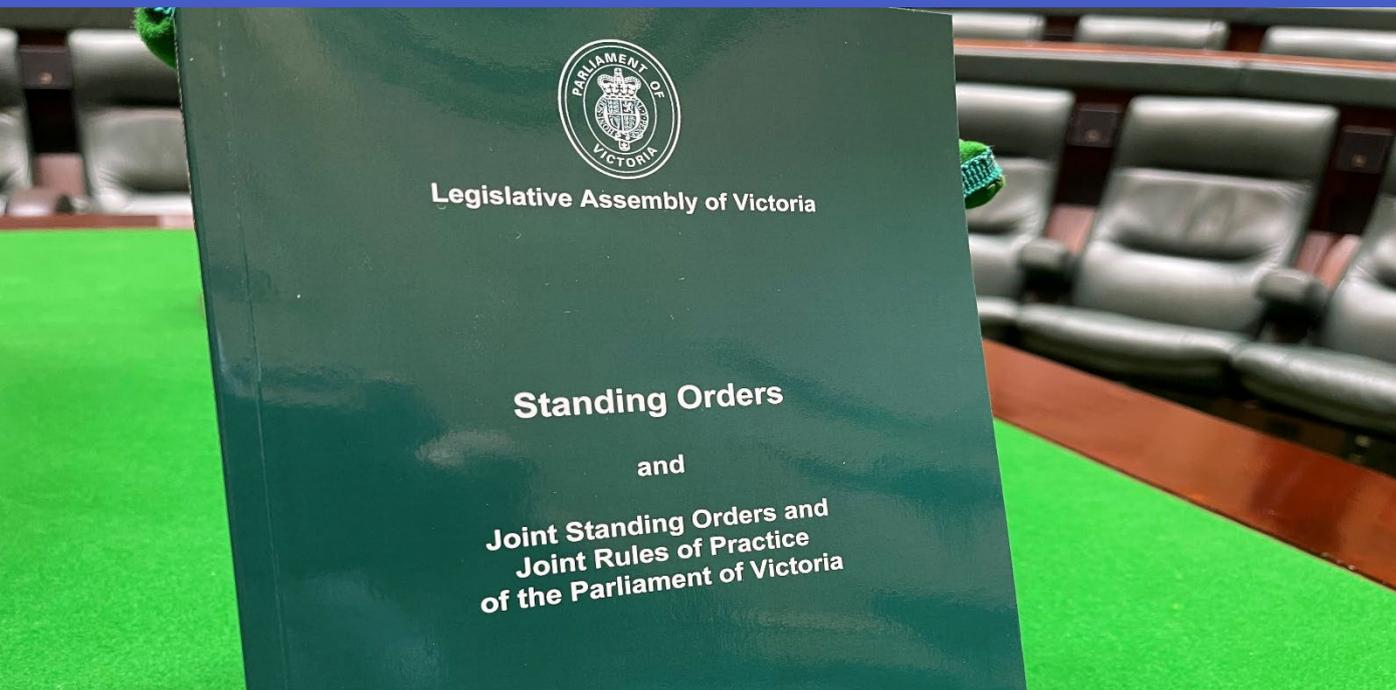


# Parliament of Victoria



Classroom resource

## Standing orders

# About this resource

The Parliament of Victoria has two chambers, the Legislative Assembly and the Legislative Council. Both chambers have a set of rules, or standing orders, that govern how the chambers work. The standing orders are rules that must be followed and are used to manage the work of the chamber, including committees. These rules include how the Presiding Officers (the head of the each chamber) are chosen, the rules for speaking, and what happens if the rules are broken.

The standing orders in this resource are a summary of the rules that are potentially most relevant to the classroom, and can be adapted and used for classroom discussion where there is a range of points of view. Standing orders provide a structure to support a safe environment for debate and discussion.

