

Chapter 17 Amendments to Motions

(For amendments to bills see section 21.7 of Part One).

17.1 Form of amendments

An amendment is an alteration proposed to be made, or made, to a motion. Amendments may be moved to leave out words; to omit words with a view of inserting or adding other words; or to insert or add other words (S.O. 157).

Members must be able to understand the exact effect of every question upon which they are called to vote and this particularly applies to amendments. This aim may only be achieved when a motion proposed to be amended, which deals with complicated issues, is separated into two or more distinct questions.¹

When the question is proposed to agree to a bill in principle (formerly the second reading stage) amendments may be moved to the question to provide for the debate on the motion to agree to a bill in principle to take place at some future time (S.O. 200), to refer the bill to a committee (S.O. 198)² or to defeat a bill (i.e. that the bill be disposed of) (S.O. 199). After a bill has been considered in detail (formerly the committee of the whole stage) an amendment may be moved to the motion "That this bill be now passed" to reconsider a bill in whole or in part (S.O. 217).

If a bill has not been considered in detail the Speaker declares the bill to have passed the House and as there is no question before the House there is no opportunity for members to move an amendment. However, a member can move a motion that the bill be not passed after a bill has been agreed to in principle.³

The fundamental rule that debate must be relevant to the question extends to amendments. Every amendment proposed to be made either to a question or to a proposed amendment should be so framed that, if agreed to by the House, the question or amendment, as amended, would be intelligible and internally consistent.

As a general rule it may be said that amendments are relevant, and as such admissible, if they are on the same subject matter as the original motion, but not when foreign to it. Speakers have ruled that any amendment to a motion must be within the scope of the motion, relevant and not subversive of the principle.⁴

There is one type of amendment that can be proposed that can result in an alternative proposition being agreed to by the House – amendments to omit all words after "That" with a view to inserting other words.⁵ Such amendments are intended to evade an expression of opinion upon the main question or to express an opinion substantially contrary to the main question. These amendments must be relevant to

¹ VP 22/11/1992, pp. 528-9.

² See for example, VP 03/07/2003, p. 259 where the *Government (Open Market Competition) Bill* was referred to the Public Accounts Committee for consideration and report.

³ The motion "That the bill be not passed" can only be moved on those bills that have not been considered in detail. For those bills considered in detail a motion is moved at the end of the consideration in detail stage "That the bill be now passed" and objection to the passing of the bill can be taken by voting against that motion.

⁴ See ruling of Speaker Ellis, PD 17/09/1968, pp. 917-8 and ruling of Speaker Rozzoli, PD 12/10/1994, pp. 3839 and 3841.

⁵ See for example, PD 22/09/2004, p. 69 where an amendment to a bill was moved in the form "omit all words on these lines..."; and PD 26/02/2004, p. 6697 where an amendment to a general business motion was moved in the form omit all words after "That."

the original motion and cannot be a simple negation of the original motion, as simply rejecting the motion is expressed by voting against it.⁶

Debate on an amendment to a motion may include debate on the original motion. A motion that has been superseded by an amendment may be moved again during the same session only if the successful amendment avoided expressing a final opinion on the substance of the original motion. In contrast, a motion superseded by an amendment which is contrary or incompatible with the original motion is deemed to have been resolved by the House and may not be moved again that session.⁷

An amendment is out of order if it raises a new matter which should only be considered on a distinct motion upon notice.⁸

The object of an amendment may be to alter a question so as to gain the support of members who, without such alteration, would have either voted against it or abstained from voting altogether; or it may be to present to the House an alternative more acceptable proposition. The moving of amendments has also been used as a device to enable members, who have already spoken in a debate, to speak again.⁹

17.2 Procedures for amendments

A member speaking after an amendment has been moved is deemed to be speaking to the original motion and to the amendment. A member who has addressed the original motion and desires to speak after an amendment has been moved, is confined to that amendment, the question before the House being the proposed amendment.¹⁰

An amendment which has been moved may be withdrawn only by leave of the House. An amendment cannot be withdrawn in the absence of the mover, except with the authority of the mover. The consent to withdrawal must be unanimous because the amendment is in the possession of the House. Speaker's rulings have indicated that an amendment to a motion can only be withdrawn if no other member, apart from the mover, has spoken to it. This is because all members must be afforded the same opportunity to speak to amendments moved in the House.¹¹ For instance, a censure motion was moved in the House to which an amendment was proposed. Another member then moved that this proposed amendment be amended. The mover of the first amendment then sought leave to withdraw his proposed amendment, however, as the mover of the censure motion had exercised her right to

⁶ Amendment rejecting the original motion allowed as the amendment provided different reasons than the original motion, PD 14/05/1997, p. 8612.

⁷ For further information see *May*, pp. 397-403; for example, see PD 27/10/1994 pp. 4876-8 where an amendment was ruled out of order as the text of the amendment was contained within the broader scope of an amendment previously dealt with in the same session.

⁸ Amendment to the motion that "Standing and sessional orders suspended to allow the introduction and progress up to and including the Minister's second reading speech of a bill at this sitting" ruled out of order as it was not relevant to the motion. The proposed amendment asked the Premier to advise the House on his actions in relation to law and order policies. PD 04/09/2001, p. 16318. See also PD 29/03/2006, p. 21709, where the Speaker ruled that an amendment to a censure motion was not an amendment but was a different censure motion.

