

Chapter 18 Orders of the Day

An order of the day is a bill or other matter not yet concluded which the House has ordered to be taken into consideration for a future day or in some cases for a later hour of the same day.

A motion, having been moved, becomes an order of the day when the debate on it has been adjourned. After being adjourned upon the request of the member in charge, it is set down as an order of the day for a later time by the Speaker (S.O. 167). [Proceedings on a bill become an order of the day after the bill has been introduced \(i.e. read a first time\), and the mover's second reading speech has been made. After the mover's second reading speech the debate is usually adjourned and the resumption set down as an order of the day for a future day.](#)¹

Business is most commonly brought before the House through the Speaker directing the Clerk to read the order of the day (S.O. 169). The Clerk reads the title of the bill or other business as set out in the business paper and the stage the business is up to.

[General business orders of the day are dealt with in the order in which they stand on the Business Paper \(S.O. 105 and 168\). However, in accordance with standing order 105\(2\) \(which is currently 105\(4\) as amended by sessional order\) any general business interrupted by the operation of the routine of business stands adjourned and is set down as an order of the day with precedence of other notices and orders.](#)² [However, an interrupted debate on a general business order of the day does not receive priority over any general business notice of motion or order of the day accorded precedence by the House in accordance with standing order 106.](#)

Each week, the House may give one general business order of the day for bills precedence on general business days (S.O. 106) (see section 12.3.2 of Part One). If debate on an order of the day is resumed then adjourned, the order maintains its relative position in the order of general business, subject to whether or not another general business order of the day has been given precedence. In contrast, Ministers may arrange for government business to be taken in any order they desire (S.O. 102). The anticipated order of government business is set out by the Leader of the House in the Daily Programme.

It is not mandatory for the House to consider a particular order of the day set down for a specified date. The House may adjourn before that order is reached, or the order may be postponed to another day. Orders not reached on any particular day retain their relative position on the business paper.

[An order of the day lapses if the House is counted out.](#)³

¹ In recent years standing and sessional orders have been suspended to enable many pieces of legislation to go through all stages at one sitting and no adjournment has occurred. See VP 31/03/2004, p. 720; VP 14/09/2004, p. 968.

² See ruling of Speaker Rozzoli, PD 22/04/1993, p. 1462.

³ VP 15/11/1921, p. 121.

After an order of the day has been read by the Clerk, the member who has carriage of the order is entitled to pre-audience, i.e., the right to speak first, even if the member has already spoken on the question (S.O. 64(1)).⁴ This procedure enables Ministers or members to add to their second reading speech or to correct any misunderstanding arising in debate.⁵ Of course this right to pre-audience can be superseded with the consent of the House. For instance, standing and sessional orders have been suspended to allow the Premier to speak on a bill prior to the member who had pre-audience, following the resumption of the adjourned debate.⁶

When the order of the day is read, the member, or another member with the written authority of that member, may also postpone its consideration without motion or move a motion to discharge the order of the day (S.O. 170).⁷ If the order of the day is a bill the motion moved is "That the order of the day be discharged and the bill be withdrawn."

If an order of the day for the resumption of an adjourned debate is read by the Clerk and a member does not rise to speak when the question is again proposed from the Chair, the question is immediately put.⁸

Unlike notices of motions of former members, which are removed from the business paper, orders of the day standing in the name of former members remain on the business paper but with the name of the member who moved them deleted. This is because the bills have been introduced and are in the possession of the House. However, unless the former member was a Minister such orders of the day cannot be withdrawn nor taken any further. Speaker Rozzoli noted that such orders of the day have reached a "procedural dead-end" because under the standing orders motions cannot be withdrawn in the absence of the member, except with their authority. In the case of former members that authority cannot be obtained as the member has resigned.⁹ Speaker Rozzoli also referred to the ruling given by Deputy Speaker Hedge on 26 September 1933¹⁰ that while it was competent for one Minister to move a motion on behalf of another Minister it was not competent for one member to move a motion on behalf of another member. It was however noted that any member desiring to give a fresh notice of motion for any order of the day of a former member could be given. Such motions would need to seek to discharge the order of the day and withdraw the bills by order of the House before a similar bill could be introduced.¹¹

However, it should be noted that on one occasion an order of the day standing in the name of a member whose election was declared null and void and whose seat was

⁴ VP 10/04/1997, p. 761; VP 26/11/1996, p. 66; member spoke again on behalf of the member in charge, VP 09/12/1991, p. 434; VP 20/11/1996, p. 638.

⁵ PD 01/03/1989, pp. 5497-8. This procedure also enables a Minister who has carriage of a bill to move a motion for the bill to be withdrawn/discharged. See for example, VP 04/05/2004, pp. 754-5.

⁶ VP 24/11/1994, p. 556

⁷ VP 20/09/1966, p. 84.

⁸ VP 14/11/1911, p. 121.

⁹ PD 29/04/1992, pp. 3016-7.

¹⁰ VP 26/09/1933, p. 70.

¹¹ See ruling of Speaker Rozzoli, PD 24/04/1992, p. 3016, where he noted that orders of the day, being in the possession of the House, remain on the business paper until discharged, withdrawn or otherwise dealt with. See also comments by Speaker Murray, VP 27/10/1998, p. 989; and VP 31/03/1998, p. 426.

declared vacant on 30 August 1938 was removed from the business paper on the following day by direction of the Speaker.¹²

During the placing or disposal of business in the routine of business, an order of the day for a bill may be discharged and the bill withdrawn on one motion, which is not subject to debate nor amendment. (S.O. 100(4) and S.O. 80(13)).

A lapsed order of the day may be restored by motion without notice, after orders of the day have commenced and no other business is before the House (S.O. 172).¹³

Calling over, postponing and reordering orders of the day are addressed in Chapter 12 of Part One.

¹² R.E.A. Ward, *New South Wales Legislative Assembly, A Short Guide to the Rules and Practice*, September 1977, p. 45, where reference is made to a ruling given by Speaker Weaver in 1938.

¹³ General business items restored, VP 17/09/1997, p. 43.