## ***Presiding Officers***

The first section looks at the election process of the Presiding Officers that takes place at the start of each new parliament, or when a Presiding Officer vacates the chair. Students can vote for the Presiding Officer, or alternatively, the role could be taken by the teacher or a nominated student.

## ***House rules***

The second section outlines the speaking rules (who gets to speak when and which members are called upon), as well as relevancy, what is considered irrelevant and when it is okay to interrupt a speech.

## ***Disorderly conduct***

The third section outlines what is considered disorderly conduct and the role of the Presiding Officers and key parliamentary staff in dealing with disorder.

## ***Questions***

The last section outlines the rules around asking questions, who can ask questions, to whom questions can be directed and what language can and cannot be used in the questions.



**For the full standing orders for each legislative chamber visit the Parliament of Victoria's website.**

# The Presiding Officers

## The role of the Presiding Officer

- The Presiding Officer maintains order in the chamber (also referred to as the house)
- When the Presiding Officer stands members must sit down and be silent
- Where the Presiding Officer considers the conduct of a member to be disorderly:
  - The Presiding Officer may order the member to withdraw from the house for up to one and a half hours. That order is not open to debate or disagreement (see Disorderly conduct for more information)
  - The member, whilst suspended, may still return to the house to vote in a division.

## Electing a Presiding Officer

### When a Presiding Officer needs to be elected

- The members at the first session of a Parliament must elect a Presiding Officer. The house cannot conduct any business until a Presiding Officer has been elected.
- The Clerk oversees the election of the Presiding Officer.

### Nominating a Presiding Officer

The house must elect a Presiding Officer from members nominated in the following way. The Clerk must:

- Ask whether there are any nominations and seconders (a second person that supports the nomination) and allow time for nominations
- Ask if the member nominated consents.
  - A candidate may withdraw from nomination by requesting their name to be withdrawn.
  - If a candidate's withdrawal results in only one candidate remaining, that candidate is declared elected as Presiding Officer.
- Ask whether there are any further nominations
- When there are no further nominations, the Clerk declares that the nominations are closed.
- If only one member is nominated, the Clerk declares that member elected.

## Voting procedure

If more than one member is nominated for the position of Presiding Officer, the voting procedure is as follows:

- The Clerk announces the names of the candidates who have been nominated and seconded
- Each member present will be issued with a ballot paper
- Each member writes down on the paper the name of their preferred candidate
- Each member puts the ballot paper into the ballot box on the table of the house

## Counting the votes

The votes must be counted in the following way:

- Each person who nominated a member for Presiding Officer acts as scrutineer
  - A scrutineer is someone who watches the counting to make sure the process has been followed correctly
- The scrutineers and the Clerk count the votes
- The Clerk will announce the results

## Identifying the successful candidate

If a candidate obtains more than half of the formal votes of members present, they are elected Presiding Officer

- A vote is formal if the ballot paper is filled out correctly. Informal votes—ballot papers not filled out correctly—are discounted

If no candidate obtains sufficient votes, the candidate with the lowest number of votes is eliminated, and another vote is held between the remaining candidates. This process is repeated until one candidate receives more than half of the formal votes of members present.

## Presiding Officer takes the chair

When a Presiding Officer has been elected, the members who nominated and seconded the Presiding Officer, escort them to the chair.

# House rules

To be used during debate/discussion.

## Speaking rules

### Members to stand

A member wishing to speak stands in their place and addresses the Presiding Officer.

If more than one member rises, the Presiding Officer calls the one who stood up first, recognising that, once each party has put its view, the call will normally alternate between speakers on each side of the house (i.e.: speakers from different parties, including the crossbench).

### Member's right to speak

A member may:

- Speak to any question before the house, including a proposed amendment.
- Propose his or her own motion or amendment.
- Raise a point of order or speak to a point of order that has arisen.

### No member to be referred to by name

A member must refer to other members by their title of office (portfolio such as health or education) or by the name of their electorate. For example:

- The Honourable Minister for ... (Honourable is only used if a member has or currently holds a ministerial position)
- The Member for ...

