

Chapter 16 Motions, Questions, Votes and Resolutions

16.1 Form of questions

16.1.1 Motions

After a notice of motion has been given and moved, the motion may be dealt with either by being put to the vote, by being withdrawn or by lapsing.

The general principle governing questions proposed from the Chair is that the question before the House should be stated before each contribution after the mover has moved the motion and before the House votes on a matter.

Any question proposed should reflect as closely as possible the terms of the motion moved. However, in the case of lengthy or complex motions it is reasonable for a "shorthand" form of the question to be proposed. For example, a long motion could reasonably be abbreviated to:

The question is "That the motion be agreed to".

In the case of routine or procedural motions, such as those for the introduction of bills where the question is put immediately after the motion has been moved, it is reasonable to also put the question in the simplest form:

The question is "That the motion be agreed to".

If a question is capable of being divided, a member may move a motion for the question to be put as separate questions. This question is decided without debate or amendment (S.O. 153).

A member may at any time (without interrupting a member speaking) request the Speaker or occupant of the Chair to re-state the question currently before the House (S.O. 78).

Members can also move a motion after 7 clear days notice that the House rescind any previous resolution (vote) of the House of the same session (except a motion for the passing of a bill) (S.O. 155).¹ In cases where a motion conflicts with an earlier resolution of the House it is better practice to rescind the earlier motion and agree to a new one. For instance, the House agreed to a resolution on 17 November 1994 ordering a Minister to comply with an order for papers which would be conveyed by the Clerk to the Premier under the provisions of the then standing orders.² The following week a motion was moved to provide for the Minister to comply with the resolution agreed to on 17 November 1994. However, this motion changed the information that was required to be produced. Given that the motion was substantially different to the resolution originally agreed to by the House on 17 November, the Speaker suggested that it be reworded to the effect that it would rescind the resolution agreed to on 17 November in order to avoid a dangerous precedent being set.³ An amended motion rescinding part of the resolution agreed to

¹ For examples, see PD 17/11/1994, pp. 5263-9; PD 21/11/1994, p. 5405; PD 22/11/1994, pp. 5565 and 5567; PD 23/11/1994, pp. 5693-4; and PD 24/11/1994, p. 5832.

² VP 17/11/1994, pp. 505-7.

³ PD 22/11/1994, p. 5567.

by the House on 17 November 1994 and ordering the production of certain papers was agreed to on 23 November 1994.⁴

16.1.2 Amendments

When considering amendments to motions, in most cases, the question from the Chair is:

The question is "That the amendment be agreed to".

If the amendment is agreed to, a further question is put:

The question is "That the motion, as amended, be agreed to".

If the amendment is not agreed to, the Speaker restates the original question on the motion.

It is also possible to propose amendments to an amendment before the Chair.⁵ However, any amendment to an amendment must be relevant to the initial amendment⁶ and there may only be two questions before the Chair at any one time.

The Speaker would restate the motion:

The member for.....has moved (state the amendment), upon which the member for.....has moved that the amendment be amended (state the amendment). The question is "That the amendment to the amendment be agreed to".

If agreed to, the next question would then be:

The question is "That the amendment of the member for..... as amended by the amendment of the member for be agreed to".

If agreed to, the next question would be:

The question is "That the motion, as amended, be agreed to".

A question which has been resolved in either the affirmative or negative cannot be offered again in the same session.⁷ The key principle of this rule is that judgement on the matter under consideration must have been expressed. Accordingly, a subject which has been debated and withdrawn, or on which the decision for some other reason has been withheld, may be again brought on during that session (S.O. 154).⁸ However, standing and sessional orders may be suspended to bring on the debate on a motion that has already been agreed to provide a member who had not spoken to the motion with an opportunity to do so.⁹ For further information on amendments to motions see Chapter 17 of Part One.

16.2 The previous question

The previous question is an old form of procedure which is used to possibly evade decision on an issue.¹⁰ It is called the previous question because it is put before the

⁴ VP 23/11/1994, p. 544.

⁵ Second amendment to a motion accepted as an amendment to the first amendment, PD 19/10/1999, p. 1561.

⁶ See for examples, PD 24/02/1993, p. 17 and PD 19/09/1991, p. 1432.

⁷ Issues that have been raised as matters of public importance can be debated more than once by the House. This is as a matter of public importance is not a motion and as no vote is taken standing order 154 does not apply, PD 13/11/2002, p. 6678.

⁸ *May*, p. 388.

⁹ See for example, VP 12/09/1991, p. 147.

¹⁰ VP 19/09/1950, pp. 21-23.

main question (i.e. the original motion) and determines whether the original motion shall or shall not be submitted to the House.¹¹ The previous question is moved in the form "That the question be not now put".¹² If agreed, the question is deferred and the business falls off the Business Paper. The matter can be brought back on another day with a new notice of motion if required. If the previous question is negatived it has the same effect as the closure and any substantive motion then before the House will immediately be submitted to the vote (S.O. 149).¹³ If the previous question is moved on the first of a series of questions which will be put *seriatim* the decision applies to all of the questions (S.O. 150).

The previous question cannot be moved upon an amendment but after an amendment has been disposed of it can be moved on the main question.¹⁴ A member may conclude a speech by moving the previous question, which is forthwith proposed from the Chair.¹⁵ The previous question is not open to amendment or debate (S.O. 80).¹⁶

Sessional orders have been adopted suspending standing order 149 and 150 for the current session following a recommendation from the Standing Orders and Procedure Committee, which considered the procedure to be an old form of procedure which had been replaced by other procedures such as the closure.

¹¹ See *May*, pp. 395-6, where it is noted that the previous question is moved in order to withhold from the decision of the House a motion that has been proposed from the Chair.

¹² Under the previous standing orders of the House the previous question was in the form "That that question be now put". In contrast to the current procedure, by negating the previous question the actual proposal before the House was not decided but was deferred and the House moved to the next item of business. See comments by Speaker McCourt where he advised the House that if the previous question is negatived then the "whole matter" before the House is dropped, PD 05/12/1905, p. 4588; See also VP 18/12/1908, pp. 348-9. The House then moves to the next item of business. See comments by Speaker Lamb PD 19/09/1950, p. 225.

¹³ See for example, VP 11/10/1859, p. 168; VP 12/06/1984, p. 161.

¹⁴ *May*, p. 396.

¹⁵ VP 05/12/1905, p. 343.

¹⁶ However, see PD 05/12/1905, p. 4589 where Speaker McCourt noted that "in our standing orders it does not say that when the motion is moved there should be no debate. There is a wide difference between the previous question and the closure." Standing Order 80 now specifies that there is to be no amendment or debate on a motion "That the question be not now put".

