



RESEARCH PAPER

RESEARCH PAPER SERIES, 2020–21

22 JULY 2020

‘What's the difference?’: explaining parliamentary terms

Rob Lundie and Nicholas Horne
Politics and Public Administration Section

Contents

Introduction	3
Glossary	3
Appropriation bills; Supply bills; Money bills; Tax bills; Budget measures.....	3
Australian/Federal/Commonwealth Government; Federal/Commonwealth Parliament	4
Bill; Act.....	5
Casting vote; Deliberative vote.....	5
Committees: Standing committee; Select committee; Joint committee	6
Conscience vote; Free vote	7
Crossing the floor; Abstaining.....	8
Electorate; Division; Seat; Constituency	9
Explanatory Memorandum; Bills Digest.....	9
Federation Chamber; Main Committee	10
Hansard; Notice Paper; Journals; Votes and Proceedings.....	10
Ministry; Cabinet; Federal Executive Council	11
Oath; Affirmation	11
Parliamentary Calendar: Session; Sitting period; Sitting day; Suspension of sitting; Adjournment; Recess.....	12
Parliamentary privilege	13
Prorogation; Dissolution	14
Questions on Notice; Questions in Writing	14
Readings: First Reading; Second Reading; Third Reading; Consideration in Detail.....	14
Referendum; Plebiscite	15
Standing Orders; Sessional Orders.....	16

Tabling a document; Presenting a document;
Parliamentary Papers16
White Papers; Green Papers; Discussion papers16
Further reading 18

Introduction

The meaning of Parliamentary procedures and terms can be esoteric even for those involved in parliamentary business, let alone the media and the wider public. Some terms have quite precise or technical meanings (for example, ‘prorogation’ and ‘dissolution’), but the difference between such terms may not be readily understood, leading to confusion and misuse. Different descriptions may be used for the same procedure, again leading to confusion. For example, ‘presenting a document’ and ‘tabling a document’ might seem to indicate two different procedures, but both descriptions mean the same thing. Also, over time words and phrases referring to a concept or procedure can change. For example, the term ‘maiden speech’ has been replaced by ‘first speech’, and ‘Questions on Notice’ has been replaced by ‘Questions in Writing’ in the House of Representatives (but not in the Senate).

This research paper presents a selected glossary that seeks not just to define various terms, but also to explain the difference between similar terms and concepts. It further seeks to highlight terms that can be used interchangeably. While the glossary focuses mainly on parliamentary terms, some relevant government and electoral terms are also included.

Examples of how terms are used are given to help further explain their meaning. Where possible some historical information on terms is also outlined (for example, when the House of Representatives Main Committee became the Federation Chamber).

Terms are listed alphabetically, but where several terms are related or interchangeable they are dealt with in one location. For example:

- The related terms ‘bill’ and ‘Act’ are explained at ‘Bill and Act’.
- The interchangeable terms ‘electorate’, ‘division’ and ‘seat’ are explained at ‘Electorate’.

Glossary

Appropriation bills; Supply bills; Money bills; Tax bills; Budget measures

The annual Budget is delivered in May through the introduction of a number of **appropriation bills**. They are called appropriation bills because the Parliament appropriates money from the Consolidated Revenue Fund to cover Government expenditure.¹

Supply bills are those bills employed to provide interim funds for Government expenditure when the annual appropriation bills will not be passed before the beginning of the financial year. Supply bills are no longer part of the usual annual routine, due to the Budget taking place in May rather than in August as was the case in the past.² ‘Supply’ as a term may cover all of the annual appropriation bills (and any supply bills) which collectively ‘provide the funds necessary for government to operate’.³ The term ‘blocking supply’ has come to be used more generally in reference to the Senate failing to pass such legislation.

Money bills is a term used to cover all bills which seek to authorise the appropriation of money, including bills where the appropriation is continuing and does not require annual renewal (under section 53 of the [Australian Constitution](#) bills which appropriate money cannot commence in the Senate). However, sometimes ‘money bills’ is used to refer only to the category of appropriation bills which, under section 53, cannot be amended by the Senate—‘bills which appropriate money

1. DR Elder and PE Fowler, eds, [House of Representatives Practice](#), 7th ed, Department of the House of Representatives, Canberra, 2018, p. 424.

2. *Ibid.*, pp. 424, 433.

3. R Laing, ed and H Evans, rev, [Odgers’ Australian Senate Practice](#), 14th ed, Department of the Senate, Canberra, 2016, p. 381.

for the ordinary annual services of government'.⁴ Confusingly, 'money bills' is also used to refer to bills which impose taxation, but these are more properly called 'tax bills'.⁵

Tax bills are those bills which impose taxation. Under section 53 of the *Constitution* tax bills cannot originate in the Senate; nor can the Senate amend them. Furthermore, under section 55 of the *Constitution*, a tax bill can only deal with one subject of taxation.

Budget measures typically refer to policy decisions announced by the Government in Budget Paper 2 and the Treasurer's Budget speech. Budget bills are bills which implement these measures (budget measures have no legal force as such until legislated). The budget bills include: annual appropriation bills, bills increasing taxation, and bills adjusting appropriations, taxes or government outlays. The distinguishing feature of budget measures is that they were announced or proposed in the budget.⁶

The term 'financial legislation' has been used to cover any bill that has financial implications.

