

**VICTORIA**

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**STANDING ORDERS  
AND  
RULES OF PRACTICE  
OF THE  
LEGISLATIVE COUNCIL**

together with  
**JOINT STANDING ORDERS  
OF THE  
PARLIAMENT OF VICTORIA**

**2003**

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## CHAPTER 1

### PROCEEDINGS ON THE OPENING OF PARLIAMENT AND IN RELATION TO THE ADDRESS IN REPLY

#### FIRST SESSION OF NEW PARLIAMENT

##### **Proclamation read by the Clerk**

- 1.01 On the first day of the meeting of a new Parliament, and at the appointed time and place, the Clerk will read the Proclamation convening Parliament.

##### **Commissioners introduced**

- 1.02 The Usher of the Black Rod will then introduce to the Council Chamber two Commissioners from the Governor appointed to open Parliament.

##### **Assembly summoned**

- 1.03 At the desire of the Senior Commissioner the Usher of the Black Rod will request the presence of the Members of the Assembly to hear the Commission read.

##### **Commission read by the Clerk**

- 1.04 The Members of the Assembly having presented themselves, the Clerk will read the Commission.

##### **Houses requested to elect Presiding Officers**

- 1.05 The Senior Commissioner will then inform the Members of both Houses that the Governor will at a future time declare the cause of his calling Parliament together, and will (as necessary) request the Members of the Council and the Assembly in the meantime to proceed to the election of their President and Speaker, respectively.

##### **Assembly Members withdraw**

- 1.06 The Second Commissioner and the Members of the Assembly will then withdraw from the Council Chamber.

##### **Commission for swearing Members**

- 1.07 The Clerk will read the Commission for swearing Members, issued by the Governor to the Senior Commissioner.

##### **Return of Writs**

- 1.08 After the Commission has been read the Clerk will read, with the returns endorsed thereon, any Writs delivered to him or her that have been issued during the prorogation pursuant to the *Electoral Act 2002*.

### **Members sworn or affirmed**

- 1.09 Members returned pursuant to such Writs will then be sworn or affirmed as prescribed by the *Constitution Act 1975*.

### **Senior Commissioner retires; President takes Chair and reads Prayer**

- 1.10 The Senior Commissioner will then retire from the Council Chamber and the President will take the Chair and read the Lord's Prayer.

### **President elected if office vacant**

- 1.11 If the office of President is vacant the Council will proceed to the election of a President\*, following which the President will take the Chair and read the Lord's Prayer.

### **Adjournment**

- 1.12 The Council will then adjourn.

### **Governor's arrival**

- 1.13 At the next meeting after the adjournment the President will take the Chair and await the arrival of the Governor.

## **SECOND OR SUBSEQUENT SESSION**

### **Proclamation read by the Clerk**

- 1.14 On the day and at the hour appointed for the commencement and holding of any Session of Parliament, not being the first meeting after a dissolution of the Assembly, the Clerk will read the Proclamation convening Parliament.

## **FIRST SESSION OF NEW PARLIAMENT AND ALL SUBSEQUENT SESSIONS**

### **Governor announced by Usher**

- 1.15 When the Governor has arrived at the Council Chamber, the Usher of the Black Rod will announce his or her arrival and conduct him or her to the Chair, the President leaving the Chair and taking one to the right.

### **Assembly summoned**

- 1.16 Upon the command of the Governor, the Usher of the Black Rod will desire the immediate attendance of the Assembly in the Council Chamber. Seats may be provided within the body of the Council Chamber for the Speaker and such other Members of the Assembly as determined by the President.

### **Governor's Speech**

- 1.17 When the Speaker and Members of the Assembly have come to the Council Chamber, the Governor will outline the reasons for calling the Parliament together.

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\* See Section 24 of the *Constitution Act 1975*

### **Copy of Speech to President and Speaker**

- 1.18 At the conclusion of the Governor's Speech the President and the Speaker will each be handed a copy by the Governor's Secretary following which the Governor will withdraw from the Council Chamber.

### **President reads Prayer**

- 1.19 At any second or subsequent Session the President will then take the Chair and read the Lord's Prayer.

### **Privilege Bill introduced**

- 1.20 Before the Governor's Speech is reported to the Council, a Bill is read a first time to re-assert and maintain the right of the Council to deal with its own business before the Governor's business.

### **Questions, notices and papers**

- 1.21 Questions without notice may then be asked, notices of motion may then be given, and papers laid upon the Table.

### **Speech reported**

- 1.22 The President will then report to the Council the Speech of the Governor.

### **Motion for Address in Reply**

- 1.23 The Speech having been reported by the President, a motion for an Address in Reply to the Speech will then be made and seconded. The Council will resolve to agree to the Address with or without amendment.

### **Precedence of debate on Address**

- 1.24 Unless otherwise ordered, the debate on the Address in Reply will take precedence over all other business except questions, formal business, urgent motions, and urgent Bills.

### **Motion for presenting Address**

- 1.25 At the conclusion of debate on the motion for an Address in Reply to the Speech of the Governor, a motion will then be made that the Address be presented to the Governor by the President and such Members who may wish to accompany him or her.

### **Governor's reply**

- 1.26 The President will report to the Council the Governor's reply to their Address.

### **New Member sworn or affirmed by Commissioner if office of President is vacant**

- 1.27 If the office of President becomes vacant during the prorogation of Parliament and any new Member has been elected during such prorogation, immediately following the reading of the proclamation convening Parliament the Usher of the Black Rod will introduce a Commissioner appointed by the Governor for swearing Members, and the Clerk will read his or her Commission.

## CHAPTER 2

### PRESIDENT AND CHAIR OF COMMITTEES

#### **Election of President**

2.01 Whenever the office of President becomes vacant, a Member addressing the Clerk, will propose for President a Member who is present, and move that such Member do take the Chair of the Council as President.

#### **When only one Member proposed**

2.02 If only one Member is proposed and seconded as President, the Member will indicate whether the nomination is accepted. The nominee will then be taken out of his or her place by the proposer and seconder and conducted by them to the Chair.

#### **When more than one Member proposed**

2.03 If more than one Member is proposed and seconded as President, a motion will be made regarding each such Member "That the Honourable ..... do take the Chair of the Council as President", and each Member so proposed will address the Council.

#### **Question put by the Clerk**

2.04 The Clerk will then put the question that the Member first proposed "do take the Chair of the Council as President", which will be resolved in the affirmative or negative.

#### **Member elected conducted to the Chair**

2.05 If the question is resolved in the affirmative, the Member will be conducted to the Chair; but if in the negative, the Clerk will then put the question that the Member next proposed "do take the Chair of the Council as President". If that question is resolved in the affirmative that Member will be conducted to the Chair.

#### **President takes the Chair**

2.06 Having been conducted to the Chair, the Member elected will return his or her acknowledgements to the Council for the honour conferred upon him or her, and take the Chair.

#### **President presents himself or herself to Governor**

2.07 Before proceeding to any business, the President, with such Members of the Council who wish to accompany him or her, will present himself or herself to the Governor as the choice of the Council.



### **Governor's reply to be reported**

2.08 The President will report to the Council any reply that may be made by the Governor.

### **Chair of Committees**

2.09 A Member will be appointed Chair of Committees of the whole Council, and when so appointed will continue to act in that position until the next periodical election of Members of the Council.

### **Deputy President**

2.10 The Chair of Committees will take the Chair as Deputy President whenever requested to do so by the President during a sitting of the Council, without any formal communication to the Council.

### **Temporary Chairs**

2.11 At the commencement of every Session the President will nominate a panel of not less than two Members to act as temporary Chairs of Committees whenever requested to do so by the Chair of Committees or whenever the Chair of Committees is absent. The President may from time to time during the Session make changes to the panel.

### **Temporary relief in the Chair**

2.12 Any of the temporary Chairs of Committees may be called upon to temporarily relieve the President or Deputy President in the Chair.

### **Absence of Chair and Temporary Chairs**

2.13 If, when the Council resolves itself into a Committee of the whole, the Chair of Committees and the temporary Chairs are absent, the Committee may call some other Member then present to take the Chair of the Committee.

### **Absence of Clerk**

2.14 In the absence of the Clerk, the Deputy Clerk or such other officer nominated by the President will perform his or her duties at the Table.

## CHAPTER 3

### SITTING AND ADJOURNMENT OF THE HOUSE

#### **President takes Chair when quorum present**

3.01 The President will take the Chair as soon after the time appointed for the meeting of the Council as a quorum\* of Members is present, and will read the Lord's Prayer.

#### **Lack of quorum at commencement of sitting**

3.02 If, after half an hour from the time appointed for the sitting of the Council there is not a quorum, the President will take the Chair and adjourn the Council to the next sitting day.

#### **Lack of a quorum during sitting**

3.03 If at any time after the commencement of the business of the day it appears, on notice being taken or on a division, that a quorum of Members is not present, the President will, after the bells have been rung as for a division, count the Members and, if a quorum is not present will, without putting any question, adjourn the Council to the next sitting day.

#### **Doors unlocked when Council counted**

3.04 The doors of the Chamber will be unlocked when the President is engaged in counting the Council to determine whether there is a quorum present.

#### **Special meeting of the Council**

3.05 If during any adjournment of the Council any emergency arises which in the opinion of the President renders it desirable that the Members of the Council should meet for the consideration of any matter before the time previously fixed for meeting, the President will appoint a day and hour for a special meeting to deal with such matter and to summon Members to such special meeting: Provided that the special meeting will not be earlier than two days from the date of summons.

#### **Adjournment of the Council**

3.06 Subject to Standing Order 3.08 a motion for the adjournment of the Council may only be moved by a Minister. Such motion may not be amended.

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\* To constitute a quorum there must be present (exclusive of the President) one-third at least of the Members of the Council [See Section 32(1) of the *Constitution Act 1975*]

### **Daily adjournment debate**

3.07 On the motion for the adjournment of the Council, Members may raise matters for consideration by Ministers.

### **Adjournment motion**

- 3.08 (1) A Member, other than a Minister, may move “That the Council do now adjourn” if he or she is supported by six other Members rising in their places and requiring the motion to be proposed.
- (2) The Member moving the adjournment in accordance with paragraph (1) will state in writing the subject that the Member proposes to speak to, and the debate will be strictly confined to that subject.
- (3) No second motion under this Standing Order will be made during the same sitting day.

### **If adjournment motion an abuse of the rules**

3.09 If the President is of the opinion that a motion for the adjournment of a debate or of the Council during any debate is an abuse of the rules of the Council, he or she may forthwith put the question from the Chair, and no Member having moved any such motion will be entitled to move any similar motion during the same debate.

