

16. Matters of public importance

Introduction

16.1. Matters of public importance (MPIs) originated from a provision in the House of Representatives standing orders adopted in 1901 which permitted members to formally discuss a definite matter of urgent public importance. The rationale for the provision was described by Speaker Johnson as being based on:

... the supposition that something of an urgent public nature has suddenly arisen which prevents notice of a motion for its consideration being given in the ordinary way.¹

16.2. An MPI has been a vehicle for members to discuss matters of current concern without the requirement for a question to be before the chair. However, on 30 March 2021, the Assembly amended the standing orders to abolish the procedural basis for MPIs.² This was done following a recommendation of the Standing Committee on Administration and Procedure in its report on a review of the standing orders for the Tenth Assembly and proceeded on the basis that the allocation of a full day of private members' business made the procedure unnecessary.³

16.3. Prior to the abolition of the MPI procedure (that is, up until 30 March 2021), the following arrangements and considerations applied:

- MPIs were a principal avenue by which non-executive members could initiate discussion on matters of immediate concern;
- the Assembly did not make a judgement, by way of resolution, on the matters raised in an MPI;
- the form of that discussion was not a debate and no vote was taken at the completion of the discussion; and⁴
- unlike a motion, no action was called for and the discussion concluded when the time allocated had expired or no further members sought to speak.

1 House of Representatives Debates, 21 July 1922, pp 718-719.

2 Standing order 79, relating to matters of public importance, was omitted; see MoP, No 7, 30 March 2021, p 87.

3 Standing Committee on Administration and Procedure, *Review of Standing Orders for the Tenth Assembly*, March 2021, Report 4, p 4.

4 The Senate, at standing order 75, has provision both for matters of public importance and for urgency motions on issues of immediate concern. The latter involves debate and a vote on a question and is preferred by oppositions and crossbenches because it can result in a decision of the Senate critical of the government of the day.

Responsibilities of the Speaker

- 16.4. Prior to the abolition of the MPI procedure in the Tenth Assembly, standing order 79 required a member who wished to raise an MPI to lodge a written notice⁵ outlining the terms of the proposal with the Speaker one and a half hours before the commencement of the time fixed for the meeting of the Assembly at which it had been proposed that the matter was to be discussed. In practice, the written notice was to have been lodged with the Speaker by 8.30 am on a sitting morning.
- 16.5. Members did not need to submit a new request each sitting. A proposal for an MPI remained current and available for consideration until discussed, withdrawn or replaced by the member. A member was able to have only one proposal active at any time.⁶ Members were able to withdraw or replace an MPI upon a request to the Speaker's office.
- 16.6. The Speaker had the power to determine whether the matter proposed for an MPI was in order. While the standing orders were not specific as to the matters that would be regarded as being 'in order', many of the issues that were considered by the Speaker were determined on the basis of more general rules of debate. The Speaker ruled MPIs out of order on the following grounds:
- the matter was not within the scope of ministerial action;⁷
 - the proposal was in the form of a motion, not a statement;⁸
 - the proposal contained matter that should have been more properly moved in a substantive motion;⁹
 - the matter anticipated debate on a matter on the *Notice Paper* (standing order 130);¹⁰
 - the proposal risked breaching sub judice conventions;¹¹
 - the proposal was not definite; and

5 In the First Assembly, it had been the practice to circulate a photocopy of the letter to the Speaker detailing the MPI to members prior to the commencement of the sitting that day. On one occasion, it appeared that the document provided to the Speaker did not contain the true signature of the member. There was much debate and subsequently the MPI was withdrawn. MoP, No 139, 3 December 1991, p 621. Emails are now an acceptable means by which to communicate proposals for MPIs.

6 Standing order 79 as it then stood.

7 MoP, No 30, 18 August 2005, p 276; MoP, No 50, 20 March 2018, p 717; MoP, No 96, 14 May 2019, p 1387.

8 Assembly Debates, 28 August 2003, p 3325; MoP, No 71, 28 August 2003, p 911.

9 MoP, No 71, 28 August 2003, p 911. Matters critical of an individual are more properly debated in a substantive motion.

10 MoP, No 22, 6 June 2002, p 197; MoP, No 140, 7 May 1008, p 1465; MoP, No 156, 27 August 2008, p 1768. The Speaker has ruled that, following the withdrawal of a notice, a proposal was no longer in contravention of standing order 130 and was thus in order. MoP, No 134, 2 April 2008, p 1409. The Speaker would also consider whether a matter was currently before a committee.

11 MoP, No 42, 11 December 2002, p 471.

- the proposal was the same in substance to a matter discussed earlier in calendar year¹² or a motion that had been debated at the previous sitting.¹³
- 16.7. At the commencement of each sitting day, it was the practice that the Speaker announced whether any MPIs were ruled out of order and provided a statement of reasons for their decisions.¹⁴ The decision-making power of the Speaker in these matters was vested in them by the standing orders and was not taken to be a ruling that could be challenged by a motion of dissent moved by leave.
- 16.8. Given that MPIs were not the subject of any motion, they could not be amended in the Assembly. However, proposals were sometimes amended by the member, at the suggestion of the Speaker or the Clerk, prior to their discussion in the Assembly.
- 16.9. If more than one member submitted a matter for discussion—which had been the norm—the Speaker determined by lot which matter would be discussed pursuant to standing order 79 as it then stood. This process was conducted in the Speaker’s office at 8.30 am on a sitting day in the presence of the Speaker, the Speaker’s senior adviser and the Clerk. The Speaker’s office advised all members as to which proposal had been selected. Those proposals not selected remained current and available for consideration until discussed, withdrawn, or replaced by the member. However, a member could have only one proposal active at any time.
- 16.10. The terms of the MPI were printed in the *Daily Program*.

Time for discussion

- 16.11. The standing orders that determined the order of business for a sitting day—specifically, standing orders 69 and 74 as they then stood—stated that the discussion of an MPI should take place following the presentation of papers and ministerial statements, which occurred after question time. In effect, with question time starting at 2 pm, taking about one hour, and papers and ministerial statements often up to 30 minutes, the discussion of the MPI usually commenced at approximately 3.30 pm.
- 16.12. Fifty minutes was set aside for the discussion, with all members’ contributions limited to 10 minutes.¹⁵

12 MoP, No 126, 27 October 2011, p 1635. However, the Speaker has determined that new circumstances had arisen since the initial discussion and allowed the matter to proceed, notwithstanding that similar terrain was covered. MoP, No 94, 4 April 2019, p 1373.

13 MoP, No 85, 14 February 2019, p 1241.

14 See MoP, No 95, 11 March 2004, p 1209, for an example.

15 Standing order 69(g), as it stood prior to March 2021.

Member not present

- 16.13. The member proposing a matter for discussion was required, under the standing orders, to open the discussion. If that member was not in their place in the chamber or had been suspended¹⁶ when the matter was called on, the matter lapsed and the Assembly proceeded to the next item of business.¹⁷

COVID-19

- 16.14. During the COVID-19 pandemic in the Ninth Assembly, standing orders were suspended to prevent MPIs being discussed and to 'allow members to observe physical distancing during proceedings in the Chamber'.¹⁸

16 *House of Representatives Practice*, p 597.

17 MoP, No 86, 18 November 2010, p 1043; MoP, No 98, 16 May 2019, p 1469. However, leave has been granted for another member to speak to the matter in the absence of the proposer. MoP, No 94, 4 April 2019, p 1378; MoP, No 113, 19 September 2019, p 1653.

18 MoP, No 130, 7 May 2020, p 1934.