The following observation from [Odgers' Australian Senate Practice](#) is worth bearing in mind:

The conceptual confusion surrounding these categories of bills occurs because these terms are used as if they were interchangeable without any regard to the distinction between them. The terms are also used to include all bills which refer to financial matters or which have some financial implications. This category virtually includes all bills presented, because every piece of proposed legislation has some financial implications.⁷

Australian/Federal/Commonwealth Government; Federal/Commonwealth Parliament

In the context of the government, the three terms 'Australian', 'Federal' and 'Commonwealth' can be used interchangeably. However, **Australian Government** is preferred usage within the government itself. The Department of Prime Minister and Cabinet notes that:

The 'Commonwealth of Australia' is the legal entity established by the Constitution. It is sometimes referred to simply as 'the Commonwealth'. Where the term 'Commonwealth Government' has been used previously to refer to the national government, whether in relation to the elected government or the bureaucracy that serves it, it will normally be appropriate to replace it with 'Australian Government'. References to the 'Commonwealth of Australia' as the entity established by the Constitution should remain unchanged.⁸

An advantage of using the term 'Australian Government' rather than 'Federal Government' or 'Commonwealth Government' is that there is less likely to be confusion in the minds of those not familiar with Australia's system of government. For example in this context 'Commonwealth' can often refer to the Commonwealth of Nations, and 'Federal' may be used by Americans when referring to their national government.⁹

4. Ibid., p. 382.

5. Ibid.

6. Ibid.

7. Ibid.

8. Department of the Prime Minister and Cabinet (DMPC), [Australian Government Branding Guidelines on use of the Australian Government logo by Australian Government departments and agencies](#), DPMC, Canberra, May 2020, p. 12.

9. Snooks & Co, *Style Manual: for authors, editors and printers*, 6th ed, John Wiley & Sons, 2002, n.p., pp. 124–25. The *Style Manual* notes that 'When preparing documents for an international readership, writers and editors should be mindful that the word *Commonwealth* is much more readily associated with the Commonwealth of Nations (formerly the British Empire). If misunderstanding might occur, it is prudent to use the word *Australian* instead of *Commonwealth*': p. 124.

As far back as 1965 Prime Minister Robert Menzies indicated that he was in the 'habit of referring to the Australian Government wherever I go' and commended its usage to all MPs.¹⁰

In 1973 the Whitlam Government introduced amendments to the [Acts Interpretation Act 1901](#) (Cth). In his second reading speech on the legislation the Minister for the Capital Territory and Minister for the Northern Territory, Hon K Enderby MP, outlined the purpose of the amendments:

The Bill ... contains provisions to give effect to the Government's intention to use, wherever possible, the term 'Australia' to signify the Australian nation. This involves adopting the name 'Australian Government Gazette' in place of the 'Commonwealth of Australia Gazette', the use of the imprint 'Government Printer of Australia' instead of 'Commonwealth Government Printer' on official documents, and the use of the term 'Australia' instead of 'Commonwealth' in legislation.¹¹

The legal entity of the Commonwealth of Australia is established by the *Constitution* as enacted by the [Commonwealth of Australia Constitution Act 1900](#).¹²

Federal Parliament is a commonly-used term for Australia's national Parliament, as is **Commonwealth Parliament** ('Australian Parliament' is perhaps less commonly used). 'Parliament of the Commonwealth of Australia' is another term, appearing for example in formal documents such as the official records of the proceedings of the House of Representatives (the *Votes and Proceedings*) and the Senate (the *Journals*). 'Parliament of Australia' is also used, for example by the [Department of Parliamentary Services](#).

Bill; Act

A **bill** is a proposed law or a draft Act.¹³ A bill has no legal force until it becomes an **Act**. This occurs when the bill has been passed in identical form by both Houses of Parliament and has received royal assent from the Governor-General.¹⁴ At the date of assent the bill becomes law, but its provisions do not necessarily come into effect on this date. Each Act contains a commencement provision (usually clause 2) which sets out when the whole Act, or different provisions contained in the Act, commence operation or come into force. This may be the date of assent, but can be at any other time or subject to other qualifications. If no commencement date is specified in the Act then it commences on the 28th day after assent.¹⁵

Casting vote; Deliberative vote

Every senator and member has the right to vote during divisions in their respective chambers. A **casting vote** decides an issue deadlocked by a tied vote, while a **deliberative vote** is a normal vote indicating support for, or opposition to, a proposal. Under the *Constitution*, in the House of Representatives the Speaker does not vote in divisions unless the votes for the 'ayes' and 'noes' are equal. In such a case the Speaker may choose to exercise a casting vote to break the deadlock.¹⁶ In the Senate the President may vote in divisions (i.e. have a deliberative vote), but does not have a casting vote.¹⁷ This is enshrined in Section 23 of the *Constitution* and was included 'to ensure that the states should have equal voting strength'.¹⁸

10. R Menzies, '[Questions: Commonwealth of Australia](#)', House of Representatives, *Debates*, 20 October 1965, p. 1976.

11. K Enderby, '[Second reading speech: Acts Interpretation Bill 1973](#)', House of Representatives, *Debates*, 24 May 1973, p. 2642.

12. Covering clause 6 provides that 'The Commonwealth shall mean the Commonwealth of Australia as established under this Act'.

13. Elder and Fowler, eds, *House of Representatives Practice*, op. cit., p. 343.

14. *Ibid.*, p. 399.

15. Department of the House of Representatives, [Infosheet 7—Making laws](#), Department of the House of Representatives, Canberra, March 2020, p. 5.

16. Elder and Fowler, eds, *House of Representatives Practice*, op. cit., p. 186.

17. Laing, ed and Evans, rev, *Odgers' Australian Senate Practice*, op. cit., p. 287.

18. *Ibid.*, p. 146

Committees: Standing committee; Select committee; Joint committee

Parliamentary committees are used by both Houses to carry out some of their work. The small groups of MPs which form various committees are used to examine an issue or bill in greater detail and more efficiently than would be possible by the whole Senate or House of Representatives. Committees provide MPs with the opportunity to develop special interests and expertise in particular areas of public policy. Committees afford organisations and the public the opportunity to submit their views on whatever topic a committee may be investigating. In the course of its inquiry, a committee gathers information and then produces a report which is presented to Parliament.