### **Transmission and broadcasting of proceedings**

- 3.10 (1) The proceedings of the Council may be —
- (a) transmitted by sound to offices within the precincts of Parliament House; or
  - (b) published in electronic form; or
  - (c) recorded in sound and/or visual form by persons and organizations outside Parliament House —
- on such terms and conditions as may be determined by the President from time to time.
- (2) The broadcasting and re-broadcasting of proceedings of the Council may be undertaken by radio and television stations: Provided that such broadcasting and re-broadcasting is in compliance with the Standing Rules of Practice of the Council.

## **CHAPTER 4**

### **ATTENDANCE OF MEMBERS**

#### **Every Member to attend sittings of Council**

4.01 Every Member will attend the service of the Council, unless given leave of absence by the Council on account of his or her own illness, the illness or death of a near relation, urgent business, or for other sufficient cause to be stated to the Council.

#### **Notice of motion to be given for leave of absence**

4.02 Notice will be given of a motion for giving leave of absence to any Member, stating the cause and period of absence.

#### **Forfeiture of leave of absence**

4.03 If any Member having leave of absence attends the sittings of the Council before the expiration of such leave, his or her leave will thereupon expire.

#### **Members not attending**

4.04 Members without leave of absence who, when ordered, do not attend sittings of the Council may be dealt with as the Council may think fit.

## CHAPTER 5

### NOTICES, MOTIONS AND ORDERS OF THE DAY

#### Order of Business

- 5.01 Unless otherwise ordered, the Council will proceed with its ordinary business of the day in the following order:
- (a) prayers;
  - (b) presentation of Messages;
  - (c) questions without notice;
  - (d) answers to questions on notice;
  - (e) giving notices of motion;
  - (f) presentation of petitions;
  - (g) introduction and first reading of Bills by leave;
  - (h) presentation of papers;
  - (i) moving of motions and discussion of Orders of the Day as set down on the Notice Paper;
  - (j) statements by Members; and
  - (k) adjournment debate.

#### Formal business defined

- 5.02 Formal business is deemed to include giving notices of motion, the presentation of petitions, the introduction and first reading of Bills and the presentation of papers.

#### Order of the Day defined

- 5.03 An Order of the Day is a Bill or matter which the Council has ordered to be taken into consideration on a particular day.

#### Time for giving notices of motion

- 5.04 No notice of motion will, without leave of the Council, be received after the Council has proceeded to the Orders of the Day.

#### Urgency motion

- 5.05 (1) A Member may propose that a definite matter of urgent public importance be brought before the House for discussion by submitting to the President in writing at least two hours before the time fixed for the President to take the Chair —
- (a) the subject-matter desired to be discussed; and
  - (b) a statement setting out the grounds considered to justify its urgent consideration —
- and, if the President is satisfied that the matter is of such importance as to warrant urgent consideration, he or she will permit the motion to be moved: Provided that, where the President is satisfied that unusual and extreme circumstances did not permit a matter being submitted to him or her at least two hours before the time fixed for taking the Chair, he or she may waive that requirement.

- (2) Discussion upon a matter approved by the President pursuant to this Standing Order will be entered upon immediately prior to Questions without Notice; a motion being made, without notice, "That the Council take note of ... (subject)".
- (3) A motion under this Standing Order will take precedence of a motion for the adjournment of the Council pursuant to Standing Order 3.08.
- (4) A motion under this Standing Order may not be amended, nor will any motion for the adjournment of the debate be entertained.
- (5) Not more than one motion under this Standing Order will be made during any sitting of the Council.
- (6) In the case of two or more subject-matters being proposed to the President for discussion at a sitting, the President will decide, having regard to their relative urgency, which (if any) of those matters will be the subject of a motion.
- (7) No debate will be permitted as to the exercise of discretion by the President under this Standing Order, except by motion to dissent from his or her ruling.

### **Ministerial statements**

5.06 Ministerial statements may be made after motions proposed pursuant to Standing Orders 3.08 and 5.05 and questions.

### **Motions to precede Orders of the Day**

5.07 Motions will take precedence of Orders of the Day and will, unless postponed, be moved in the order in which they stand on the Notice Paper.

### **Printing of a document may be moved without notice**

5.08 On the presentation of any document a motion may be made, without notice, that it be printed and a day appointed for its consideration.

### **Clerk to read the Orders of the Day**

5.09 After formal business and questions the President will direct the Clerk at the Table to read the Orders of the Day, without any question being put.

### **Motions and Orders not called on**

5.10 All motions and Orders of the Day which at the adjournment of the Council have not been called on will, according to whether they are Government or general business, be listed on the Notice Paper after the Notices of Motion and Orders of the Day, respectively, for the next day on which the Council sits.

### **Revival of dropped Motions and Orders**

5.11 If a motion or Order of the Day drops off the Notice Paper owing to —  
(a) no day being appointed for its future consideration; or  
(b) its being superseded; or  
(c) the debate thereon being interrupted by lack of a quorum —  
such motion or Order may be restored to the Notice Paper for a subsequent day on motion without notice made before the commencement or after the close of public business.

### **Periodic discharge of Orders of the Day, General business**

- 5.12 An Order of the Day, General business, other than for the consideration of a Bill or the resumption of the debate on a motion, will be discharged from the Notice Paper after it has been listed for ten consecutive sitting days.

### **Notices to be in writing and delivered at Table**

- 5.13 Every Member in giving notice of a motion will read it aloud and deliver to the Table a copy of such notice signed by him or her or on his or her behalf, and stating the day proposed for bringing on such motion.

### **Two Notices not to be given consecutively**

- 5.14 A Member may not give two notices of motion consecutively if any other Member has any notice to submit.

### **Notice may be given for absent Members**

- 5.15 A Member, with the consent of another Member, may give notice for that Member not then present by putting the name of such Member on the notice of motion.

### **Notices and Orders of the Day to be printed and circulated**

- 5.16 Every notice of motion and every Order of the Day will be printed on the Notice Paper and circulated.

### **Notices may be omitted from Notice Paper**

- 5.17 Any notice of motion or part of a notice of motion containing, in the opinion of the President, unbecoming expressions may be omitted from the Notice Paper by order of the President.

### **Notices may be postponed**

- 5.18 A Member desiring to change the day for bringing on a motion, may give notice of such motion for any day subsequent to that first named, but not earlier, subject to the same rules as apply to other notices of motion.

### **Notices may be altered**

- 5.19 After a notice of motion has been given, the motion may be altered by the Member, on delivering to the Table an amended notice at least one day prior to the day for moving such motion.

### **Motions without notice**

- 5.20 A motion may be made by leave of the Council without previous notice.

### **Motions not to require seconder**

- 5.21 Except as provided for in Standing Orders 1.23, 2.02 and 2.03, no motion in the Council or Committee of the whole Council will require a seconder.

### **Statements by Members**

5.22 At the time prescribed by the Sessional Orders, Members may make statements on any topic of concern and any Member may be called by the Chair to make such statement for a period not exceeding 90 seconds. The period allowed for these statements will not exceed 15 minutes.

### **Business to take precedence**

5.23 Precedence will be given to —

- (a) a motion for a vote of thanks of the Council;
- (b) a motion for leave of absence to a Member;
- (c) a motion relating to the qualification of a Member;
- (d) a motion to approve, allow, disallow, revoke or otherwise void, any proposal, Statutory Rule or other instrument which by any Act is expressed as being subject to such a resolution of the Council or of the Council and the Assembly;
- (e) an Order of the Day for the consideration of a report of the Standing Orders Committee or, arising from any such report, a motion to vary or adopt Standing Orders of the Council; and
- (f) a motion pursuant to Standing Order 6.08:

Any such business will be taken according to the sequence set out in this Standing Order.

### **Effect of question of order or privilege arising**

5.24 Subject to the provisions of Standing Order 19.01, all questions of order or privilege which arise at any time will suspend the consideration and decision of every other question, but an adjourned debate on such questions will not be accorded precedence unless so ordered.



## CHAPTER 6

### QUESTIONS SEEKING INFORMATION

#### Questions to Ministers

- 6.01 Questions may be put to Ministers of the Crown relating to public affairs with which the Minister is connected or to any matter of administration for which the Minister is responsible.

#### Matter not to be debated in answer

- 6.02 In answering any such question, the Minister will not debate the matter to which it refers.

#### Questions without notice

- 6.03 Members may ask questions without notice, provided that no question without notice may be asked after twenty minutes have elapsed from the time the President calls on questions, unless such time is extended at the discretion of the President.

#### Questions on Notice

- 6.04 A Member may lodge a question on notice by delivering a copy to the Table or the Papers Office, signed by him or her or on the Member's behalf.

#### Questions may be omitted from Notice Paper

- 6.05 Any question containing, in the opinion of the President, unbecoming expressions or debatable matter may be omitted from the Notice Paper by order of the President.

#### Question may be altered

- 6.06 After a question has been lodged, its terms may be altered by the Member, on delivering or causing to be delivered to the Table or the Papers Office an amended question.

#### Answers to questions on notice

- 6.07 After questions without notice a Minister will read and circulate to the Council the numbers of the questions on notice to which answers are being provided, a copy of the answer will be given to the Member asking each question, and all answers will be incorporated in *Hansard*.

### **Procedure where answers to questions on notice not provided**

- 6.08 (1) If a Minister does not furnish an answer to a question on notice within 30 days of the asking of that question and does not, within that period, provide to the Member who asked the question an explanation satisfactory to that Member as to why an answer has not been provided —
- (a) at the conclusion of the normal time for answering questions on notice on any day after that period the Member may ask the relevant Minister for an explanation; and
  - (b) at the conclusion of any such explanation the Member may move, without notice, "That the Council take note of the explanation".
- (2) In the event that a Minister does not provide an explanation, notice may forthwith be given of a motion regarding the Minister's failure to provide either an answer or an explanation and precedence will be given to such a motion on the next day of meeting in accordance with Standing Order 5.23.

## CHAPTER 7

### QUESTIONS PUT BY PRESIDENT

#### **Question proposed by President**

7.01 When a motion has been made, the question will be proposed to the Council by the President.

#### **Motion may be withdrawn**

7.02 A Member who has made a motion may withdraw the same by leave of the Council\*.

#### **Superseding of question**

7.03 A question may be superseded by —

- (a) the adjournment of the Council, either on the motion of a Member “That the Council do now adjourn”, or on notice being taken and it appearing that a quorum of Members is not present; or
- (b) a motion “That the Orders of the Day be now read”; or
- (c) the previous question, “That this question be not now put” being proposed and resolved in the affirmative.

#### **When previous question resolved in affirmative**

7.04 If the question “That this question be not now put” is resolved in the affirmative and the original question is superseded, the motion or Bill under discussion drops off the Notice Paper and the Council will proceed to the next business.

#### **When previous question negatived**

7.05 If the question “That this question be not now put” is resolved in the negative the original question will be put forthwith, without any amendment or debate.

