence, motions of thanks are normally given precedence over other business (S.O. 49). While formal motions of thanks are not common, motions expressing congratulation, appreciation or gratitude in practice receive similar precedence. Such motions have usually been moved by leave, although they have also been moved following the suspension of standing orders. Time limits do not apply. As with condolence motions, debate may be continued in the Federation Chamber.

Censure or no confidence motion

A motion on notice, or an amendment of a motion, which expresses censure of or no confidence in the Government has priority over all other business

until it is disposed of by the House. This is conditional on it being accepted by a Minister as a motion or amendment of censure or no confidence (S.O. 48).

Acceptance of the motion or amendment by a Minister in the terms of standing order 48 is notified either formally in the House or to the Clerk of the House. Such a motion attracts extended speaking times for those participating in the debate (S.O. 1).

If such a motion is not accepted by a Minister in the terms of standing order 48, it does not have precedence and is listed on the Notice Paper under private Members' business. Speaking times are the same as for a normal motion. However, it is common for Members, instead of lodging notices of such motions, to move to suspend standing orders to enable them to be moved immediately, or for the substantive motion to be moved by leave.

If such motions are debated by leave or following a suspension of standing orders they have the same time allocation as other debates not otherwise provided for (S.O. 1).

Motion to discuss matter of special interest

At any time when other business is not before the House a Minister may indicate to the House that it is proposed to discuss a matter of special interest on which it is not wished to form a motion in express terms. The motion moved is 'That . . . be considered by the House'. The Minister may move a motion allotting time to the debate and may withdraw the motion at the end of the allotted time (S.O. 50). In practice the matter of special interest procedure is rarely used.