## Relevancy

### Keeping to the subject

A member must not depart from the subject matter of the question or issue under discussion.

### Motion that a member be no longer heard

A member may move without notice that a member who is speaking be 'no longer heard'.

- Without notice is a question that is asked of the Presiding Officer, that interrupts another member. For example, asking the Presiding Officer if speech being given is relevant.

The Presiding Officer must put that question immediately to the house, but only if the Presiding Officer is satisfied that:

- The member speaking has already had ample opportunity to state his or her views on the matter
- The member is speaking in a way that is an abuse of the rules or conventions of the house, or to obstruct business
- The motion to stop the member speaking, if carried/passed, would not take away the rights of the minority

The question must be decided without amendment or debate.

No other motion can be moved or point of order taken until this question has been decided.

### Irrelevant material or tedious repetition

- The Presiding Officer may warn a member speaking for continued irrelevance or tedious repetition
- After a warning, another member may move 'that the Presiding Officer direct the member to discontinue his or her speech'. That question is to be put at once without amendment or debate.

### Interrupting debate

A member may only interrupt another member while speaking to:

- Move a closure motion
- Move 'that the Presiding Officer direct the member to discontinue his or her speech'

# Disorderly conduct

## Disorder

### Accusations and personal reflections

Accusations of improper motives and personal reflections on the Sovereign (Crown), the Governor, a judicial officer or members of the Assembly or the Council are disorderly (except by substantive motion).

### No offensive language against other members

A member must not use offensive or unbecoming words in relation to another member.

### Objection to words

If a member objects to words used in debate:

- The objection must be taken immediately.
- If the words relate to a member of the house and that member finds them personally offensive, the Presiding Officer will order the words to be withdrawn and may require an apology.
- If the Presiding Officer considers that any other words used are objectionable or unparliamentary, the Presiding Officer may order the words to be withdrawn and may require an apology.
- A withdrawal, and an apology, must be made without explanation or qualification.

## Addressing disorder

### Naming a member

A member may be named by the Presiding Officer for:

- Being disruptive or being guilty of disorderly conduct
- Using offensive words, and refusing to withdraw or apologise
- Refusing to conform to any standing order, rule or practice of the house
- Disregarding the authority of the Presiding Officer

Following the naming of a member

- A motion may be moved ‘That the member be suspended from the service of the house during the remainder of that day’s sitting (or for such period as the house may think fit)’
- The Presiding Officer must put that question immediately to members without amendment, adjournment or debate.

### Directions to Serjeant-at-Arms or Usher of the Black Rod

In all matters of contempt or misconduct, the Serjeant-at-Arms (Legislative Assembly) or Usher of the Black Rod (Legislative Council) will act on the direction of the Presiding Officer. This may include:

- Removing a member from the house
- Refusing a member entry until they are permitted back into the house

### Grave disorder

In the case of grave disorder, the Presiding Officer may adjourn the house without putting a question, or suspend any sitting for a time to be determined by the Presiding Officer.

### Contempt

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

# Questions

## Questions to ministers or other members

Questions may be asked of:

- Ministers on matters relating to public affairs; and
- Other members relating to a bill, motion, or other public matter connected with the business of the house in which that member is concerned.

## Language of questions

The Presiding Officer may require the language of a question to be changed if the Presiding Officer considers:

- The language unbecoming (e.g. offensive), or
- It is in breach of the standing orders
- It is in breach of the conventions of the house (conventions are unwritten rules, usually based on tradition).

## Content of questions

- A member asking a question must not:
  - Offer argument or an opinion on the matter
  - Give facts or names of persons, except those strictly necessary to explain the question.
- All questions must be direct, succinct and seek factual information.

## Content of answers

- All answers to questions must:
  - Be direct, factual and succinct
  - Not introduce matter unrelated to the question nor debate the matter to which the question relates.