#### **When previous question superseded by adjournment**

7.06 The questions “That the Orders of the Day be now read” and “That this question be not now put” may be superseded by the adjournment of the Council upon motion to that effect being carried or for the want of a quorum.

#### **Question may be divided**

7.07 The Council may order a complicated question to be divided.

#### **Question put and again stated**

7.08 When the debate on a question is concluded, the President will put the question to the Council and will, if requested by a Member, again state it to the Council.

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\* And see Standing Order 7.12

**Questions determined by majority of voices**

7.09 A question, being put, will be resolved in the affirmative or negative by the majority of voices "Aye" or "No".

**President states whether "Ayes" or "Noes" have it**

7.10 The President will state whether, in his or her opinion, the "Ayes" or the "Noes" have it and, unless his or her opinion is acquiesced in by the minority, the question will be determined by a division.

**Same question not to be proposed again**

7.11 No question will be proposed in the Council which is the same in substance as any question which, during the same Session, has been resolved in the affirmative or negative.

**Motion withdrawn may be made again**

7.12 A motion which has been withdrawn by leave of the Council may be made again during the same Session.

**Resolution or vote may be rescinded**

7.13 A resolution or other vote of the Council may be read and rescinded.

**Order may be discharged**

7.14 An order of the Council may be read and discharged.

## CHAPTER 8

### AMENDMENTS

#### How a question may be amended

- 8.01 A question having been proposed may be amended by —
- (a) leaving out certain words only; or
  - (b) leaving out certain words in order to insert or add other words; or
  - (c) inserting or adding words.

#### Amendment to leave out words

- 8.02 When the proposed amendment is to leave out certain words, the President will put a question “That the words proposed to be omitted stand part of the question”, which will be resolved by the Council in the affirmative or negative.

#### Amendment to leave out words and insert or add other words

- 8.03 (1) When the proposed amendment is to leave out certain words in order to insert or add other words, the President will put the question “That the words proposed to be omitted stand part of the question”.
- (2) If the foregoing question is resolved in the affirmative, the amendment is negated.
- (3) If the question is resolved in the negative and there is no motion before the Council for amending the proposed amendment, the further question will be put, “That the words (*of the amendment*) proposed to be inserted [*or added*] in place of the words omitted be so inserted [*or added*]”, which will be resolved in the affirmative or negative.

#### Amendment to insert or add words

- 8.04 When the proposed amendment is to insert or add certain words, the President will put the question “That the words proposed to be inserted [*or added*] be so inserted [*or added*]”, which will be resolved in the affirmative or negative.

#### When later part amended or proposed to be amended

- 8.05 No amendment will be proposed in any part of a question after a later part has been amended, or has been proposed to be amended, unless (in the latter case) the proposed amendment has been withdrawn by leave of the Council.

#### No amendment to words already agreed to

- 8.06 No amendment will be proposed to be made to any words which the Council has resolved will stand part of a question, except the addition of other words to the question.

**Proposed amendment withdrawn**

8.07 A proposed amendment may be withdrawn by leave of the Council.

**Amendments to proposed amendments**

8.08 When an amendment has been proposed, amendments to the amendment may be moved, as if such proposed amendment was an original question.

**Question, as amended, put**

8.09 When amendments have been agreed to the main question as amended will be put.

**If proposed amendments not agreed to**

8.10 When amendments have been proposed but not agreed to the question will be put as originally proposed.

## CHAPTER 9

### DEBATE

#### **Order maintained by President**

9.01 The President will maintain order in the Council.

#### **When the President rises Members to be silent**

9.02 Whenever the President rises during a debate any Member then speaking or offering to speak will sit down, and the Members will be silent, so that the President may be heard without interruption.

#### **Members unable to stand**

9.03 A Member unable to stand by reason of sickness or disability may be permitted by the President to speak while sitting.

#### **No Member to speak after question put**

9.04 No Member may speak to any question after it has been put by the President.

#### **President calls Member first observed**

9.05 When two or more Members rise to speak the President will call the Member first observed by him or her, but a motion may be made, That any Member who has risen "be now heard".

#### **Member moving adjournment of debate**

9.06 A Member moving the adjournment of the debate on any question will, whether the adjournment is carried or not, be entitled to speak again on the main question, provided he or she has not discussed that question in moving the motion for adjournment.

#### **Personal explanation**

9.07 When there is no question before the Chair and with the consent of the President, a Member may explain a matter of a personal nature. A personal explanation will not be debated.

#### **Member may speak in reply**

9.08 No Member may speak twice to a question before the Council, except in explanation or reply. A reply will be allowed to a Member who has moved a substantive motion or the second reading of a Bill, but not to any Member who has moved any other Order of the Day, an amendment, an instruction to a Committee, or the previous question.

#### **Member speaking in explanation**

9.09 A Member who has spoken to a question before the Council may again be heard to explain some material part of his or her speech, but will not introduce any new matter.

### **Incorporation of material in *Hansard***

9.10 A Member may be granted leave to incorporate into *Hansard* material such as statistical tables, graphs and charts, to which a Member has referred in debate, that are not suitable for presentation in the ordinary course of a speech.

### **Member speaking may move adjournment of debate**

9.11 A Member while speaking to a question may move the adjournment of the debate.

### **Point of Order**

9.12 A Member may at any time raise a point of order which will, until disposed of, supersede the consideration and decision of every other question.

### **Debates of same Session not to be alluded to**

9.13 No Member will allude to any debate of the same Session upon a question or Bill not being then under discussion, except when making a personal explanation.

### **Allusion to debates in the Assembly**

9.14 No Member will allude to any debate in the Assembly in the same Session.

### **Reflections on votes of the Council**

9.15 No Member will reflect on any vote of the Council except for the purpose of moving that such vote be rescinded.

### **Offensive words against either House**

9.16 No Member will use offensive words against either House of Parliament.

### **Offensive words against a Member**

9.17 No Member will use offensive or unbecoming words in reference to any other Member of either House.

### **Imputations and personal reflections**

9.18 All imputations of improper motives and all personal reflections on Members will be considered highly disorderly.

### **Personal and disorderly reflections**

9.19 Whenever any Member makes use of any expression which is personal and disorderly, or is capable of being applied offensively to any other Member, the President will, either at his or her own initiative or upon his or her attention being drawn to its use, require the Member so offending to withdraw the expression and, if requested by the President, to make a satisfactory apology to the Council.



### **Words to be objected to when used**

9.20 Every objection to the use of offensive words or expressions in the Council or in Committee of the whole Council will be taken at the time when such words or expressions are used.

### **Relevance**

9.21 A Member's speech must be relevant to the question under discussion.

### **Irrelevance or tedious repetition**

9.22 Any Member may, either in the Council or in Committee of the whole Council, call attention to continued irrelevance or tedious repetition on the part of a Member addressing the Chair, and the President or the Chair, as the case may be, may direct such Member to discontinue his or her speech.

### **Interruption of debate**

9.23 The debate on a question may be interrupted by —

- (a) a Message from the Governor; or
- (b) a matter of privilege suddenly arising; or
- (c) a Member raising a point of order; or
- (d) a Message from the Assembly.

### **Closure of debate**

9.24 After any question has been proposed either in the Council or in Committee of the whole Council, a motion without notice may be made at any time by any Member rising in his or her place "That the question be now put" and, if six other Members rise in their places as indicating approval of the motion, the question on such motion will be put forthwith and decided without amendment or debate, and no other motion will be made or question of order raised until such motion has been disposed of.

### **Member called to order**

9.25 A Member called to order will sit down, unless permitted to explain.

## CHAPTER 10

### CONDUCT OF MEMBERS

#### **Disorderly conduct**

10.01 Any Member —

- (a) using objectionable words and not explaining or retracting the same; or
- (b) behaving offensively to the Council or any Member and not making an apology to the satisfaction of the Council when required—

will be censured or otherwise dealt with as the Council may think fit.

#### **Prevention of quarrels**

10.02 The President or the Chair of Committees may intervene to prevent any quarrel between Members in the Council or Committee of the whole Council.

#### **No interruption or disturbance allowed**

10.03 No Member will wilfully interrupt or make a disturbance during the sitting of the Council or Committee of the whole Council.

#### **Member named by President, or reported by Chair**

10.04 If any Member is named by the President, or reported by the Chair of Committees, for —

- (a) wilfully and persistently interrupting or making a disturbance during the sitting of the Council or Committee of the whole Council; or
- (b) disorderly conduct; or
- (c) using objectionable words and refusing to withdraw the same or behaving offensively and refusing to make a satisfactory apology; or
- (d) wilfully and persistently refusing to conform to the Standing Orders; or
- (e) wilfully disregarding the authority of the Chair —

such Member will be called upon to make any explanation or apology he or she thinks fit, and a motion may be moved forthwith (no amendment, adjournment, or debate being allowed) “That such Member be suspended from the service of the Council during the remainder of the sitting (or for such period as the Council may think fit)”.

#### **Member to withdraw; suspension order may be discharged**

10.05 Any Member suspended under Standing Order 10.04 will immediately withdraw and will not come within the precincts of the House during the period of his or her suspension unless, on receipt of a satisfactory apology in writing, the Council resolves, on a motion made without notice and determined without amendment or debate, to discharge the order of suspension.

### **Power to proceed according to ancient usages**

10.06 Nothing contained in Standing Orders 10.04 and 10.05 will be taken to deprive the Council of the power of proceeding against any Member according to ancient usages.

### **When Members and others guilty of contempt**

10.07 Any person who disobeys an order of the Council, or any person other than a Member who wilfully interrupts the sitting of the Council, may be declared guilty of contempt.

### **Commitment of Member or other person in contempt**

10.08 Every Member or other person declared guilty of contempt will be committed to the custody of the Usher of the Black Rod by warrant signed by the President.

### **Fees payable on arrest or commitment**

10.09 The Usher of the Black Rod will, on the arrest or commitment of any person, be paid such fees to defray the cost (if any) of detention as are determined by the President and no person will, without the express direction of the Council, be discharged out of custody until such fees have been paid or the Session of Parliament has concluded.

### **Fees payable to the Department of the Legislative Council**

10.10 All fees collected by the Usher of the Black Rod under Standing Order 10.09 will be paid to the Department of the Legislative Council.

## CHAPTER 11

### DIVISIONS

#### **No Member to vote unless present when the question put**

11.01 No Member will be entitled to vote in any division unless he or she is present in the Chamber when the question is put with the doors locked, and the vote of any Member who is not present will be disallowed.

#### **Every Member then present must vote**

11.02 Every Member present in the Chamber when the question is put with the doors locked will be required to vote.

#### **Bells rung**

11.03 Immediately a division has been demanded, the Clerk will ring the bells for three minutes and the doors will not be closed until after the lapse of three minutes: Provided that when successive divisions are taken, and there is no intervening debate, the bells for the ensuing divisions will be rung for one minute only.

