

Did you know?

Private Members can lay down the law

Law making is big business in the House. The majority of the House's sitting time each week is spent on Government business and the majority of Government business is consideration of bills introduced by Government Ministers. In recent years the House has considered some 220 Government bills annually.

Notwithstanding this, in the past few years the House has had a resurgence in legislative activity by 'private Members' (ie all Members of the House who are not Government Ministers or Parliamentary Secretaries). On 13 March 2000, four private Members' bills were introduced – this is believed to be a record number of private Members' bills for any one sitting of the House.

One recent private Members' bill – the Adelaide Airport Curfew Bill 1999, introduced by Chris Gallus (Hindmarsh, South Australia) – was finally agreed to by both Houses on 16 March 2000. Upon assent by the Governor-General, it becomes a Commonwealth Act.* Mrs Gallus' bill thus becomes only one of seven House of Representatives private Members' bills to pass into law since Federation.

Under the rules of the House (known as the Standing Orders) the introduction of a private Members' bill is given priority over other private Members' business on each sitting Monday. At introduction, the Member presents the bill and may speak in support of it for up to 15 minutes. Private Members have great freedom in the introduction of bills, with the important exception that only the Government may initiate a bill imposing or varying a tax or requiring the appropriation of revenue or money.

Over the years private Members' bills have dealt with topics as diverse as abortion, the sale of tobacco to young persons, altering the constitution to recognise Aborigines, protection of the Australian flag, abolition of the death penalty, euthanasia, national service and trade practices.

Bills initiated by private Members in the House of Representatives

Period	Introduced	Passed to Senate	Passed into law	% into law
1901-1910	17	2	1	5.9
1911-1920	1	-	-	-
1921-1930	-	-	-	-
1931-1940	3	2	2	66.7
1941-1950	1	-	-	-
1951-1960	5	1	1	20.0
1961-1970	10	-	-	-
1971-1980	16	1	1	6.3
1981-1990	30	-	-	-
1991-April 2000	78	4	2	2.7
Total	161	10	7	4.4



Opposition Leader Kim Beazley (left) and Member for Calare, Peter Andren (right) were both asked questions on their private Members' bills dealing with mandatory sentencing during a recent Question Time.

Usually the Office of the Clerk of the House drafts private Members' bills. The Office of Parliamentary Counsel, an organisation within the Attorney-General's portfolio, drafts Government bills.

The introduction of a bill by a private Member enables that Member to advance a formal argument in support of a particular proposal requiring legislation. It also gives the House a very effective vehicle within which to analyse, debate and amend when examining the merits of an idea.

Importantly, it is possible for the Member introducing a private Members' bill to be asked a question about the bill during Question Time in the House. Normally questions without notice at Question Time are directed only to Government Ministers. In recent weeks Opposition Leader Kim Beazley and Member for Calare (New South Wales) Peter Andren – both private Members – have responded to questions without notice during Question Time about their respective private Members' bills concerning the abolition of mandatory sentencing laws in the Northern Territory.

Although the 'success' rate of private Members' bills is low (in terms of finally passing into law) many of the ideas contained in such bills are often incorporated into Government bills and subsequently enacted. A notable example of this was the integration of a private Members' bill dealing with uniform divorce laws into a Government matrimonial causes bill that later became an Act.

Private Members' bills are one of the many ways Members of the House can raise issues of public interest and achieve change.

* The text of Commonwealth Acts can be accessed at: www.law.gov.au