There are two broad categories of committees:

Standing committees which are appointed at the beginning of each Parliament. In the House of Representatives they are established for the life of the Parliament.¹⁹ In the Senate they continue until the day before the next Parliament begins.²⁰ They cover most areas of government activity and enable sustained examination of specific areas.²¹

Select committees which may be established by either house at any time to inquire into a particular matter (which may be controversial or politically sensitive). A select committee ceases to exist once its inquiry has been completed and its final report presented to Parliament.²² Both Houses establish select committees.

Senate Standing committees take various forms:

- Domestic committees, which deal with:
 - ... matters relating to the internal operations of the Senate including publications; appropriations, staffing and security; procedure; library services; the provision of other facilities in Parliament House and senators' interests. The Committee of Privileges, which inquires into matters relating to the power and immunities of the Senate (for example, the protection of witnesses before Senate committees) is regarded as one of this group. The Selection of Bills Committee is also classified as a domestic committee.²³
- **Legislative scrutiny** committees (the Committee for the Scrutiny of Delegated Legislation (previously the Committee on Regulations and Ordinances) and the Scrutiny of Bills Committee),²⁴ which examine '[a]ll bills and subordinate legislative instruments that come before Parliament'.²⁵
- **Legislation** committees, which have a number of functions including: consideration of proposed government expenditure as outlined in the May Budget appropriation bills (Budget estimates) and additional appropriation bills introduced in February (additional estimates); considering

19. Department of the House of Representatives, [Infosheet 4—Committees](#), Department of the House of Representatives, Canberra, August 2018, p. 4.

20. Department of the Senate, [Senate Brief No. 4—Senate Committees](#), Department of the Senate, Canberra, May 2020, p. 1.

21. *Ibid.*

22. *Ibid.*, p. 1.

23. *Ibid.*, p. 2.

24. The Standing Committee on Regulations and Ordinances was often referred to as the 'Regs and Ords Committee'.

25. Department of the Senate, [Senate Brief No. 4—Senate Committees](#), *op. cit.*, p. 2

bills (or draft bills) referred to them; and to scrutinise government administration through examining agency annual reports.²⁶

- **References** committees, which ‘inquire into and report upon various general matters referred to them by the Senate’.²⁷
- **Estimates** committees: although often referred to, there are no separately-constituted ‘estimates committees’. As noted above, budget estimates hearings are a function of the Senate legislation committees.

House of Representatives Standing Committees take the following forms:²⁸

- **Domestic committees** (or internal committees): these are concerned with ‘the powers and procedures of the House or the administration of Parliament’²⁹ and comprise the Appropriations and Administration; Petitions; Privileges and Members’ Interests; Procedure; Publications; and Selection committees.
- **General purpose committees**: these committees combine the functions of the legislation and references committees in the Senate into single investigatory committees covering broad subject areas. However, they do not undertake the scrutiny of Budget and additional estimates that is conducted by the Senate legislation committees.

Sometimes the term ‘investigatory committees’ is used to classify committees other than domestic committees. However, domestic committees can also undertake investigations.³⁰

Joint committees are committees which comprise both senators and members and investigate matters that it is felt should be looked at by both Houses simultaneously. Joint committees may be statutory (established by an Act of Parliament), select, or standing.³¹

Conscience vote; Free vote

The term **conscience vote** (or **free vote**) is defined as ‘the rare vote in parliament, in which members are not obliged by the parties to follow a party line, but vote according to their own moral, political, religious or social beliefs’.³²

The term ‘conscience vote’ is most commonly used in Australia to describe votes on moral and social issues such as abortion, euthanasia and capital punishment—serious issues affecting individual status, liberties or rights on which senators and members are not obliged to vote along party lines. In Australia the term may also include issues on which the parties do not always have a formal policy such as parliamentary procedure and parliamentary privilege. The term ‘free vote’ is more commonly used in other Westminster parliaments but has the same meaning.

In Australian state and federal parliaments the decision to allow a conscience vote is a political one, usually made by the party leader, and is not a subject on which the Speaker can be asked to rule.³³ A conscience vote can apply to one party, more than one party, or all parties represented in

26. Ibid., pp. 4–5. Annual reports may also be examined during the consideration of estimates. For further information about Estimates see Department of the Senate, [Senate Brief No. 5—Consideration of Estimates by the Senate’s Legislation Committees](#), Department of the Senate, Canberra, July 2019.

27. Ibid., p. 3.

28. Department of the House of Representatives, [Infosheet 4—Committees](#), op. cit., p. 4.

29. Ibid.

30. Ibid., pp. 4–5.

31. Department of the Senate, [Senate Brief No. 4—Senate Committees](#), op. cit., pp. 5–6.

32. *The Penguin Macquarie Dictionary of Australian Politics*, Penguin Books, Ringwood, Victoria, 1988, p. 86.

33. In the context of the ALP it has been argued that the national executive should be involved in these decisions. See, for example: A. Ramsey, ‘Whitlam’s sharp tongue can still leave its mark’, *Sydney Morning Herald*, 13 September 2000, M. Grattan, ‘IVF—who

the parliament. One recent example of a conscience vote is the voting on the [Marriage Amendment \(Definition and Religious Freedoms\) Bill 2017](#) in [the Senate](#) in November 2017 and in the [House of Representatives](#) in December 2017.³⁴

Crossing the floor; Abstaining

Crossing the floor is defined as an action where a government or opposition member of parliament refuses to vote with his or her own party in a particular division *and* intentionally crosses the floor of the parliamentary chamber to vote with the other side. It is a political act and, other than the fact of the vote being on either the 'yes' or 'no' side, is not recorded in official parliamentary documents.