#### **Members to remain in Chamber**

11.04 At the expiration of three minutes the doors will be closed and locked, and no Member will enter or leave the Chamber until after the result of the division has been declared.

#### **Tellers appointed to count “Ayes” and “Noes”**

11.05 When the doors have been locked and all the Members are in their places the President will put the question, and will —

- (a) direct the “Ayes” to the right side of the Chamber, and the “Noes” to the left side of the Chamber; and
- (b) appoint two Tellers for the “Ayes” and two Tellers for the “Noes”.

#### **Tellers report the numbers**

11.06 The Tellers will report the numbers to the President, who will declare the result to the Council.

#### **Dissent of one Member only**

11.07 If there is only one Member on a side when the doors are locked, the President will forthwith announce the decision to the Council: Provided that if, on being asked by the President, that Member expresses a wish for his or her dissent to be recorded in the Minutes of the Proceedings, the Member’s dissent will be so recorded.

### **Table Officer may act as Teller**

11.08 Notwithstanding the provisions of Standing Order 11.07, if there is only one Member on a side when the doors are locked and any Member expresses his or her desire to have the division recorded in the normal way, the President will direct an officer at the Table to act as second teller for the minority, and the division will be permitted to proceed.

### **Division Lists to be recorded**

11.09 An entry of the Division Lists will be made by the Clerk in the Minutes of the Proceedings.

### **In case of confusion or error, Council again divides**

11.10 In case of confusion or error concerning the numbers reported, unless the same can be otherwise corrected, the Council will proceed to a second division.

### **Errors corrected in Minutes of Proceedings**

11.11 If the numbers have been inaccurately reported to the Council, the Council on being afterwards informed will order the Minutes of the Proceedings to be corrected.

### **President's casting vote**

11.12 In the case of an equality of votes, the President will give a casting vote, and any reasons stated by him or her will be entered in the Minutes of the Proceedings.

### **No Member personally interested to vote**

11.13 No Member will be entitled to vote either in the Council or in any Committee thereof upon any question in which he or she has a personal, pecuniary or direct interest in the matter, and the vote of any Member so interested will be disallowed. The interest must be direct, personal or pecuniary and separately belonging to the Member and not in common with the public in general or any section of the public or on a matter of State policy.

### **Point of order when dividing**

11.14 While the Council or a Committee of the whole Council is dividing a Member, while seated, can only speak to a point of order by permission of the President or Chair.

## **CHAPTER 12**

### **BILLS**

#### **Bills initiated in Council**

12.01 Every Bill (except Bills brought from the Assembly) will be brought in upon a motion made and the question put "That leave be given to bring in such Bill".

#### **Bill to be presented by a Member**

12.02 A Bill will be presented by the Member who has obtained leave to bring in the same, and immediately after its presentation its first reading will be proposed.

#### **First reading and printing without debate**

12.03 When any Bill is presented by a Member, or is received from the Assembly, the questions "That the Bill be now read a first time" and "That the Bill be printed" will be decided without amendment or debate.

#### **Day fixed for second reading**

12.04 When a Bill has been read a first time its second reading will be made an Order of the Day for a future day, unless leave is granted to the contrary.

#### **Second reading**

12.05 On the Order of the Day being read for the second reading of a Bill, the question will be put "That the Bill be now read a second time".

#### **Amendments to question for second reading**

12.06 Amendments may be moved to the question "That the Bill be now read a second time" by leaving out "now" and inserting any other time, or that the Bill be laid aside or be rejected.

#### **Amendments to be relevant**

12.07 No other amendment may be moved to the question "That the Bill be now read a second time" unless it is strictly relevant to the Bill.

#### **Referral of Bill to Committee**

12.08 After the Bill has been read a second time, it may be referred to a Select Committee or any other Parliamentary Committee.

#### **Bill committed, or read third time, by leave**

12.09 After a Bill has been read a second time, it may be committed to a Committee of the whole Council unless the Council grants leave for the question "That the Bill be now read a third time" to be proposed forthwith.

### **Committee of the whole Council on the Bill**

12.10 When the Order of the Day is read for the committal of the Bill to a Committee of the whole Council, the President will put the question "That I do now leave the Chair", which if resolved in the affirmative, the Council will resolve itself into such Committee.

### **Further consideration of Bill in Committee**

12.11 When the Order of the Day is read for the further consideration in Committee of the whole Council of a Bill on which progress has been reported, the President will leave the Chair without putting any question.

### **Amendments to the question for the President to leave the Chair**

12.12 An amendment may be moved to the question "That the President do now leave the Chair" by leaving out all the words after the word "That" in order to add the words "the Council will, on (*some future day*), resolve itself into the said Committee".

### **Preamble postponed**

12.13 In Committee of the whole Council on a Bill the preamble will stand postponed until after the consideration of the rest of the Bill.

### **Discussion of clauses**

12.14 When the number of a clause has been called, such clause will be open for discussion and amendment, and when the debate has concluded, the Chair will put the question "That the clause [*or the clause as amended*] stand part of the Bill".

### **Clauses may be put together**

12.15 Clauses may be considered together, the Chair putting the question, "That clauses ..... and/to ..... stand part of the Bill".

### **Amendment must be relevant**

12.16 Any amendment may be made to any part of a Bill, provided it is relevant to the subject-matter of the Bill or pursuant to an instruction to a Committee of the whole Council, and conforms with the rules and orders of the Council. If any such amendment is outside the scope of the long title of the Bill, the title will be amended, and the same reported to the Council.

### **When later part amended or proposed to be amended**

12.17 No amendment will be proposed in any part of a clause of a Bill after a later part has been amended, or has been proposed to be amended, unless (in the latter case) the proposed amendment has been by leave of the Committee withdrawn.

### **Clause may be postponed**

12.18 Any clause may be postponed, although it has already been amended.

### **Clause may be reconsidered**

12.19 A clause agreed to by the Committee of the whole Council may be reconsidered if leave is granted for its reconsideration.

### **When new clauses to be proposed**

12.20 New clauses relevant to the subject matter of the Bill, or pursuant to any instruction to a Committee of the whole Council, will be proposed after the clauses in the Bill have been considered and before the schedules, if any, are proposed, unless the Committee directs otherwise.

### **Preamble to be put**

12.21 After every clause and schedule has been agreed to, the preamble will be considered and, if necessary, amended; and a question will be put "That the preamble, or the preamble as amended (*as the case may be*), stand part of the Bill".

### **Uncompleted proceedings in Committee**

12.22 No reference may be made to any proceedings of a Committee of the whole Council, or of a Select Committee on a Bill, until such proceedings or Bill have been reported to the Council.

### **Bill to be reported**

12.23 When the Bill has been fully considered, the Chair will be directed to report the Bill, with or without amendment, to the President.

### **Time fixed for consideration of Report**

12.24 At the close of the proceedings of a Committee of the whole Council on a Bill, the President will report the Bill forthwith to the Council, and a time will be appointed for taking such Report into consideration.

### **Bill reported without amendment**

12.25 A Bill reported without amendment may be ordered to be read a third time at such time as may be appointed by the Council.

### **Bill may be recommitted**

12.26 After a Bill has been reported to the Council such Bill, or any specified clause or clauses of the Bill, may be ordered to be recommitted to a Committee of the whole Council, either upon the same or upon any future day, or the Bill may be ordered to be committed to a Select Committee or any other Parliamentary Committee.

### **Order for third reading discharged**

12.27 The Order of the Day for the third reading of a Bill may be read and discharged and the Bill, or any specified clause or clauses thereof, ordered to be recommitted to a Committee of the whole Council, or the Bill may be ordered to be committed to a Select Committee or any other Parliamentary Committee.



### **Third reading**

12.28 On the Order of the Day being read for the third reading of a Bill, the question will be put “That the Bill be now read a third time”, to which amendments may be moved as on the second reading.

### **Verbal or consequential amendments made**

12.29 After a Bill has been read a third time, verbal or consequential amendments, and none other, may be made.

### **Further proceedings on third reading adjourned**

12.30 The further proceedings on a third reading may be adjourned to a future day.

### **Bill passed and title agreed to**

12.31 After the third reading and further proceedings thereon the question will be put “That the Bill do pass”, after which the title of the Bill will be agreed to, or amended and agreed to.

### **Urgent Bills**

12.32 Bills of an urgent nature may be passed with unusual expedition through their several stages.

### **Bill sent to Assembly**

12.33 When a Bill originated in the Council has been agreed to it will be ordered to be transmitted to the Assembly and their concurrence desired.

### **Assembly amendments**

12.34 When a Bill is returned from the Assembly with any clause or portion of a clause struck out, or with any other amendments —

- (a) such amendments will be read and agreed to, or agreed to with amendments, or disagreed with, or disagreed with but an amendment or amendments made; or
- (b) the further consideration thereof may be put off to some future day; or
- (c) the Bill may be ordered to be laid aside or rejected.

### **Consideration of Assembly amendments**

12.35 Amendments by the Assembly to Bills originated in the Council will be appointed to be considered on a future day unless the Council orders them to be considered forthwith.

### **Assembly Bill returned with amendments**

12.36 When a Bill originated in the Assembly has been agreed to by the Council with amendments, such Bill with the amendments attached will be returned to the Assembly and their concurrence desired in such amendments.

### **Assembly Bill agreed to without amendment**

12.37 When a Bill originated in the Assembly has been agreed to by the Council without amendment, a Message will be sent to the Assembly acquainting them accordingly.

### **Amendment proposed by Governor**

12.38 Whenever the Governor desires any amendment to be made in a Bill originated in the Council and presented to him or her for assent, and transmits such amendment by Message to the Council, the amendment will be agreed to or not agreed to by the Council, but no amendment may be proposed to that amendment.

### **Governor's amendment sent to Assembly**

12.39 When the Council has agreed to any amendment desired by the Governor pursuant to Standing Order 12.38, that amendment will be transmitted by Message to the Assembly for their concurrence.

### **Governor's amendment transmitted by Assembly**

12.40 Whenever the Assembly has agreed to any amendment desired by the Governor to be made in a Bill originated in the Assembly, and transmit such amendment to the Council, the amendment will be agreed to or not agreed to by the Council, but no amendment may be proposed to that amendment.

### **Certification of Bills altering Constitution Act 1975**

12.41 Whenever any Bill for repealing, altering, or varying all or any of the provisions of the *Constitution Act 1975*, and for substituting others in lieu thereof, has passed its second and third readings in the Council with the concurrence of an absolute majority of the whole number of the Members of the Council, the Clerk, or other proper officer of the Council, will certify the fact on the Bill accordingly.

### **Clerk may correct errors**

12.42 Clerical or typographical errors may be corrected in any part of a Bill by the Clerk after such Bill has been read a third time and passed, and the Clerk will forthwith inform the Council what errors he or she has corrected.

