



# 15 MATTERS OF PUBLIC IMPORTANCE

## INTRODUCTION

15.1 Matters of public importance 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 permitting this 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.<sup>1</sup>

15.2 A 'matter of public importance' (MPI) gives Members a vehicle to discuss a matter of current concern without the requirement for a question to be before the Chair. The Assembly does not make a judgement on the matter by way of resolution. The form of that discussion is not a debate and no vote is taken at the completion of the discussion.<sup>2</sup> The order of business provides for this discussion to take place following the presentation of papers and ministerial statements.

15.3 Unlike a motion, no action is called for and the discussion concludes when the time allocated has expired or no further Members rise to speak. Standing order 69(g) specifies that the time allocated for the whole discussion is limited to one hour, with the proposer and Member next speaking being allocated 15 minutes and any other speakers 10 minutes.

15.4 The MPI procedure is one of the principal avenues available to non-executive Members to initiate discussion on matters that are of immediate concern. In the Assembly it is common for all non-executive Members to lodge proposals for MPIs with the Speaker on a regular basis. Of course, those from government backbenchers tend to be congratulatory in nature and those from the opposition critical of government policy or administration.

15.5 Technically, there is nothing in the standing orders that would prevent a Minister initiating an MPI but there have been no instances where a Minister has attempted to do so. There are other and better avenues available to Ministers to put their views before the Assembly. In addition, MPIs are accepted as an opportunity for non-executive Members to promote their views, and for Ministers to intrude into this area would be seen to diminish opportunities for non-executive Members to initiate matters in the Assembly. This is consistent with House of Representatives practice.<sup>3</sup>

15.6 During the term of the Sixth Assembly, there was an informal arrangement between the Whips and the crossbench Members that Members would not propose MPIs for sitting Wednesdays (private Members' business day). It was considered that, with the introduction of the 6 pm adjournment, the consideration of an MPI was cutting into the time

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1 H.R. Deb. (21.7.22) 718-9.

2 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 crossbenchers because it can result in a decision of the Senate critical of the government of the day.

3 *House of Representatives Practice*, p. 576.

available for non-executive Members' business. There were a few occasions in 2008 when this agreement was ignored.<sup>4</sup>

## RESPONSIBILITIES OF THE SPEAKER

15.7 Standing order 79 requires a Member who wishes to raise an MPI to lodge a written and signed letter<sup>5</sup> outlining the terms of the proposal with the Speaker one and a half hours prior to the commencement of the time fixed for the meeting of the Assembly at which it is proposed the matter is sought to be discussed. In practice, the letter is required to be lodged with the Speaker by 8.30 am on a sitting morning. The terms of the MPI are then printed in the *Daily Program*, which is distributed to all Members around 9 am each sitting day.

15.8 The Speaker has the power to determine whether the matter proposed is in order. While the standing orders are less than specific as to what constitutes 'in order', the Speaker takes the following issues into consideration:

- whether the matter is within the scope of ministerial action;
- whether the matter is critical of an individual;
- whether the proposal is in the form of a statement, not a motion;
- whether the matter is currently before a committee;
- whether the matter anticipates debate on a matter on the *Notice Paper* (standing order 130); and
- whether the proposal risks breaching sub judice conventions.

15.9 Many of the issues that are considered by the Speaker also apply to the general rules of debate. The Speaker has ruled MPIs out of order on the following grounds:

- the matter was not within the scope of ministerial action;<sup>6</sup>
- the proposal was in the form of a motion, not a statement;<sup>7</sup>
- the proposal contained matter than should have been more properly moved in a substantive motion;<sup>8</sup>
- the matter anticipated debate on a matter on the *Notice Paper* (standing order 130);<sup>9</sup> and
- the proposal risked breaching sub judice conventions.<sup>10</sup>

15.10 It is the practice of the Speaker to announce at the commencement of each sitting day whether any MPIs have been ruled out of order and the reasons for that decision.<sup>11</sup> The decision of the Speaker is regarded as one that cannot be challenged by a motion of dissent as it is not a ruling but the exercise of an authority vested in the Speaker by the standing orders.

15.11 No amendment can be made to a matter under discussion as it is not a motion before the Assembly. However, proposals are sometimes amended by the Member at the suggestion of the Speaker or the Clerk prior to their discussion in the Assembly.

4 MoP 2004-08/772.

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 1989-91/621.

6 MoP 2004-08/276.

7 Assembly Debates (28.8.2003) 3325; MoP 2001-04/911.

8 MoP 2001-04/911.

9 MoP 2001-04/197.

10 MoP 2001-04/471.

11 See MoP 2001-04/1209 for an example.

15.12 In the event that more than one Member submits a matter for discussion, pursuant to standing order 79 the Speaker determines by lot the matter to be submitted for discussion. This process is conducted in the Speaker's office at 8.30 am on a sitting day in the presence of the Speaker, his or her senior adviser and the Clerk. The Speaker's office advises the Member whose proposal is successful. All matters proposed, including those that are unsuccessful, are retained with the originals of the minutes held by the Clerk's Office.

### **TIME FOR DISCUSSION**

15.13 The standing orders that determine the order of business for a sitting day—specifically, standing orders 69 and 74—state that the discussion of an MPI shall take place following the presentation of papers and ministerial statements, which occurs 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 commences at about 3.30 pm.

15.14 One hour is set aside for the discussion, with the proposer being allocated 15 minutes, the next Member speaking 15 minutes, and any other speaker 10 minutes.<sup>12</sup>

### **MEMBER NOT PRESENT**

15.15 The Member who proposes a matter for discussion must, under the standing orders, open the discussion. If that Member is not in his or her place in the Chamber or has been suspended<sup>13</sup> when the matter is called on, the matter lapses and the Assembly proceeds to the next item of business.

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<sup>12</sup> Standing order 69(g)

<sup>13</sup> *House of Representatives Practice*, p. 582.