An MP may also be considered to have crossed the floor where, although a division was not required, he or she requested that their name be recorded as voting for or against a motion and, in doing so, revealed that this was contrary to the manner in which their party had voted.³⁵

There have been instances where an MP has voted with the other side unintentionally.³⁶ This should not be considered an instance of floor crossing because it was not the intention of the MP to do so. Abstention from voting is not considered to be crossing the floor either because no vote is cast with the other side.

Floor crossings can occur where parties are in coalition and have a united public stance on an issue. For example, the Liberal Party and the Nationals usually act as a coalition. So, in cases where Nationals MPs vote against the Coalition's stance on an issue, they would be considered to have crossed the floor. However, there have been periods in the past when the Liberal Party and the Country Party/Nationals were not in coalition (for example February 1973–May 1974 and April–July 1987). During these periods Country Party/Nationals members and senators voted with the Labor Government on some issues. They were not considered to have crossed the floor as they voted consistent with their party's stance if not with their usual coalition partner's stance.

An MP cannot be considered to have crossed the floor where his or her party has granted its MPs a conscience/free vote. Although in these circumstances an MP may vote differently to the majority of party colleagues or the leader, he or she has not crossed the floor. However, an MP can be considered to have crossed the floor if he or she votes against their party and it has not granted a conscience vote.³⁷

Minor parties, for example the Australian Greens, can allow their MPs the freedom to vote as they wish and do not bind them to their party's policy. Therefore, when an MP belonging to such a party votes in a different manner to party colleagues he or she is not normally considered to have crossed the floor.

Independent MPs, by definition, cannot cross the floor.

[is minding the ALP shop?](#), *Sydney Morning Herald*, 18 August 2000, L. Tingle, '[Moral vote to move with times](#)', *Sydney Morning Herald*, 23 March 2002.

34. The Bill was passed by the Parliament on 7 December 2017 and received Royal Assent on 8 December 2017.

35. For example, on 16 February 2017 Senator Ian Macdonald (LP, Qld) asked that his name be recorded in support of amendments he proposed to the [Parliamentary Entitlements Legislation Amendment Bill 2017](#) even though the amendments were defeated on the voices.

36. For example, on 12 February 2014 Nickolas Varvaris (LP, NSW) remained seated during a division on a motion moved by Tony Burke (ALP, NSW) [that the member no longer be heard](#). He failed to cross the chamber to vote with his colleagues in opposing the motion and was counted as having, inadvertently, voted with the Labor Opposition.

37. For example, on 20 June 2013 Senator Sue Boyce (LP, Qld) voted in favour of the [Marriage Act Amendment \(Recognition of Foreign Marriages for Same-Sex Couples\) Bill 2013](#). Although Labor had granted its senators a conscience vote, the Liberal Party, which opposed the bill, had not.

Abstaining is a *deliberate* action by an MP to not vote in a division. It may indicate an MP's dissent from their party's stance on an issue. Abstaining can be identified as such by the MP concerned through their public statements or actions. Abstention cannot be inferred from the fact that an MP does not attend a division, as non-attendance may be due to a range of reasons including being officially on leave, illness, a failure to arrive in the chamber on time, or being engaged in other parliamentary duties.

Electorate; Division; Seat; Constituency

An **electorate** is a geographical area represented by a Member of Parliament (as in 'the Member for X tries to visit every town in the electorate'). The terms **division** and **constituency** are also used in the same way as 'electorate' in this context. 'Electorate' is also used to refer to:

- The entirety of the Australian voting population (or even the population in general), as in 'the result of this election shows that the electorate has made up its mind'.
- The population of a specific geographical area represented by an MP, as in 'my electorate wants the highway built as soon as possible'. 'Constituency' can also be used in this context.

A **seat** is an elected position in Parliament whether in the House of Representatives or the Senate. For members of the House of Representatives 'seat' is quite often used to mean the same as an electorate or division (as in 'she holds the seat of X'). However, it is not used by senators when referring to the states or territories they represent—the relevant state or territory is used instead (as in 'the Senator represents Queensland').

Explanatory Memorandum; Bills Digest

An **Explanatory Memorandum** is a document prepared by a government department for each government bill, although not usually for appropriation bills. It is presented by the minister introducing the bill into the Parliament. It sets out the purpose of the bill in terms that are more easily understood than the bill itself and contains notes on the clauses of the bill which explain their provisions.³⁸ A correction to an Explanatory Memorandum may be issued if mistakes are found, and a replacement Explanatory Memorandum may be issued if corrections are required across several pages. An addendum to an Explanatory Memorandum may be issued to respond to recommendations raised by a parliamentary committee inquiry into a bill. If a bill is amended in one house, a revised Explanatory Memorandum is prepared for the second house.³⁹

A **Bills Digest** is a Parliamentary Library publication which provides an independent analysis of legislation before the Parliament. Bills Digests are written to support the work of the Parliament—specifically, to assist MPs in their consideration of bills and the preparation of responses and speeches relating to bills and associated policy. Bills Digests provide a separate and different perspective to the legislative material provided by the Executive (such as explanatory memoranda and second reading speeches). A Bills Digest will often contain more background and a longer legislative history than an Explanatory Memorandum and will include reaction to the bill from other political parties and major interest groups. Bills Digests are usually only prepared on government bills and are only prepared once a bill has been introduced into Parliament.

