

CHAPTER 16

LEGISLATION COMMITTEE

16.01 Establishment

At the commencement of each Session the Council will appoint a Legislation Committee.

16.02 Function

The function of the Committee is to consider in detail a Bill or series of related Bills referred to the Committee by the Council and to report to the Council on the Committee's consideration of the Bill, which may include any recommendations for amendments to the Bill(s).

16.03 Membership

- (1) The Committee will consist of six Members, not being Ministers, appointed by resolution of the Council. The membership of the Committee must, so far as reasonably practicable, be proportional to party, minority group or independent membership in the Council.
- (2) A vacancy is to be filled —
 - (a) by an appointment under Standing Order 16.03(1) within two sitting days of the day on which the Council is made aware of the vacancy; or
 - (b) by an appointment made by the President when a vacancy occurs during a prorogation or adjournment of at least 12 days.

16.04 Chair and Deputy Chair to be elected

- (1) Prior to the commencement of any other business, the Committee will elect one of its Members to be the Chair of the Committee and one of its Members to be Deputy Chair.
- (2) If the Committee is unable to appoint a Chair or Deputy Chair the Committee will report that fact to the Council on the next sitting day for resolution by the Council.

16.05 Substitute Members

- (1) A Member of the Committee may be substituted by another Member by notice from the Member to the Clerk of the Committee.
- (2) The substitute Member is a member of the Committee for all purposes.
- (3) A substitution must be for the purpose of consideration of all or part of a specific Bill or related Bills, but a substitute Member, by further leave, may be a substitute Member in relation to one or more Bills at the same time.

16.06 Referral

At any time after the second reading and before the third reading stage the Council may, on motion without notice of any Member, resolve that all or part of a Bill or a series of related Bills be referred to the Committee. The time allowed for debate on such motion is as prescribed for procedural motions by Standing Order 5.04.

16.07 Meetings

- (1) The Committee can meet during the sittings and adjournment of the Council.
- (2) Meetings of the Committee at which a Bill is considered in detail will be open to the public as if the proceedings were a meeting of the Council.
- (3) All Members of the Council will be notified of the days and times that the Committee will meet to consider a Bill in detail.
- (4) Members of the Council who are not Members of the Committee may participate in the public proceedings of the Committee, but will not vote, move any motion other than an amendment to the Bill, or be counted for the purpose of a quorum.

16.08 Quorum

At any meeting three members of the Committee will constitute a quorum and at least one Government and one Opposition Member must be present.

16.09 Record of proceedings of Committee

The provisions of Standing Order 24.08 apply to the record of the proceedings of the Committee.

16.10 Quorum or division in Council

If a quorum or division is called for in the Council while the Committee is sitting, the meeting will be suspended until the quorum is formed or the division has concluded and Members have had an opportunity to return to the meeting.

16.11 Procedure for consideration of a Bill

- (1) The Committee will consider the Bill in accordance with Standing Order 14.12.
- (2) The Committee may, by leave, alter the procedure for the consideration of the Bill, provided that all relevant questions are put before proceedings conclude.
- (3) The Minister, Minister representing or such other persons nominated by the Minister or Member in charge of the Bill may give evidence to the Committee.
- (4) The Committee's proceedings when considering the Bill will be recorded by *Hansard*.
- (5) The transcript of the proceedings will be incorporated in the revised *Hansard* of the week in which the Committee's report is presented.

16.12 Amendments

- (1) Notwithstanding Standing Order 16.12(5), the provisions of Standing Order 14.13 apply to the consideration of amendments by the Committee.
- (2) An amendment may be moved by a Member of the Committee or a Member on behalf of another Member of the Committee.

(3) A Member of the Council who is not a Member of the Committee may move an amendment, but is not permitted to vote on this or any other question.

(4) A Council Minister or Minister representing or a Council Member in charge of the Bill may move an amendment to the Bill.

(5) If a Member who has moved an amendment in the Legislation Committee proposes to move the same amendment in Committee of the whole, the Deputy President will advise the Committee that the Member has moved the same amendment in the Legislation Committee.

16.13 Questions

(1) In the Committee all questions will be decided by a majority of Committee Members present.

(2) All Members of the Committee present at the meeting when the question is put will vote.

(3) The Chair will have a deliberative vote and, in the case of an equality of votes, will give a casting vote.

(4) The Deputy Chair will have a deliberative vote only.

16.14 Time for reporting

(1) Unless otherwise resolved by the Council at any time, the Committee will present its final report to the Council no later than the first sitting day that occurs after two sitting weeks or four calendar weeks following the referral of the Bill or related Bills, whichever is the shorter period.

(2) The Committee may resolve to request an extension to the time for reporting by letter to the President, who will then advise the Council at the earliest opportunity.

(3) If the Committee has not reported to the Council at the appointed time the Bill will be considered in Committee of the whole Council unless leave is given for the Bill to proceed immediately to the third reading.

16.15 Form of report

(1) The report of the Committee will comprise —

(a) a schedule of amendments recommended;

(b) the minutes of the consideration of the Bill in detail, including all questions put and decisions of the Committee dealt with pursuant to Standing Order 14.12, and any amendments moved; and

(c) the transcript of the Committee's consideration of the Bill in detail, including any evidence from witnesses.

(2) The Committee may, if considered necessary, include in its report a narrative explanation of the Committee's recommendations.

16.16 Presentation of report

(1) The report of the Committee will be presented to the Council by the Chair or another Member of the Committee during formal business.

(2) No debate will be permitted at the time of the presentation of the report.

16.17 Consideration and adoption of report

(1) The Order of the Day for the consideration of the Committee's report on the Bill will be set down for two sitting days after the presentation of the report to the Council unless leave of the Council is granted to consider the report earlier.

(2) When the Order of the Day for the consideration of the report is called the Minister or Member in charge of the Bill will move, "That the Council adopt the report of the Committee".

(3) If the motion to adopt the report is agreed to, any amendments recommended by the Committee will be deemed to have been made to the Bill.

(4) If the motion to adopt the report is not agreed to, the Bill will be considered in Committee of the whole Council unless leave is granted to proceed to the third reading.

16.18 Procedure when Bill reported with no recommended amendments and no amendments proposed

Where a report from the Committee containing no recommendations to amend the Bill has been adopted pursuant to Standing Order 16.17 and no amendments are proposed, the Bill will be considered in Committee of the whole Council unless leave is given to proceed to the third reading.

16.19 Procedure when Bill reported with recommended amendments and no other amendments proposed

Where a report from the Committee containing recommendations to amend the Bill has been adopted pursuant to Standing Order 16.17 and no other amendments are proposed, the Bill as amended will be considered in Committee of the whole Council unless leave is given to proceed to the third reading.

16.20 Procedure when Bill reported and amendments proposed

Where a report from the Committee has been adopted pursuant to Standing Order 16.17 and amendments are proposed the Bill will be considered in Committee of the whole Council.

16.21 Consideration of certain clauses only

Notwithstanding the provisions of Standing Orders 16.18, 16.19 and 16.20, the Council may grant leave for the consideration in Committee of the whole Council of certain clauses only and the Committee's recommendations in relation to all other clauses will be deemed to have been agreed to by the Council.

16.22 Application of provisions relating to procedural motions

Any motion proposed pursuant to Standing Orders 16.17 to 16.21 will be dealt with as a procedural motion pursuant to Standing Order 5.04.