### **President rules as to private Bills**

12.43 When the Council is in possession of a Bill and its contents have been explained, if the President is of opinion that the Bill is a private Bill, he or she will forthwith declare that opinion to the Council: Provided that if he or she forms that view at any later time prior to the conclusion of the second reading, he or she will not be precluded from then declaring that opinion.

### **Objects to be advertised**

12.44 Where a private Bill has not been ordered to be dealt with as a public Bill the President will, where applicable, cause to be published in one or more newspapers, including one circulating generally in Victoria, a statement of the general nature and objects of the Bill; and where any such advertisement has been published, no further debate on the Bill will be permitted until a report is made by the President pursuant to Standing Order 12.46 or, where no objections are notified pursuant to Standing Order 12.45, until the expiration of the time provided therein.

### **Objections to be lodged within 21 days**

12.45 Written details of objections by any person or body directly and adversely affected by any provisions of a Bill to which Standing Order 12.44 applies will be received by the Clerk up to 21 days after the publication of a statement pursuant to that Standing Order, and any objections so received will be notified to the Council by the Clerk during formal business at the next sitting, and thereupon lie on the Table.

### **Panel to consider objections**

12.46 Objections received by the Clerk within the specified time will be considered by a panel appointed by the President of not less than three temporary Chairs of Committees and a report made to the President as to whether, in the opinion of that panel, any such objection appears to raise matters which would justify the appointment of a select committee to examine the proposals in the Bill; and the recommendation of that panel will thereupon be reported by the President to the Council.

### **Fees**

12.47 Unless the Council expresses the view that fees should be waived, before any private Bill (other than a private Bill which has been ordered to be dealt with as a public Bill) is read a second time, a deposit to be determined by the President will be paid to the Department of the Legislative Council and a receipt for that payment will be produced by the Member having charge of the Bill.

### **Promoter to pay expenses**

12.48 The promoters of any private Bill for which a deposit under Standing Order 12.47 has been paid will be liable for the costs of —

- (a) its printing and circulation; and
- (b) the publication of any statement pursuant to Standing Order 12.44; and
- (c) any Select Committee appointed to examine its proposals; and
- (d) any other expenses involved in the passage of the Bill, including drafting services provided by the Office of the Chief Parliamentary Counsel Victoria —

and the sum of such amounts, less the deposit paid pursuant to Standing Order 12.47, will be paid to the Department of the Legislative Council.

**Public Bill Standing Orders to apply**

12.49 Subject only to the provisions of Standing Orders 12.43 to 12.48, the proceedings on a private Bill will otherwise be governed by the Standing Orders relating to public Bills.

## CHAPTER 13

### COMMITTEE OF THE WHOLE COUNCIL

#### **Council resolves itself into a Committee**

13.01 A Committee of the whole Council can be appointed by the resolution —  
"That the Council do now [*or will on some future day*] resolve itself into a  
Committee of the whole Council."

#### **Quorum of Committee of the whole**

13.02 The same number of Members will be required to form a quorum\* in  
Committee of the whole Council as are required to form a quorum of the  
Council.

#### **Order in Committee to be maintained by Chair**

13.03 The Chair of Committees will maintain order in a Committee of the whole  
Council, but disorder in a Committee can be censured only by the  
Council on receiving a report thereof.

#### **Rules of debate in Committee**

13.04 Except as provided by these Standing Orders, the same rules as to the  
conduct of Members, or of debate, procedure, or general conduct of  
business, will be observed in Committee of the whole Council as in the  
Council itself.

#### **Motion to report progress**

13.05 A motion may be made during the proceedings of a Committee of the  
whole Council "That the Chair report progress and ask leave to sit  
again".

#### **Committee to consider only matters referred**

13.06 A Committee of the whole Council will consider such matters only as  
have been referred to them by the Council.

#### **Instruction to Committee**

13.07 An instruction empowers a Committee of the whole Council to consider  
matters not otherwise referred to them.

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\* To constitute a quorum there must be present (exclusive of the President) one-third at  
least of the Members of the Council [See Section 32(1) of the *Constitution Act 1975*]

### **What instruction may not be moved**

13.08 No instruction may be moved to order a Committee of the whole Council to make provision in a Bill or to empower a Committee to make provision if they already have that power.

### **When instruction to be moved**

13.09 Notice will be required of an instruction, which will be moved when the Council is about to first resolve itself into a Committee of the whole Council and before the President leaves the Chair.

### **Questions decided by a majority of voices**

13.10 Every question in Committee of the whole Council will be decided by a majority of voices.

### **Divisions in Committee**

13.11 Divisions will be demanded and taken in Committee of the whole Council in the same manner as in the Council itself, and in the case of an equality of votes the Chair will give a casting vote.

### **Previous question not allowed in Committee**

13.12 No motion "That this question be not now put" will be allowed in Committee of the whole Council.

### **Members may speak more than once**

13.13 In Committee of the whole Council Members may speak more than once to the same question.

### **Disorder arising**

13.14 If any sudden disorder arises in Committee of the whole Council, the President may resume the Chair without any question being put.

### **Disorderly conduct in Committee**

13.15 Any Member —

- (a) using objectionable words in Committee of the whole Council and not explaining or retracting the same; or
- (b) behaving offensively to the Committee or any Member and not making an apology to the satisfaction of the Committee when required—

will have his or her conduct reported to the Council by the Chair of Committees, who will suspend the proceedings of the Committee.

### **President resumes Chair if no quorum present**

13.16 If notice is taken in Committee of the whole Council that a quorum of Members is not present the bells will be rung as for a division and if, at the expiration of three minutes or on a division, it appears that a quorum of Members is not present, the Chair of Committees will leave the Chair and the President will resume the Chair.

### **Council counted by the President**

13.17 If a quorum of Members is present when the Council is counted by the President, the Council will again resolve itself into the Committee of the whole Council without a question being put.

### **Report**

13.18 When all matters referred to a Committee of the whole Council have been considered the Chair of Committees will be directed to report the same to the Council.

### **Report of progress**

13.19 When all matters referred to a Committee of the whole Council have not been considered, the Chair of Committees will be directed to report progress and ask leave to sit again.

### **Motion for Chair of Committees to leave the chair**

13.20 A resolution "That the Chair of Committees do now leave the Chair" will supersede the proceedings of a Committee of the whole Council.

### **Report brought up without question**

13.21 Every Report from a Committee of the whole Council will be brought up without any question being put.

### **Report of Committee**

13.22 Every Report from a Committee of the whole Council may be adopted or not adopted or its further consideration postponed by the Council or recommitted to the Committee.

### **Division Lists**

13.23 Lists of divisions in Committee of the whole Council will be printed weekly, and when the Chair of Committees gives a casting vote any reason stated by him or her will be entered on the printed lists of divisions.

## **CHAPTER 14**

### **SELECT COMMITTEES**

#### **Number of Members required**

14.01 A Select Committee will consist of not less than five nor, without leave of the Council, more than ten Members.

#### **Quorum of Committee**

14.02 The quorum of every Select Committee will be fixed at the time of appointing such committee.

#### **Appointment of Members**

14.03 Notice will be given in the Council of the names of the Members that are proposed to be appointed to and discharged from committees. Notice is not required of a motion for the appointment of Members if that motion immediately follows a resolution that has established a committee.

#### **Chair and Deputy Chair to be elected**

14.04 Prior to the commencement of any other business, every Select Committee will elect one of its Members to be the Chair of the Committee and one of its Members to be Deputy Chair.

#### **Absence of Chair and Deputy Chair**

14.05 If the Chair and Deputy Chair are absent from any meeting the Members present may appoint any one of their number to be Chair for that meeting.

#### **Names of Members present to be entered**

14.06 The names of the Members attending each Select Committee meeting, and of every motion or amendment proposed in such committee, together with the name of the mover thereof, will be recorded in the minutes of its proceedings.

#### **Divisions to be entered**

14.07 The names of the Members voting in any division in a Select Committee will be recorded by the Clerk of the Committee and included in the report to the Council.

#### **Meeting adjourned if no quorum present**

14.08 If a quorum of Members is not present within half an hour after the time fixed for the meeting of any Select Committee, the meeting will lapse and the next meeting of the committee will be called by the Chair.



### **When quorum not present during sitting of committee**

14.09 If at any time during the sitting of a Select Committee the quorum of Members fixed by the Council is not present, the Clerk of the Committee will call the attention of the Chair to the fact, who will suspend the proceedings of the committee until a quorum is present, or adjourn the meeting to some future day.

### **Power to send for persons, papers and records**

14.10 A Select Committee may send for persons, papers, and records.

### **Deliberations in private**

14.11 Select Committee deliberations will always be conducted in private.

### **Recording of evidence**

14.12 Unless otherwise determined by the Select Committee, a transcript will be taken of all formal evidence.

### **Names of Members asking questions to be entered in the minutes of evidence**

14.13 The name of the Member asking each question of a witness under examination by any Select Committee will be shown in the minutes of evidence.

### **Disclosure of evidence and other documents**

- 14.14 (1) Unless the Council or the Select Committee otherwise determines, all evidence will be taken in public and may be published immediately.
- (2) The committee may authorize the publication of any documents, papers and submissions presented to it.
- (3) The committee may take evidence in private.
- (4) Evidence not taken in public and any documents, papers and submissions received by the committee which have not been authorized for publication will not be disclosed unless they have been reported to the Council.

### **Unreported evidence**

14.15 Where a Select Committee lapses or ceases to have legal existence before it can report to the Council, the evidence can be considered by any other committee appointed in the same or next Parliament inquiring into the same subject-matter.

### **Questions decided by majority**

14.16 In a Select Committee all questions will be decided by a majority of Members present.

### **Chair can vote only when votes equal**

14.17 The Chair of a Select Committee can vote only when there is an equality of votes.

### **Committee may adjourn**

14.18 A Select Committee may adjourn from time to time and from place to place.

### **Committees not to sit while Council sitting**

14.19 A Select Committee may not sit while the Council is actually sitting unless specifically empowered to do so by the Council.

### **Report from time to time**

14.20 All Select Committees may report their opinions, observations, minutes of evidence, or proceedings from time to time to the Council, unless the Council otherwise directs.

### **Chair to prepare draft report**

14.21 The Chair of every Select Committee will prepare the draft report for consideration by the committee.

### **Proceedings on consideration of draft report**

14.22 The draft report will be printed and circulated to Members of a Select Committee and considered as follows:

- (a) The report will be considered paragraph by paragraph or groups of paragraphs and a question put "That the paragraph [or paragraphs] or the paragraph or paragraphs (as amended) stand part of the report".
- (b) A member may move amendments to a paragraph at the time it is under consideration.
- (c) After all paragraphs and appendices (if any) have been considered, the question will be put "That the draft report (as amended), be the Report of the Committee".