38. Elder and Fowler, eds, *House of Representatives Practice*, op. cit., p. 349.

39. DPMC, [Legislation Handbook](#), DPMC, Canberra, February 2017, p. 38, 45, 48.

Federation Chamber; Main Committee

The **Federation Chamber** (previously the **Main Committee**) was established in 1994 as a second chamber to the House of Representatives itself, operating in parallel with the House. The Federation Chamber facilitates concurrent debate on certain categories of parliamentary business, including second reading and consideration in detail stages of bills, and resumption of debate on motions moved in the House.⁴⁰ On 27 February 2012 the Main Committee was renamed the Federation Chamber to avoid confusion with the main committee room in Parliament House which is used by both the Senate and the House of Representatives.⁴¹

The Senate has no equivalent to the Federation Chamber.

Hansard; Notice Paper; Journals; Votes and Proceedings

Hansard, or the Parliamentary Debates, is the report of the debates of both the Senate and the House of Representatives. The term 'Hansard' is 'derived from the printing firm which began printing the UK House of Commons debates in the early 19th century', and 'did not appear on the title pages of the Australian parliamentary debates until 1946'.⁴²

Hansard is *not* the official record of the proceedings of either the Senate or the House of Representatives (see *Journals* and *Votes and Proceedings* below), but is rather a transcript of the parliamentary debates, containing MPs' spoken content and other information such as divisions. Hansard is issued for both [the Senate](#) and the [House of Representatives](#) for each sitting day, first as a proof version and then as the Official Hansard. MPs are able to make corrections to their speeches or remarks, but 'changes altering the sense or introducing new matters are not admissible'.⁴³ Hansard is also issued in respect of parliamentary committee hearings.

A **Notice Paper** is an official document issued by both the [House of Representatives](#) and the [Senate](#) setting out the business before each house for each sitting day, along with a range of other information.

The **Journals of the Senate** are the 'official record of proceedings of the Senate' and are [issued for each sitting day](#), first as a proof version and then as a final version.⁴⁴ The Journals record:

... among other things, all notices of motion, resolutions, documents tabled, proceedings on bills including amendments moved to bills, petitions, messages received from the House of Representatives or the Governor-General, divisions and attendance of senators.⁴⁵

The **House of Representatives Votes and Proceedings** are the 'official record of the proceedings of the House of Representatives'⁴⁶ including the proceedings of the Federation Chamber. As with the *Senate Journals*, the *Votes and Proceedings* are [issued for each sitting day](#), first as a proof version and then as a final version. The *Votes and Proceedings* record members' attendance, divisions, and any reasons given by the Chair for a casting vote, along with, contingent on the business of the House, a range of other information such as:

40. Elder and Fowler, eds, *House of Representatives Practice*, op. cit., p. 781.

41. Ibid., p. 642.

42. Elder and Fowler, eds, *House of Representatives Practice*, op. cit., p. 621.

43. Laing, ed and Evans, rev, *Odgers' Australian Senate Practice*, op. cit., p. 108.

44. Ibid., p. 107.

45. Ibid.

46. Elder and Fowler, eds, *House of Representatives Practice*, op. cit., p. 618.

... that questions without notice were asked, the documents presented by Ministers, ministerial statements made, any committee reports presented, the matter of public importance discussed, and legislation presented or considered, and they conclude with a reference to the adjournment, a list of documents deemed to have been presented and the record of Members' attendance ...⁴⁷

Ministry; Cabinet; Federal Executive Council

The **Ministry** is composed of MPs appointed by the Governor-General on the advice of the Prime Minister. Under the *Constitution* the role of ministers is to administer departments of State.⁴⁸ Under section 4 of the [Ministers of State Act 1952](#) (Cth) their number is currently limited to 30. The Act also allows the Ministry to include an additional maximum of 12 MPs appointed as Parliamentary Secretaries.⁴⁹ Parliamentary Secretaries assist ministers, and in the Chamber take on the role of ministers except that they are not permitted to answer questions on portfolio matters.⁵⁰ Since 2015 Parliamentary Secretaries have been called Assistant Ministers. There has also been a separate formal position of 'Minister Assisting', whereby a Minister with a particular portfolio is appointed to assist a more senior Minister.⁵¹

Cabinet is composed of a group of ministers selected by the Prime Minister (at certain points in the past the Cabinet has been composed of the full ministry). Cabinet has been described as 'an administrative mechanism to facilitate the decision-making process of the Executive Government.'⁵² It is not mentioned in the *Constitution* nor recognised in law.⁵³

The **Federal Executive Council** is the formal, constitutional, and legal body responsible for advising the Governor-General. The Council is composed of those MPs who have been sworn-in by the Governor-General as ministers and parliamentary secretaries. They retain their membership at the Governor-General's pleasure (usually for life). This means that the Council comprises current and former ministers and parliamentary secretaries. However, in practice the Governor-General only seeks the advice of current ministers and parliamentary secretaries, not the advice of all members of the Council.⁵⁴

Oath; Affirmation

Before a person can take his or her seat in Parliament and participate in its proceedings, he or she is required by section 42 of the *Constitution* to state their allegiance to the Crown.⁵⁵ This is done by reciting an oath or an affirmation as set out in the schedule to the *Constitution*:

Oath

I, A.B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law. SO HELP ME GOD!

47. Ibid. The Votes and Proceedings 'also record the substance of statements by the Speaker on matters of privilege and important procedural and administrative matters', together with '[s]ome matters not formally ... business of the House in a technical sense' but still 'recorded because of the importance attached to them by the House', for example 'announcements concerning ministerial arrangements': *ibid.*, p. 619.

48. [Constitution](#), section 64.

49. [Ministers of State Act 1952](#) (Cth), section 4.

50. Elder and Fowler, eds, *House of Representatives Practice*, op. cit., pp. 70–71.

51. *Ibid.*, p. 70.

