



Cabinet Office

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Circular

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Intended for

- All Ministers
- All Chief Executives
- Chief Parliamentary Counsel
- Clerk of the House of Representatives
- All Senior Private Secretaries
- All Private Secretaries

Amended Standing Orders: Implications for First Reading Speeches

Introduction

- 1 Periodically, the Standing Orders Committee undertakes a review of the Standing Orders, procedures and practices of the House of Representatives. In October 2011, the House adopted the Committee's recommendations to amend the Standing Orders with effect from 21 October 2011.
- 2 The review included amendments to Standing Orders 281 to 286, which set out the process for the first reading of a government bill and its referral to a select committee for consideration.
- 3 In order to ensure that select committees have sufficient time to consider bills, the Standing Orders now provide that Ministers' instructions to select committees and/or reduced select committee consideration of bills are debatable motions. The paragraphs below provide assistance for Ministers during a first reading debate.

First reading debate procedures

- 4 During the first reading of a bill, immediately after the Clerk of the House has called the bill, the Minister in charge of a bill should rise and seek the call from the Speaker. The Minister says:

Madam/Mr Speaker, I move that the [name of bill] be now read a first time

then carries on into the speech without a pause.

- 5 It is a requirement under Standing Order 283(1) that the Minister, at the commencement of his or her speech, nominate the select committee he or she intends to consider the bill, as well as whether it is proposed to move for any special powers or give an instruction in respect of the select committee's consideration of the bill.

- 6 As an illustration of the fulfilment of Standing Order 283(1), the second sentence of a first reading speech would be:

I nominate the XYZ Committee to consider the bill.

- 7 If the Minister wishes to move any special powers or give any instructions to the committee, the Minister would then say:

At the appropriate time I intend to move that the bill be reported to the House by [xx date], and that the committee have authority to meet at any time while the House is sitting (except during oral questions), during any evening on a day on which there has been a sitting of the House, and on a Friday in a week in which there has been a sitting of the House, despite Standing Orders [188 and 191(1)(b) and (c)].

- 8 If the Minister wishes to move an instruction that would require the bill to be reported by a date that is between 4 and 6 months, and there is a possibility that the first reading will not be completed by the conclusion of that day's sitting and an adjournment follows, it is possible for the Minister to say:

At the appropriate time I intend to move that the bill be reported to the House by a date that is 4 months and xx days from the day that the bill receives its first reading, and...

- 9 At the end of the delivery of the Minister's speech, the Minister (or the stand-in Minister) must provide written notice of any instruction to the Clerk at the Table [Standing Order 283(2)]. The portfolio private secretary must provide the Minister with a separate copy of the notice for that purpose. The proposed motion is available for inspection by members. The Minister or another member cannot subsequently during the debate rectify any omission of all or part of a proposed instruction from the Minister's speech. Unless the leave of the House is obtained, an intended instruction or special powers not covered in the first speech cannot be moved.

- 10 An instruction should not purport to authorise the select committee to exercise a power that is already within its authority. For example, if the Minister wishes the committee to address a particular matter within the scope of the bill then that is material for inclusion in the body of the Minister's speech.

- 11 At the end of the Minister's speech, the Speaker proposes the question to the House:

The Question is, *That the motion be agreed to.*

- 12 Up to 11 other members may then speak for 10 minutes in the first reading debate. The Minister does not have a right of reply. The debate ends when the allowed number of speeches has concluded or there are no further members seeking the call.

- 13 After the final speech, the question is put by the Speaker:

The Question is, *That the [name of bill] be now read a first time.*

- 14 A question may be carried on the voices or a party vote held.

- 15 After the House agrees to the first reading, the Clerk at the Table "reads" the bill by saying:

[name of bill] – first reading.

- 16 If the first reading is agreed to, the bill stands referred to a select committee for consideration unless the House has accorded urgency to the bill [Standing Order 280]. The select committee must consider the bill and finally report on it to the House within 6 months of its referral, in default of another date being specified in the referral motion. Appropriation bills and Imprest supply bills do not stand referred to a committee.

Resolution nominating select committee to consider bill

- 17 Immediately after the bill is read by the Clerk, the Speaker puts a question on the committee nominated to consider the bill. The question the Speaker puts is:

That the [name of select] Committee consider the [name of bill].

Amendment to nominated committee

- 18 During the first reading debate, any member may nominate another committee to consider the bill. If this happens, the Speaker will first put the question on the committee nominated by the Minister. Only if this is lost, will the Speaker put a question on any other nomination.

Reduced select committee consideration: over four to six months

- 19 Where the Minister intends to reduce the amount of time the committee will have to consider the bill, the Minister moves:

That the XYZ Bill be reported to the House by [period of over 4 months but less than six months – specify the date from the Minister’s speech].

- 20 The Minister does not speak to this motion. The question is put without debate.

Reduced select committee consideration: four months or less

- 21 Where the Minister intends to reduce the amount of time that the committee has to consider the bill to 4 months or less, the Minister moves:

That the XYZ Bill be reported to the House by [period less than 4 months].

- 22 The Minister speaks to this motion. At the end of the Minister’s speech, the Speaker proposes the question to the House:

The Question is, *That the motion be agreed to.*

- 23 Members may speak for 10 minutes in this debate. This debate is not time-limited and concludes when no further members seek the call or when a closure motion has been accepted.

- 24 After the final speech or the closure is accepted, the question is put by the Speaker:

The Question is, *That the motion be agreed to.*

- 25 The question may be carried on the voices or a party vote held.

Instruction and reduced timeframe of less than six months

- 26 If the Minister intends to move an instruction as well as a reduced timeframe of less than six months, the Minister moves:

That the XYZ Bill be reported to the House by [xx date], and that the committee have authority to meet at any time while the House is sitting (except during oral questions), and during any evening on a day on which there has been a sitting of the House, and on a Friday in a week in which there has been a sitting of the House, despite Standing Orders [188 and 191(1)(b) and (c)].

- 27 The Minister speaks to this motion. At the end of the Minister's speech, the Speaker proposes the question to the House:

The Question is, *That the motion be agreed to.*

- 28 Members may speak for 10 minutes in this debate. This debate is not time-limited and concludes when no further members seek the call or when a closure motion has been accepted.

- 29 After the final speech or the closure is accepted, the question is put by the Speaker:

The Question is, *That the motion be agreed to.*

- 30 The question may be carried on the voices or a party vote held.

Amendments to the motion

- 31 An amendment to the motion to alter any proposed special powers, can be moved by another member. The amendment is moved during the member's speech and is debated as part of the debate on the motion.

Business Committee can determine report date and instruction

- 32 The Business Committee can determine the report date and instruction to a committee. It can also fix the time for a report of a bill and determine that a select committee may meet when the House is sitting or on a Friday in a week when there has been a sitting of the House. This process is an alternative to moving the motions set out in paragraphs 16-30 above on the floor of the House. It may be done prior to the first reading, and if agreed to, will be published as a determination. The Minister in charge of the bill should consult with the Leader of the House regarding raising such issues with the Business Committee. In this case, all the Minister would need to do in his or her speech is to nominate the committee to consider the bill.

Further guidance

- 33 The Office of the Clerk can assist private secretaries with the text of a proposed instruction.
- 34 The Legislation and House Procedure handbook will be updated to reflect the advice set out in this circular.

Secretary of the Cabinet

Enquiries:

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