### **Minority report**

14.23 When requested to do so by one or more Members of a Select Committee, the committee will include with its report to the Council a minority report.

### **Report presented by Chair**

14.24 The report of a Select Committee will be presented to the Council by the Chair of the committee and may be ordered to lie upon the Table.

### **Proceedings when Report presented to the Council**

- 14.25
- (1) Upon the presentation of the report the Council may order that the report be printed with the documents accompanying it.
  - (2) After presenting the report the Chair may then move without notice, "That the Council take note of the report". A Member may speak for not more than five minutes on such motion and the debate at this stage will not exceed 15 minutes.
  - (3) The debate on the question may then be adjourned and a day appointed for its further consideration.

## **CHAPTER 15**

### **WITNESSES**

#### **Witnesses summoned by orders of the Council**

15.01 Witnesses will be summoned in order to be examined at the Bar of the Council, or before a Committee of the whole Council or a Select Committee, by orders of the Council, signed by the Clerk.

#### **Witness in custody**

15.02 If the Council desires the attendance of a witness who is in the custody of any person, such person may be ordered to bring the witness in safe custody from time to time as often as his or her attendance is required; and the President may issue his or her warrant accordingly.

#### **Committee with power may summon witnesses**

15.03 A committee may summon witnesses by its own order, signed by the Clerk of the Committee.

#### **If witness does not attend a Committee**

15.04 If any witness does not attend pursuant to the order of a committee his or her absence will be reported, and the Council may order him or her to attend the Council: Provided that such order may be discharged if the witness attends the committee before the time appointed for his or her attending the Council.

#### **Neglect or refusal to attend**

15.05 A witness not attending pursuant to an order of the Council or of a committee having power to summon witnesses, or pursuant to a warrant of the President, may be censured or declared guilty of contempt.

#### **Attendance of a Member desired by Council or Committee of the Whole**

15.06 If the Council or a Committee of the whole Council desires the attendance of a Member as a witness, he or she will be ordered to attend in his or her place.

#### **Attendance of a Member desired by a Select Committee**

15.07 If a Select Committee desires the attendance of a Member as a witness, the Chair will in writing request him or her to attend.

#### **If a Member refuses to attend**

15.08 If any Member of the Council refuses, upon being sent for, to attend or, when in attendance, to give evidence as a witness to a Select Committee, the committee will acquaint the Council accordingly.

### **When attendance of Assembly Member or officer desired**

15.09 If the Council, or any committee thereof desires the attendance of a Member or officer of the Assembly as a witness, a Message will be sent to the Assembly requesting that leave be given to such Member or officer to attend to give evidence upon the matters stated in such Message.

### **Interference with witnesses and false evidence**

15.10 If it appears that any person has —

- (a) by fraud, intimidation, force or threat of any kind, by the offer or promise of any inducement or benefit of any kind, or by other improper means, influenced another person in respect of any evidence given or to be given before the Council or a committee; or
- (b) been directly or indirectly endeavouring to deter or hinder any person from appearing or giving evidence; or
- (c) given any evidence which they know to be false or misleading in any case before the Council or any committee—

such person may be declared guilty of contempt.

### **Witnesses entitled to protection**

15.11 All witnesses examined before the Council or any committee thereof will be entitled to the protection of the Council in respect of anything that may be said by them in their evidence.

### **Evidence of proceedings not to be given elsewhere without leave**

15.12 No Clerk or officer of the Council, or person employed to take minutes of evidence before the Council or before any committee thereof, may give evidence elsewhere in respect of any proceedings or examination had at the Bar or before any committee of the Council, without the special leave of the Council.

### **Witnesses examined by President in Council**

15.13 A witness appearing before the Council will be examined by the President and no other Member will put any question otherwise than through the President.

### **Witness in custody at the Bar**

15.14 A witness in custody at the Bar will be examined by the President only.

### **Witness withdraws if question objected to**

15.15 If any question is objected to, or other matter arise, the witness will withdraw from the Chamber while the same is under discussion.

### **Member examined in his place**

15.16 A Member of the Council will be examined in his or her place.

### **Witness examined in Committee**

15.17 In Committee of the whole Council any Member may put questions to the witness.

## CHAPTER 16

### MESSAGES FROM AND ADDRESSES TO THE GOVERNOR

#### **Message read by President**

16.01 A Message signed by the Governor will be read to the Council by the President at the earliest opportunity and, if necessary, a day will be fixed for taking the same into consideration.

#### **Verbal Message may be communicated by Minister**

16.02 A verbal Message from the Governor may be communicated to the Council by a Minister of the Crown who is a Member.

#### **Presentation of Addresses**

16.03 Addresses to the Governor may be presented by the whole Council, by the President, or by such Members as the Council may name for that purpose.

#### **Address presented by the whole Council**

16.04 When an Address is ordered to be presented by the whole Council the President will read the Address to the Governor, the Members who moved and seconded such Address standing to his or her left.

#### **Presentation of Joint Address**

16.05 When an Address in which the Assembly joins the Council is ordered, such Address will be presented by the President and such Members as may be named by the Council, together with the Speaker and the Members named by the Assembly.

#### **Governor's answer to Address presented by the whole Council**

16.06 The Governor's answer to any Address presented by the whole Council will be reported to the Council by the President.

#### **Governor's answer to Address presented otherwise than by the President**

16.07 The Governor's answer to any Address presented otherwise than by the President will be reported to the Council by the Member or one of the Members presenting the same.

#### **If no order made as to presentation**

16.08 Unless otherwise ordered by the Council, all Addresses to the Governor will be forwarded by the Clerk of the Council.

#### **Concurrence with other House to be signified by Message**

16.09 The concurrence of the Council in an Address communicated by the Assembly will be signified by Message.

## CHAPTER 17

### PETITIONS

#### **Petitions may be presented by Members only**

17.01 Petitions can be presented to the Council by a Member only, and no Member can present a petition from himself or herself.

#### **Petitions to be in English and to be respectful**

17.02 Every petition will be in the English language and will be respectful and temperate in its language.

#### **Petitions must be legible**

17.03 Every petition must be legibly written or printed.

#### **Petition to contain a prayer or request**

17.04 Every petition must contain the action or remedy sought on the top of each page and end with a prayer or request.

#### **Petition to be signed on each page**

17.05 Every petition must be signed by at least one person on each page.

#### **Petition to be signed by the parties**

17.06 Every petition will be signed by the parties whose names are appended to the document, with their names or marks, and by no one else on their behalf, except in case of incapacity owing to illness.

#### **Signatures not to be transferred**

17.07 The signature will be written upon the petition itself or upon sheets attached to the document, but no individual or single signature will be pasted upon, or otherwise transferred to the petition.

#### **Petitions of corporations**

17.08 Petitions of corporations will be made under their common seal.

#### **Forgery of signatures**

17.09 Any person forging the name of any other person on any petition or adding any fictitious name may be declared guilty of contempt.

#### **No Letters or other attachments**

17.10 No letters, affidavits, or other documents may be attached to any petition.

#### **Debates not to be referred to**

17.11 No reference will be made in a petition to any debate in Parliament, unless it is strictly relevant to the petition.

### **Time for presenting petitions**

17.12 No petition will be presented during any debate, nor after the Council has proceeded to the Notices of Motion or Orders of the Day.

### **Petition to be lodged with Clerk**

17.13 Every Member presenting a petition will acquaint himself or herself with its contents, and lodge it with the Clerk.

### **Petition must be certified by Clerk**

17.14 Every petition when presented must have the certification of the Clerk that it is in conformity with the Standing Orders and practices of the Council.

### **Presentation of petition**

17.15 A Member presenting a petition will read the prayer or request, announce the subject-matter of the petition and the number of signatures attached to it and sign the front sheet. The terms of the petition will be printed in *Hansard*.

### **Clerk may read petition**

17.16 If desired, the full text of a petition may be read to the Council by the Clerk.

### **Questions on presentation**

17.17 Subject to Standing Order 17.18, the President will not allow any debate upon or in relation to a petition. The only questions which may be moved on the presentation of a petition will be "That the petition do lie on the Table" and, if desired, "That it be taken into consideration (on a future day to be named)", which will be decided without amendment or debate.

### **Petitions complaining of grievances**

17.18 In the case of a petition complaining of some present personal grievance for which there may be an urgent necessity for providing an immediate remedy, the matter contained in the petition may be the subject of debate at the time of presentation.

### **Petition for grant of money cannot be received**

17.19 The Council will not receive a petition praying for or requesting a distinct grant of money.

### **Clerk to refer copy of petition to Minister**

17.20 The Clerk will refer a copy of every petition presented to the Council to the Minister responsible for the administration of the matter that is the subject of the petition.

## **CHAPTER 18**

### **RECORDS AND PAPERS**

#### **Custody of records and documents**

18.01 The Clerk will keep custody of all records or other documents belonging to the Council and will not permit any to be removed without leave of the Council, or during any adjournment or prorogation, without leave of the President.

#### **Minutes of the Proceedings**

18.02 All proceedings of the Council will be recorded by the Clerks at the Table, and such records will constitute the Minutes of the Proceedings of the Council, be signed by the Clerk of the Council and printed under the authority of the Government Printer: Provided that the Council may at any time by order restrain the publication of its proceedings.

#### **Usher to keep record of Members' addresses**

18.03 For the purpose of enabling any notice to be given to Members, the Usher of the Black Rod will keep a record of the name and the nominated address of every Member.

#### **Presentation of papers**

18.04 Papers may be presented to the Council –  
(a) pursuant to command of the Governor;  
(b) pursuant to an order of the Council; or  
(c) pursuant to Statute.

#### **Papers to be delivered to the Clerk**

18.05 Any paper required to be presented to the Council will be delivered to the Clerk of the Council.

#### **Papers presented by Members and ordered to lie on the Table**

18.06 Papers that are required to be presented to the Council pursuant to command of the Governor or an order of the Council will be presented by a Member of the Council and will be ordered to lie upon the Table.

#### **Papers presented pursuant to Statute**

18.07 After all other papers have been presented on each sitting day the Clerk will read a list of papers presented pursuant to Statute.

#### **Papers may be ordered to be printed**

18.08 The Council may order that any paper presented and laid before it be printed.



### **Proclamations fixing operative dates**

18.09 Proclamations of the Governor in Council fixing dates for the coming into operation of Acts, as published in the *Government Gazette* from time to time, will be presented and laid on the Table by the Clerk.

### **Motion to take note of paper presented**

18.10 After any paper has been presented to the Council, notice may be given of a motion that the Council take note of such paper.

### **Proceedings on presentation of report of committee**

- 18.11 (1) Upon the presentation of a report of a Parliamentary Committee the Council may order that the report be printed with the documents accompanying it.
- (2) The Chair or other Member of the committee presenting the report may then move without notice, "That the Council take note of the report". A Member may speak for not more than five minutes on such motion and the debate at this stage will not exceed 15 minutes.
- (3) The debate on the question may then be adjourned and a day appointed for its further consideration.