52. *Ibid.*, p. 75.

53. *Ibid.*

54. *Ibid.*, pp. 77–78.

55. [Constitution](#), section 42: Every senator and every member of the House of Representatives shall before taking his seat make and subscribe before the Governor-General, or some person authorised by him, an oath or affirmation of allegiance in the form set forth in the schedule to this Constitution.

Affirmation

I, A.B., do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law.

The essential difference between an oath and an affirmation is that the oath makes reference to God whereas the affirmation does not. Those taking the oath will usually swear on a religious text such as the Bible, Torah, Koran etc. However, this is not a requirement. The essential requirement is that the oath is taken 'in a manner which affects his or her conscience regardless of whether a holy book is used or not.'⁵⁶

Oaths and affirmations are also taken by MPs when they are appointed to the ministry. The text of the oath or affirmation is determined by the prime minister and has changed over time.⁵⁷

Parliamentary Calendar: Session; Sitting period; Sitting day; Suspension of sitting; Adjournment; Recess

A **Parliament** runs from when the House of Representatives (not the Senate) first meets after a general election until it either expires by the effluxion of time (the House has a maximum duration of three years) or until it is earlier dissolved through a proclamation by the Governor-General. Each parliament is numbered.⁵⁸

A Parliament may be divided into a number of Sessions. A **Session** may continue for the length of the Parliament or until the House or Senate is prorogued. There may be a number of sessions within each Parliament.⁵⁹ However, apart from the 44th Parliament, when there were two sessions, all parliaments since the 31st Parliament (1977 to 1980) have consisted of just one session.

Each session is divided into **Sitting periods** of which there are usually three: Autumn (February to April), Winter (or Budget) (May to June) and Spring (August to December). They are usually just referred to as 'sittings', as in the Spring Sittings. Towards the end of each year, the government usually issues a **Parliamentary Calendar** for the following year. This sets out the dates on which each House will sit and when Senate committees will hold Estimates hearings.⁶⁰ The calendar is subject to revision as circumstances, such as an election, dictate. The Parliament will generally meet for a fortnight (in some instances one week), with breaks in between. During Senate Estimates hearings the House of Representatives only will sit, with the Senate sitting alone at points as well.

Within each sitting fortnight the Parliament usually sits for four days (Monday to Thursday), but this can be varied. A **Sitting day** is the period from when the Parliament first meets on a particular day until it is adjourned. This may extend past midnight or even over a number of calendar days.⁶¹

In the House of Representatives a sitting day may be temporarily interrupted or suspended (**Suspension of sitting**) by the Speaker leaving the Chair following the direct or indirect wishes of the House. Suspensions can occur for a variety of reasons such as: to enable members to attend

56. Elder and Fowler, eds, *House of Representatives Practice*, op. cit., p. 144.

57. D McKeown, [Oaths and affirmations made by the executive and members of federal parliament since 1901](#), Research Paper, 2013–14, updated 24 October 2013.

58. Elder and Fowler, eds, *House of Representatives Practice*, op. cit., p. 220; Appendix 15.

59. *Ibid.*, pp. 228–29.

60. The Parliamentary Calendar can be found on the Parliament's [home page](#).

61. Elder and Fowler, eds, *House of Representatives Practice*, op. cit., p. 218.

functions, to allow for a meal break, the lack of a quorum, power failure, and following a condolence motion upon the death of a member.⁶² Similar procedures apply in the Senate.⁶³

Adjournment is any period when the House or Senate is not sitting as decided by its own resolution or its standing orders. It refers to the time between sitting days, between sitting fortnights in a sitting period, and between the main sitting periods in a calendar year.⁶⁴

These periods of adjournment are often referred to as recesses (as in the Winter recess between the Winter (Budget) and Spring sittings). However, they are technically not recesses. A **Recess** is more properly the period between sessions or the period between the close of a session by prorogation and the dissolution or expiry of the House.⁶⁵

Parliamentary privilege

Parliamentary privilege refers to ‘the special rights and immunities’ of the House of Representatives and the Senate, the members of both Houses, and parliamentary committees, ‘which are considered essential for the proper operation of the Parliament’.⁶⁶

These rights and immunities allow the Houses to meet and carry out their proper constitutional roles, for committees to operate effectively, for Members to discharge their responsibilities to their constituents, and for others properly involved in the parliamentary process to carry out their duties and responsibilities without obstruction or fear of prosecution.⁶⁷

Section 49 of the *Constitution* provides that:

The powers, privileges, and immunities of the Senate and of the House of Representatives, and of the members and the committees of each House, shall be such as are declared by the Parliament, and until declared shall be those of the Commons House of Parliament of the United Kingdom, and of its members and committees, at the establishment of the Commonwealth.

Section 50(i) of the *Constitution* further provides that ‘Each House of the Parliament may make rules and orders with respect to the mode in which its powers, privileges, and immunities may be exercised and upheld’.

The [Parliamentary Privileges Act 1987](#) (Cth), enacted under section 49 of the *Constitution*, codifies a number of parliamentary powers and immunities such as the inability of either House to expel members from membership (section 8), the protection of witnesses giving evidence before a House or committee (section 12), and the protection of freedom of speech in proceedings in Parliament (section 16). The best-known aspect of the privilege of freedom of speech in proceedings in Parliament is the protection of parliamentarians from legal action or prosecution for statements made during parliamentary debates.

Section 5 of the *Parliamentary Privileges Act 1987* also provides that, except to the extent that the Act expressly provides otherwise, the ‘powers, privileges and immunities of each House, and of the members and the committees of each House, as in force under section 49 of the Constitution immediately before the commencement of this Act, continue in force’.