⁹ For instance, an amendment moved to a motion (concerning the proposed sitting days for the House) "that the matter be deferred", was accepted with the Speaker noting that the effect of the amendment was to adjourn the debate but that it would provide for certain members to speak again, PD 02/09/1992, pp. 5408-10.

¹⁰ PD 04/03/1992, p. 411; see also Mr O'Doherty speaking on the Appropriation and cognate bills, PD 26/05/2000, p. 5972 and PD 20/06/2000, p. 7206.

¹¹ See for example, PD 16/11/1993, pp. 5389-90, 5408, 5410, and 5418-20.

When a member speaks on the amendment the Speaker ruled that it was necessary to first put the question on the amendment to the amendment.¹²

When any proposed amendments have not been agreed to, the question is put on the motion as originally proposed.

When an amendment has been agreed to, a question is then put that the original motion, as amended, be agreed to (S.O. 166).

An amendment which has been moved must be dealt with before a second amendment to the original question can be moved (S.O. 162), although an amendment to an amendment may be moved as if that amendment were the original question (S.O. 164). In addition, it is the practice that only two amendments to a question may be before the House at the same time.¹³

Some limit is necessary and it is the practice of the House that an amendment to an amendment is allowable but that no motion to amend further can be entertained until one of the two amendments is disposed of. When an amendment is moved to an amendment that has not been voted on by the House, it is the second amendment which is put to the vote first. If the amendment to the amendment is negatived the House then proceeds to vote on the original amendment as it was moved. If the amendment to the amendment is agreed to the House will then vote on whether the amendment as amended should be agreed to.¹⁴

There is no limit, however, to the number of amendments that may be moved to a question provided they come within this rule. However, it is not competent for a member, having spoken in a debate, to move an amendment later. A practice has developed of a member foreshadowing a subsequent amendment when speaking to an amendment and another member later moving the amendment of the member who foreshadowed the amendment.¹⁵

An amendment which conflicts with a previous decision of the House is not in order and, as a general rule, it is out of order to move, as an amendment to a question, a notice of motion standing on the business paper due to the fact that it is out of order for a member to anticipate discussion of any matter which is on the business paper (S.O. 77). Furthermore, members may not amend their own motions once it has been moved, except by leave of the House.¹⁶

Under the standing orders amendments in the House do not need to be seconded.¹⁷ This includes amendments moved when a bill is being considered in detail.

When an amendment is proposed to leave out words, the question is put "That the words proposed to be left out stand part of the question". If that question is agreed

¹² See for example, PD 16/11/1993, pp. 5408, 5410, 5418-20.

¹³ See Bourinot, p. 320; See VP 05/05/2008, p. 548 where with the concurrence of the House, a member moved a number of amendments to a motion (code of conduct) as one motion which was debated and put to the House as a single question.

¹⁴ See PD 19/10/1999, p. 1568.

¹⁵ PD 24/02/1993, p. 17; VP 03/06/1998, p. 691.

¹⁶ PD 04/12/1991, p. 5557.

¹⁷ Prior to the adoption of the current standing orders in November 2006 the standing orders required amendments to be seconded. However, in practice this was not enforced as it was assumed there was a seconder for both party members and Independent members.

to, a further amendment cannot be proposed to the words which the House has resolved shall stand unless the amendment is to add words (S.O. 161). If such amendment is negatived, no further amendment to omit words may be entertained. In contrast, if the alternate question "That the amendment be agreed to" (S.O. 158) is negatived, another amendment may be moved.

An amendment may be moved to leave out words with a view to inserting others. This type of amendment requires two questions. The first is "That the words proposed to be left out stand". If this is agreed to, the amendment is disposed of. If the question is negatived, i.e. the House decides to leave out the words, the way is then open to insert words. Hence the maxim "first create the blank". The blank having been created, the second question is proposed, "That the words proposed to be inserted, be so inserted". When it is proposed to insert words in place of words left out, the words proposed to be inserted are themselves open to amendment (S.O. 157). Subject to the wording of the amendment, it may be considered more convenient to put the single question, "That the amendment be agreed to". Once carried the motion may be further amended.

After the House has given a decision on an amendment to any part of a question, an earlier part cannot be amended. Similarly, where an amendment to any part of a question has been proposed by the Chair, an earlier part cannot be proposed to be amended unless the later amendment is withdrawn (S.O. 161). This is the same in relation to amendments to amendments in that any amendment to an amendment must be consequential to the original amendment. As such, if an amendment to an amendment is proposed which would have the effect of changing the intended purpose of the original amendment it can only be moved if the first amendment has not been proceeded with.¹⁸ The rationale behind this approach is to deal with a motion sequentially and logically with an aim of reaching consensus on the minimum wording acceptable to the majority of the House.

Amendments must be submitted in writing to the Clerks-at-the-Table and be signed by the mover (S.O. 159).¹⁹ For discussion of amendment to bills, see section 21.7 of Part One.

¹⁸ PD 19/09/1991, p. 1435.

¹⁹ See for example, PD 14/12/1993, p. 6047 where an amendment was ruled out of order as it had not been handed to the Clerks in writing.