## CHAPTER 19

### PRIVILEGE AND RIGHT OF REPLY

#### Raising matters of privilege

19.01 Upon any matter of privilege arising —

- (a) a Member will, unless circumstances prevent, give written notice of the alleged breach of privilege or contempt to the President as soon as reasonably practicable after the matter has come to attention;
- (b) if the matter arises from a statement published in a newspaper, book or other publication, the Member will provide the President with a copy of that newspaper, book or publication;
- (c) the President thereupon will determine as soon as practicable whether the matter merits precedence over other business;
- (d) if in the opinion of the President the matter merits precedence, he or she will inform the Council of this decision, and the Member who raised the matter may forthwith move a motion without notice in relation to the matter;
- (e) if in the opinion of the President the matter does not merit precedence, he or she will inform the Member in writing accordingly, and may also inform the Council of this decision; and
- (f) a decision by the President not to allow precedence will not prevent a Member from proceeding with the matter by motion and after notice.

#### Right of reply

19.02 A person who has been referred to in the Legislative Council by name, or in such a way as to be readily identified, may make a submission in writing to the President —

- (a) claiming that he or she has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that his or her privacy has been unreasonably invaded by reason of that reference; and
- (b) requesting that he or she be permitted to incorporate an appropriate response in the parliamentary record.

#### If President satisfied as to subject of submission

19.03 If, upon considering a submission under Standing Order 19.02, the President is satisfied that the subject of the submission is not so obviously trivial or the submission so frivolous, vexatious or offensive in character he or she may determine —

- (a) that no further action be taken in relation to the submission; or
- (b) that a response by the person who made the submission be published by the Council and incorporated in *Hansard* —  
and will inform the Council of his or her decision.

**President may confer with person seeking right of reply; must notify and consult with Member**

- 19.04 In considering a submission under Standing Order 19.02 the President —
- (a) may confer with the person who made the submission;
  - (b) must give notice of the submission in writing to the Member who referred in the Council to that person and then consult with the Member prior to any response being presented to the Council; and
  - (c) will not consider or judge the truth of any statements made in the Council or the submission.

**Content of response in reply**

- 19.05 A response presented to the Council pursuant to Standing Order 19.03 will —
- (a) be succinct and strictly relevant to the questions in issue and will not contain anything offensive in character; and
  - (b) not contain any matter the publication of which would have the effect of —
    - (i) unreasonably adversely affecting or injuring a person, or unreasonably invading a person's privacy, in the manner referred to in that Standing Order; or
    - (ii) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person.

## **CHAPTER 20**

### **STRANGERS**

#### **Strangers**

20.01 The President or Chair of Committees may direct the Usher of the Black Rod to take into custody any stranger who—

- (a) is in any part of the Chamber reserved for the Members of the Council;
- (b) having been admitted to any part of the Chamber or gallery, misconducts himself or herself or does not withdraw when strangers are directed to withdraw;
- (c) wilfully interrupts the business of the Council;
- (d) obstructs the approaches to the Chamber; or
- (e) creates a disturbance within the precincts of the Chamber.

Persons taken into custody under this Standing Order will not be released without the authority of the President.

#### **Strangers not admitted within the Bar**

20.02 No strangers will, without leave of the Council, be admitted to the body of the Council Chamber within the Bar while the Council or a Committee of the whole Council is sitting.

#### **Admission of strangers**

20.03 The President only will have the privilege of admitting strangers to the body of the Council Chamber; but every Member will have the privilege of admitting strangers to the gallery of the Council Chamber.

#### **Strangers to withdraw when ordered**

20.04 If at any sitting of the Council, or in Committee of the whole Council, any Member draws attention to the presence of strangers, the President or the Chair (as the case may be) may forthwith put the question “That strangers be ordered to withdraw” without permitting any debate or amendment: Provided that the President or the Chair may, whenever he or she thinks fit, order the withdrawal of strangers from any part of the House.

#### **Assembly Members to have seats outside the Bar**

20.05 Members of the Assembly may be admitted without orders to the benches to the right of the President, outside the Bar.

#### **Seat for Speaker within the Chamber**

20.06 Accommodation may be provided for the Speaker of the Assembly within the body of the Council Chamber.

## CHAPTER 21

### OPERATION AND SUSPENSION OF STANDING ORDERS

#### **Practices of Westminster system observed where applicable**

21.01 In all cases that are not provided for in these Standing Orders or by sessional or other orders, or by the practice of the Council, the President will determine the matter and reference may be made to the rules, forms and practices of parliaments operating under the Westminster system.

#### **Sessional Orders**

21.02 The Council may from time to time adopt Sessional Orders which will have effect for the duration of the Session, unless a lesser period is agreed to by the Council.

#### **Standing Orders may be suspended**

21.03 Any or all of the Standing Orders and Rules of Practice may at any time be suspended or dispensed with by the Council, but (except by leave of the Council or on the ground of urgency) no motion will be made to dispense with any such Order or Rule without due notice.

#### **Urgency – how decided**

21.04 When the question of urgency arises in relation to the application of Standing Orders 1.24, 12.32 or 21.03, such question will be decided by the Council upon motion without notice or debate, other than a statement by the mover of the particulars claimed to establish urgency: Provided that no such motion will be allowed where the President declares that in his or her opinion the case could not reasonably be regarded as one of urgency.

#### **Interpretation of “Leave of the Council”**

21.05 In these Standing Orders, the expression “leave of the Council” means the leave of the Council granted without any dissenting voice.



# STANDING RULES OF PRACTICE OF THE LEGISLATIVE COUNCIL

## RULES RELATING TO QUESTIONS

- R1.01 These Rules supplement and should be read in conjunction with Standing Orders 6.01 to 6.04.
- R1.02 Questions should not contain —
- (a) unbecoming language; or
  - (b) statements of facts or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated; or
  - (c) arguments; or
  - (d) inferences; or
  - (e) imputations; or
  - (f) epithets; or
  - (g) criticism of decisions of the Council; or
  - (h) reflections on Court decisions and *sub judice* matters; or
  - (i) ironical expressions; or
  - (j) hypothetical matter; or
  - (k) reflections upon persons whose conduct may only be challenged on a substantive motion.
- R1.03 Questions should not ask Ministers —
- (a) for an expression of opinion; or
  - (b) for legal opinion; or
  - (c) whether media statements are accurate; or
  - (d) for information which is readily available in accessible documents.
- R1.04 Questions cannot refer to —
- (a) debates in the current session; or
  - (b) proceedings in committees which have not been reported to the Council; or
  - (c) any submission or evidence given to a committee which has not been released to the public.
- R1.05 Questions cannot anticipate discussion upon an Order of the Day or other matter on the Notice Paper.
- R1.06 A question cannot be renewed if —
- (a) it has been fully answered; or
  - (b) an answer has previously been refused.

## **RULES RELATING TO ANSWERS TO QUESTIONS ON NOTICE**

- R2.01 These Rules supplement and should be read in conjunction with Standing Order 6.08.
- R2.02 Ministers have a responsibility to provide, within a reasonable time, an answer which is relevant to the question.
- R2.03 The answer to a question may be limited in nature if in the opinion of the Minister the expense associated with the provision of all of the information which has been sought is too great: Provided that, where a Minister has formed this view, he or she should contact the Member to determine whether a compromise is possible by withdrawing the question and substituting another in a mutually acceptable form.
- R2.04 An answer to a question may be refused if in the opinion of the Minister the commitment of resources to, and costs associated with, its preparation cannot be justified: Provided that there are reasonable grounds for this opinion and any refusal is limited to genuine cases.
- R2.05 Immediately it is apparent to a Minister that it will be difficult to provide an answer to a question within 30 days he or she should advise the Member accordingly.
- R2.06 If in the opinion of the Minister the information sought via a question is of a nature that is not normally provided, the Minister may inform the Member of that view.
- R2.07 Before placing a question on notice a Member should consider whether the information to be sought is readily available in known documents.
- R2.08 When a question is placed on notice and the information is found to be readily available in accessible documents, the Member should be advised accordingly.
- R2.09 A Member intending to ask for an explanation as to why an answer has not been provided in response to a question should acquaint the Minister or his or her office of that intention the day before failure to supply an answer is to be raised in the House.



## RULES RELATING TO URGENCY MOTIONS

- R3.01 These Rules supplement and should be read in conjunction with Standing Order 5.05.
- R3.02 In determining urgency, the President will consider whether —
- (a) the matter is of recent occurrence; and
  - (b) the subject is being raised at the first opportunity; and
  - (c) the matter is of sufficient public importance to warrant invoking the urgency procedure; and
  - (d) the rights, welfare or security of citizens is in jeopardy; and
  - (e) there is a distinct probability of the matter being brought before the House in reasonable time by other means.
- R3.03 If the President approves of a subject-matter being brought on for discussion he or she will cause —
- (a) the Member who submitted the proposal to be notified that the discussion may proceed; and
  - (b) the Party Leaders to be advised of the subject-matter of the motion —
- as soon as practicable after having reached that decision.
- R3.04 If the President is not satisfied that a subject-matter should proceed to debate he or she will —
- (a) notify the Member who submitted the proposal accordingly, giving the reasons for rejecting the request; and
  - (b) report to the House that he or she had received representations for a subject-matter to be debated, giving reasons why he or she decided that it should not proceed.

## **RULES RELATING TO SPEECHES ON THE DAILY ADJOURNMENT**

- R4.01 These rules supplement and should be read in conjunction with Standing Order 3.07.
- R4.02 A Member speaking to the motion “That the House do now adjourn” at the conclusion of a sitting may —
- (a) make a complaint; or
  - (b) make a request; or
  - (c) pose a query.
- R4.03 In speaking to the motion for adjournment a Member must —
- (a) raise only matters which are within the administrative competence of the Victorian Government; and
  - (b) confine his or her remarks to a single subject; and
  - (c) be brief and complete his or her remarks within 3 minutes.
- R4.04 In speaking to the motion for adjournment a Member may not —
- (a) develop his or her remarks into a set speech; or
  - (b) reflect upon a Statute; or
  - (c) request the introduction of legislation; or
  - (d) raise a matter which has previously been discussed in the same Session.
- R4.05 The matter raised by a Member must relate to a recent occurrence.
- R4.06 Matters raised on the motion for adjournment cannot be the subject of debate.
- R4.07 Any reply by a Minister to a matter raised on the motion for adjournment should be as brief as possible.