62. Ibid., pp. 247–51.

63. Laing, ed and Evans, rev, *Odgers’ Australian Senate Practice*, op. cit., pp. 201-2.

64. Elder and Fowler, eds, *House of Representatives Practice*, op. cit., p. 218; Laing, ed and Evans, rev, *Odgers’ Australian Senate Practice*, op. cit., pp. 193–4.

65. Elder and Fowler, eds, *House of Representatives Practice*, op. cit., p. 218.

66. Ibid., p. 733.

67. Ibid.

Prorogation; Dissolution

Under section 5 of the *Constitution* the Governor-General may prorogue Parliament and may dissolve the House of Representatives. In practice this will happen on the advice of the Prime Minister. **Prorogation** terminates a session (see Parliamentary Calendar) of Parliament.⁶⁸ A **dissolution** (usually just of the House of Representatives, but can also be a double dissolution of the House and the Senate) terminates a Parliament (see Parliamentary Calendar) and thereby causes a general election. With both prorogation and dissolution, all business on the House of Representatives and Senate Notice Papers lapses and Parliament cannot meet. After prorogation committees may or may not be able to meet and transact business depending on how they were appointed (see Committees).⁶⁹

The [House of Representatives Practice](#) notes that prorogation is disruptive and affords little advantage to MPs and the Parliament.⁷⁰ However, it has been useful in certain circumstances. For example, Parliament was prorogued in 1974 and 1977 to enable the Queen to open a new session.⁷¹

Recent practice (apart from the circumstances preceding the 2016 double dissolution election) has been for the Parliament to be prorogued just before the dissolution of the House of Representatives.⁷² Since 1998 the Parliament has been prorogued, and the House dissolved, by a single proclamation.⁷³

Questions on Notice; Questions in Writing

Questions on Notice (in the Senate) and **Questions in Writing** (in the House of Representatives) both refer to members' written questions asked of ministers, as opposed to oral questions asked of ministers in Question Time (called Questions without Notice). Up until the beginning of the 41st Parliament (16.11.2004 to 17.10.2007), written questions in both the House of Representatives and the Senate were termed 'Questions on Notice'. From 16 November 2004 the House adopted new Standing Orders referring to such questions as 'Questions in Writing'. The Senate has continued to use the term 'Questions on Notice'.

Readings: First Reading; Second Reading; Third Reading; Consideration in Detail

Before a bill becomes an Act it must be passed by both Houses of Parliament and receive royal assent from the Governor-General. In each house the bill must proceed through three stages: first reading, second reading, and third reading. The term 'reading' derives from a time in British history when much of the population, including MPs, could not read. The Clerk would read out the full text of a bill so that MPs would know what they were debating.⁷⁴ Now the term 'reading' refers to the Clerk reading out the long title of a bill.

At the **First Reading** stage a bill is formally presented or introduced to the house by the responsible minister, and the Clerk then reads out its long title. No vote on the bill is taken at this stage.

68. Section 5 of the [Constitution](#) states in part that: 'The Governor-General may appoint such times for holding the sessions of the Parliament as he thinks fit, and may also from time to time, by Proclamation or otherwise, prorogue the Parliament, and may in like manner dissolve the House of Representatives'.

69. See Elder and Fowler, eds, *House of Representatives Practice*, op. cit., p. 234.

70. Ibid., p. 233.

71. Ibid.

72. Ibid., p. 232.

73. Ibid.

74. Department of the House of Representatives, *Infosheet 7—Making laws*, op. cit., p. 5.

At the **Second Reading** stage, which usually commences immediately after the first reading, the minister introducing the bill makes a second reading speech covering the purpose and content of the bill. Debate on the bill is then adjourned to a future sitting; during second reading debate the Opposition will indicate its stance on the bill. At the conclusion of debate at this stage the House votes on the motion: That this bill be now read a second time.

If the bill passes the second reading stage it may move to the **Consideration in Detail** stage where the specific clauses of the bill are examined and amendments put and voted on. This stage may be bypassed if Members agree that a bill need not be examined in detail.⁷⁵ Before 1994 this stage was known in the House of Representatives as the Committee of the Whole (a term still used in the Senate for the stage of considering a bill in detail).⁷⁶

The **Third Reading** stage is usually a formal step only; debate is rare, but it does allow for the bill to be reviewed in its final form. When the bill passes the third reading stage it has passed the House.⁷⁷ It then proceeds to the Senate where it goes through the same stages on the way to becoming law.

After a minister's second reading speech on a bill, the House may refer the bill to the Federation Chamber for the rest of the second reading stage and for consideration in detail. Bills considered by the Federation Chamber are reported back to the House for consideration and vote prior to third reading.⁷⁸

Referendum; Plebiscite

A **Referendum** is a vote of the people on a proposed amendment to the *Australian Constitution*. As provided for by the *Constitution* itself (section 128), it is the only way in which the *Constitution* can be amended. If the referendum is passed by an overall majority of all voters plus a majority of the states, then the *Constitution* will be amended by legislation. The result of a referendum is legally binding on the government. Sometimes this type of referendum is referred to as a constitutional referendum. There have been 44 referendums (the last in 1999) but only eight have been successful.

A constitutional referendum is different from a **Plebiscite** (sometimes called an advisory referendum) which occurs when an issue is put to a vote of the people as a means of gauging support or opposition. The results of plebiscites are not binding on governments and, if the issue in question happens to relate to the *Constitution*, do not result in any alteration of the *Constitution*. For example, a poll simply asking whether people supported or opposed Australia becoming a republic would be a plebiscite not a referendum. The result would not alter the *Constitution* and nor would the Government be legally required to act on the result. There have only been three national plebiscites: two on military conscription during World War I, one to choose Australia's national song in 1977.⁷⁹

75. Ibid., p. 3.

76. Elder and Fowler, eds, *House of Representatives Practice*, op. cit., p. 373.

77. Ibid., p. 353.

78. Department of the House of Representatives, *Infosheet 7—Making laws*, op. cit., p. 3.

79. The Australian Bureau of Statistics' (ABS) collection of information on changing the law regarding same-sex marriage in 2017 is perhaps most correctly referred to as a survey, given that [the direction to the ABS](#) was to 'collect... statistical information' rather than to conduct a ballot.

Standing Orders; Sessional Orders

Standing Orders are the rules which govern the conduct of each chamber's business, those of its committees and communications between the Houses. The Standing Orders of both the Senate and the House of Representatives are made under section 50 of the *Constitution*, which provides that:

Each House of the Parliament may make rules and orders with respect to:

- (i) the mode in which its powers, privileges, and immunities may be exercised and upheld;
- (ii) the order and conduct of its business and proceedings either separately or jointly with the other House.

The Standing Orders are adopted by each House and are considered to have ongoing (standing) effect. Sessional orders are standing orders which continue only for the period of the session of Parliament in which they were adopted. They do not have continuing effect beyond the session. Sessional orders are often introduced as a way of trialling proposed standing orders which then may or may not be adopted as ongoing Standing Orders.⁸⁰

Tabling a document; Presenting a document; Parliamentary Papers

Tabling or **Presenting a document** in Parliament means to formally place that document on the public record and enables it to be subject to action by Parliament.⁸¹ Tabling and presenting a document in Parliament mean the same thing and can be used interchangeably.⁸² The phrase 'to present a document' is currently the preferred terminology.⁸³

Numerous documents are presented to Parliament every year; those of a more substantial nature (for example, parliamentary committee reports, Commonwealth Auditor-General audit reports, and reports of statutory authorities) are included in the **Parliamentary Papers series (PPS)** by order of the relevant House of Parliament. The PPS is organised into annual numbered sets and is indexed.

White Papers; Green Papers; Discussion papers

A **Green Paper** is 'a paper presented to Parliament by a minister before an important debate, not as a declaration of politics, but as a basis for discussion'.⁸⁴ It will outline various policy options for consideration by interested parties and the general public.

After a period of time has elapsed during which the government may have consulted with relevant interest groups, it may produce a **White Paper** which is 'a statement of government policy on a particular issue, presented to parliament as a subject for discussion, usually prior to or accompanying the introduction of a relevant bill'.⁸⁵ In simple terms, a green paper is issued to set out a policy proposal for the purpose of public debate and consultation and a white paper sets out the government's legislative intention.

80. Elder and Fowler, eds, *House of Representatives Practice*, op. cit., pp. 190–91.

81. Elder and Fowler, eds, *House of Representatives Practice*, op. cit., p. 601; Laing, ed and Evans, rev, *Odgers' Australian Senate Practice*, op. cit., p. 577.

82. Laing, ed and Evans, rev, *Odgers' Australian Senate Practice*, op. cit., p. 577.

83. Elder and Fowler, eds, *House of Representatives Practice*, op. cit., p. 602.

84. The Penguin Macquarie *Dictionary of Australian Politics: A Penguin Australia Reference Book*, Macquarie University, NSW Australia, 1988, p. 159.

85. *Ibid.*, p. 355.

In Britain the tradition of producing green and white papers is much stronger than in Australia at the federal level; the New South Wales and Queensland State governments have used the practice quite often in recent years. In Australia, at the federal government level, the release of what are generally called policy discussion papers or policy consultation papers (rather than green papers) is less common.

Further reading

Australian Electoral Commission, '[What are referendums and plebiscites?](#)', Australian Electoral Commission website.

Department of the House of Representatives [Infosheet 1—Questions](#), Department of the House of Representatives, Canberra, July 2019.

Department of the House of Representatives, [Infosheet 5—Parliamentary privilege](#), Department of the House of Representatives, Canberra, March 2020.

Department of the House of Representatives, [Infosheet 16—The Federation Chamber](#), Department of the House of Representatives, Canberra, February 2020.

D McKeown, [Oaths and affirmations made by the executive and members of federal parliament since 1901](#), Research Paper series, 2013–14, Parliamentary Library, Canberra, 2013.

Examples of Green Papers and White Papers:

- Australian Government, [Green Paper on Developing Northern Australia](#), Department of the Prime Minister and Cabinet, Canberra, 2014.
- Australian Government, [2017 Foreign Policy White Paper](#), Department of Foreign Affairs and Trade, Canberra, November 2017.

© Commonwealth of Australia



Creative Commons

With the exception of the Commonwealth Coat of Arms, and to the extent that copyright subsists in a third party, this publication, its logo and front page design are licensed under a [Creative Commons Attribution-NonCommercial-NoDerivs 3.0 Australia](#) licence.

In essence, you are free to copy and communicate this work in its current form for all non-commercial purposes, as long as you attribute the work to the author and abide by the other licence terms. The work cannot be adapted or modified in any way. Content from this publication should be attributed in the following way: Author(s), Title of publication, Series Name and No, Publisher, Date.

To the extent that copyright subsists in third party quotes it remains with the original owner and permission may be required to reuse the material.

Inquiries regarding the licence and any use of the publication are welcome to webmanager@aph.gov.au.

This work has been prepared to support the work of the Australian Parliament using information available at the time of production. The views expressed do not reflect an official position of the Parliamentary Library, nor do they constitute professional legal opinion.

Any concerns or complaints should be directed to the Parliamentary Librarian. Parliamentary Library staff are available to discuss the contents of publications with Senators and Members and their staff. To access this service, clients may contact the author or the Library's Central Enquiry Point for referral.