## **RULES RELATING TO THE INCORPORATION OF MATERIAL IN HANSARD**

- R5.01 These rules supplement and should be read in conjunction with Standing Order 9.10.
- R5.02 A Member desiring to incorporate material in *Hansard* must submit such material to the President for perusal prior to raising the matter in the House.
- R5.03 In considering any request for incorporation the President must be satisfied that —
- (a) the material is strictly relevant to the debate; and
  - (b) no matter is included which otherwise would be inadmissible in debate; and
  - (c) the source of the material is identified; and
  - (d) the information is not readily accessible elsewhere; and
  - (e) it is technically feasible to reproduce the material in *Hansard*.
- R5.04 If the President is satisfied that the pre-conditions for incorporation have been met —
- (a) the Member will, at the appropriate stage of the debate, request the leave of the House for the material to be incorporated; and
  - (b) the President will confirm to the House that he or she has been consulted, and that the pre-conditions have been met.
- R5.05 The leave of the House may then be determined and, if given, the Member will, at that time, provide copies for the benefit of subsequent speakers.

## **RULES RELATING TO THE TRANSMISSION AND BROADCASTING OF THE PROCEEDINGS**

- R6.01 These Rules supplement and should be read in conjunction with Standing Order 3.10.
- R6.02 Media organizations or individuals must be accredited by the President.
- R6.03 Sound will be recorded only from the audio signal of proceedings transmitted by the Council monitoring system by representatives of accredited media organizations or individuals.
- R6.04 The use of separate recording equipment and/or alteration to the sound relay equipment is not permitted without the authority of the President.
- R6.05 Visual and/or sound recordings and excerpts of visual and/or sound recordings must not commence until the conclusion of the prayer and must conclude on the adjournment of the Council.
- R6.06 Visual and/or sound recordings must be used only for the purpose of fair and accurate reports and reasonable balance between all sides is to be achieved by avoiding undue concentration on any one Member.
- R6.07 Visual and/or sound recordings and excerpts of visual and/or sound recordings must not be used for —
- (a) political party advertising or election campaigns; or
  - (b) satire or ridicule; or
  - (c) commercial sponsorship or commercial advertising; or
  - (d) radio, television and electronic advertisements or promotion.
- R6.08 Visual and/or sound recordings of any proceeding must provide equality between Government and Non-government Members.
- R6.09 Visual and/or sound transmissions or broadcasts of, or broadcasts or re-broadcasts of recordings of, proceedings —
- (a) will be such as to provide in context a balanced presentation of differing views; and
  - (b) may not include events in the Council Chamber unrelated to the proceedings of the Council.
- R6.10 Visual and/or sound excerpts of recordings of proceedings —
- (a) must be placed in context and Members should be identified at least by name; and
  - (b) must not misrepresent any proceeding before the Council, or the seating position, or office held by any Member of the Council.
- R6.11 Camera operators must operate within the guidelines issued by the President.
- R6.12 Points of order or remarks which have been withdrawn must not be re-broadcast.
- R6.13 Media personnel are required to obey any instruction given either generally or in a particular case by the President or, through him or her, by the Clerk, the Usher of the Black Rod or the Principal Attendant.

## **JOINT STANDING ORDERS**

*(Approved 2 March 1893)*

### **Communications to be by Message.**

1. All communications between the Legislative Council and the Legislative Assembly shall be by Message.

### **To be transmitted by an officer of either House unless otherwise ordered.**

2. Messages from one House to the other shall be in writing, or partly in writing and partly in print, and shall be communicated by an officer of the Legislative Council or of the Legislative Assembly, as the case may be, unless the House transmitting the Message shall otherwise direct.
3. Members carrying any Message from either House to the other shall be announced at once, unless any Member shall be addressing the House, or unless the President or Speaker, as the case may be, shall be ascertaining the sense of the House upon any question, in which case the bearer of the Message shall not be announced until the Member shall have concluded his speech, or until the sense of the House shall have been declared by the President or Speaker, as the case may be; and the bearer of the Message shall be introduced by the Usher or the Serjeant-at-Arms, and shall deliver the Message to the President or Speaker.

### **Messages carried by officer, how delivered.**

4. Messages carried by an officer of either House shall be delivered to the Serjeant-at-Arms or the Usher, as the case may be.

### **Consent desired to Bills, Votes and Resolutions, how communicated.**

5. Bills, Votes, and Resolutions of either House, to which the consent of the other House shall be desired, shall be communicated to such other House by Message; and, in the first instance, without any reason being assigned for the passing of such Bills, Votes, or Resolutions.

### **Same course when returned.**

6. Bills, Votes, and Resolutions of either House, to which the consent of the other House shall have been desired, shall, if returned from such other House, be sent by Message; and, in the first instance, without any reason being assigned for passing, declining to assent to, or amending, as the case may be, such Bills, Votes, or Resolutions.

### **Amendments insisted upon and communications desired, reasons to be stated in Message.**

7. When either House shall not agree to any amendment made by the other House in any Bill, Vote, or other Resolution with which its concurrence shall have been desired, or when either House shall insist

upon any amendment previously proposed by such House, and any communication shall be desired, then the communications shall be by Message, and the House transmitting such Message shall at the same time transmit reasons in writing, or partly in writing and partly in print, for not agreeing to the amendment proposed by the other House, or for insisting upon any amendment previously proposed by the House sending such message.

**Responsible Minister sitting in House of which not a Member subject to Standing Orders of that House.**

- 7A. Any responsible Minister of the Crown who, under the provisions of section nine of *The Constitution Act 1903*, may sit in the House of Parliament of which he is not a Member, shall while doing so be subject to the Standing Orders of that House and to the law and practice of Parliament which is applicable to it.

*(Approved 30 November 1904)*

**Joint Committees.**

8. The number of Members of each House appointed to serve on any Joint Committee shall be equal, and the Chairman thereof shall have a vote, but not a casting vote.

**Number of Members on Joint Committees: Library, Refreshment Rooms, and Parliament Buildings.**

9. At the commencement of each Session there shall be appointed by each House a Committee of five Members respectively to constitute a Joint Committee to manage the Library; another Committee of five Members of each House respectively to constitute a Joint Committee for the management of the Refreshment Rooms\*; another Committee of five Members of each House respectively to constitute a Joint Committee for the management and superintendence of the Parliament Buildings; and three Members shall form a quorum of each of the said Committees. No quorum of any Joint Committee shall consist exclusively of Members of the Legislative Council or of Members of the Legislative Assembly.

**Joint Printing Committee.**

- 9A. At the commencement of each Session a Committee comprising four members of each House shall be appointed to consider and report upon all matters relating to Parliamentary printing with the exception of those relating to the publication of the Victorian Parliamentary Debates; three members shall form a quorum which shall not consist exclusively of members of the Legislative Council or members of the Legislative Assembly.

*(Adopted in the Legislative Council on 29 April 1993  
and in the Legislative Assembly on 11 May 1993)*

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\* See now Act No. 7727 ss. 45-48, which provides for the appointment each Session of a joint House Committee to manage the Refreshment Rooms, Parliament Gardens and Parliament Buildings.

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**Proposal for Joint Committees to state object and number. Time and place of meeting.**

10. Every proposal for a Joint Committee not provided for in these Orders shall be by Message, which Message shall state the object of such Committee, and the number of Members to serve thereon, and the number of Members to form a quorum thereof; and the House whose concurrence shall be desired shall name the time and place of meeting.

**Bills to be fair printed and certified.**

11. Every Bill shall be printed fair immediately after it shall have been passed in the House in which it originated; and the Clerk of the House in which the Bill shall have passed shall certify the passing thereof on such fair print together with the day upon which the Bill did pass.

**Amendments to be attached to the Bill, and certified by the Clerk.**

12. If any amendment shall be made by the House to which the Bill shall be sent, a copy of such amendment shall be attached to the Bill, and reference shall be made to the clause and line of the Bill, where the words are to be inserted or omitted, as the case may be, and such amendment shall be certified by the Clerk of the House in which it shall have passed.

13. [Repealed 15 June 1915.]

**When Bill passed, three copies on special paper to be printed and authenticated by Clerk of the Parliaments.**

- 13A. When a Bill shall have passed both Houses, it shall be printed by the Government Printer, who shall furnish three copies thereof on special paper to the Clerk of the Parliaments, who shall duly authenticate such copies.

*(Approved 15 June 1915)*

**Clerk of Parliaments to present all Bills except the Appropriation Bill to the Governor.**

14. The said three copies of all Bills, except the Appropriation Bill, shall be presented to the Governor for Her Majesty's assent by the Clerk of the Parliaments.

15. [Repealed 15 June 1915.]

**Procedure on Bills returned by Governor with amendments.**

- 15A. In case of amendments to Bills, made upon a Message from the Governor, pursuant to section 36 of *The Constitution Act*, after such Bills shall have passed both Houses, the Clerk of the Parliaments shall indorse the same on the original Bill, and shall order three copies of the Bill on special paper as amended, and shall authenticate the same before they are presented for His Majesty's assent.

*(Approved 15 June 1915)*

16. [Repealed 15 June 1915.]

**Disposal of original Bills.**

16A. When the Governor shall have assented in the name of His Majesty to any Bill, one of the three copies printed on special paper shall be deposited by the Clerk of the Parliaments with the Registrar of the Supreme Court, another shall be delivered to the Private Secretary of His Excellency the Governor, for transmission to His Majesty's Principal Secretary of State for the Colonies, and the third shall be retained in the Record Office of the Parliament House.

*(Approved 15 June 1915)*

**Title of Bill to set forth general object.**

17. The title of every Bill shall succinctly set forth the general object thereof.

**Numbering of Acts assented to.**

18. Every Act of the Legislature, commencing No. 1, from the 1st January, 1857, shall be numbered in regular arithmetical series, in the order in which the same shall be assented to by the Governor.

**Numbering of Acts reserved, but subsequently receiving Royal Assent.**

19. Any Act which shall, as a Bill, have been passed by both Houses of Parliament, but reserved by the Governor for the signification of Her Majesty's pleasure, and shall afterwards receive the Royal Assent, shall be numbered with the number next in arithmetical progression to the number already given to the last Act Assented to by the Governor.

**Clerk of the Parliaments to correct typographical errors.**

20. The Clerk of the Parliaments shall be empowered to correct literal typographical errors in Bills that have passed both Houses.

**Clerk of the Parliaments to report clerical errors.**

21. Upon the discovery of any clerical error in any Bill which shall have passed both Houses, and before the same be presented to the Governor for the Royal Assent, the Clerk of the Parliaments shall report the same to the House in which the Bill originated, which House may deal with the same as with other amendments.

**Clerk-Assistant to perform duties in absence of Clerk of the Parliaments.**

22. In case of unavoidable absence or illness of the Clerk of the Parliaments, his duties shall be performed by the Clerk-Assistant of the Legislative Council



# Index



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The following abbreviations apply in this index

Prefix	Type of Rules and Orders
Chapter number only	Standing Orders
R	Standing Rules of Practice
JSO	Joint Standing Orders

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