

STANDING ORDERS
OF THE
LEGISLATIVE COUNCIL

(Approved 17 December 1924 unless otherwise shown)

CHAPTER 1

PROCEEDINGS ON THE OPENING OF PARLIAMENT

First Session of new Parliament. Proclamation read by the Clerk.

1. On the first day of the meeting of a new Parliament for the despatch of business, pursuant to Proclamation, and at the time and place appointed, the Clerk shall read the Proclamation.

Commissioners introduced.

2. The Usher of the Black Rod shall then introduce to the Council Chamber Commissioners from His Excellency the Governor appointed to open Parliament.

(Amended 28 October 1981)

Assembly summoned.

3. At the desire of the Senior Commissioner the Usher of the Black Rod shall request the presence of the Members of the Assembly to hear the Commission read.

(Amended 28 October 1981)

PROCEEDINGS ON THE OPENING OF PARLIAMENT

Commission read by the Clerk.

4. The Members of the Assembly having presented themselves, the Clerk shall read the Commission.

Assembly requested to elect Speaker.

5. The Senior Commissioner will then inform the Members of both Houses that His Excellency the Governor will at a future time declare the cause of his calling Parliament together, and will request the Members of the Assembly in the meantime to proceed to the election of their Speaker.

President takes Chair and reads Prayer.

6. The Commissioners and the Members of the Assembly having withdrawn from the Council Chamber, the President shall take the Chair and read the Lord's Prayer.

New Members.

7. New Members may then be introduced and be sworn or make affirmation.

(Amended 28 October 1981)

Adjournment.

8. The Council will then adjourn.

Governor's approach awaited.

9. At the next meeting after the adjournment the President shall take the Chair and await the approach of His Excellency the Governor.

PROCEEDINGS ON THE OPENING OF PARLIAMENT

Second or subsequent Session. Proclamation read by the Clerk.

10. 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 shall read the Proclamation convening Parliament.

Governor announced by Usher.

11. When His Excellency the Governor has arrived at the Council Chamber, the Usher of the Black Rod shall announce his arrival and conduct him to the Chair, the President leaving the Chair and taking one to the right of His Excellency.

(Amended 28 October 1981)

Assembly summoned.

12. Upon the command of His Excellency the Governor, the Usher of the Black Rod shall desire the immediate attendance of the Assembly in the Council Chamber.

(Amended 28 October 1981)

Governor's Speech.

13. When the Members of the Assembly have come with their Speaker into the Council Chamber, His Excellency the Governor will proceed to declare the cause of his calling the Parliament together.

Copy of Speech to President and Speaker.

14. The President and the Speaker will then each receive a copy of His Excellency the Governor's Speech from his Private Secretary, and His Excellency will then withdraw from the Council Chamber.

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Prayer.

15. The President shall then take the Chair and read the Lord's Prayer.

Privilege Bill introduced.

16. Before His Excellency the Governor's Speech is reported to the House, some Bill is read a first time.

Notices of Motion, &c.

17. Notices of Question and of Motion may then be given, and papers laid upon the Table.

Speech reported.

18. The President shall then report to the Council the Speech of His Excellency the Governor.

Motion for Address in Reply.

19. The Speech having been reported by the President, a motion for an Address in reply to the Speech will then be made.

Address agreed to.

20. On the Address being read, the Council will resolve to agree to the same with or without amendment.

Precedence of debate on Address.

20A. The debate on the Address in Reply shall take precedence over all other business except questions, formal business, urgent motions, and urgent Bills. For the purposes of this Standing Order formal business shall be deemed to include motions for Sessional Orders, leave of absence to Members,

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appointment of Standing and Select Committees, and introduction and first reading of Bills.

(Approved 4 September 1945. Amended 28 October 1981)

Motion for presenting Address.

21. At the conclusion of debate on the motion for an Address in Reply to the Speech of His Excellency the Governor, a motion will then be made that the Address be presented to His Excellency the Governor by the President and such Members as may desire to accompany him, or in such other manner as His Excellency may appoint.

(Amended 28 October 1981)

Governor's reply reported.

22. The President shall report to the Council His Excellency the Governor's reply to their Address.

If office of President vacant, and new Member to be sworn, Commissioner introduced.

23. In case the office of President of the Council become vacant during the prorogation of Parliament, and any new Member be elected during such prorogation, so soon as the Clerk has read the Proclamation convening Parliament the Usher of the Black Rod shall introduce a Commissioner appointed by His Excellency the Governor for swearing Members, and the Clerk shall read his Commission.

(Amended 28 October 1981)

Writs when office of President vacant, how announced.

24. After such Commission has been read the Clerk shall read, with the returns endorsed thereon, any Writs delivered to him that have been issued during the prorogation, either by the

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President while in office, or by His Excellency the Governor, in pursuance of *The Constitution Act Amendment Act 1958*.

(Amended 28 October 1981)

Members sworn.

25. Members returned pursuant to such Writs will then be sworn or make affirmation as prescribed by the *Constitution Act 1975*.

(Amended 28 October 1981)

Commissioner retires.

26. The Commissioner will then retire from the Council Chamber.

CHAPTER 2

ELECTION OF PRESIDENT

Election of President.

27. Whenever the office of President becomes vacant, a Member, addressing himself to the Clerk, shall propose to the Council for their President some Member then present, and move that such Member do take the Chair of the Council as President.

When only one Member proposed.

28. If only one Member be proposed and seconded as President, he shall express in his place his sense of the honour proposed to be conferred upon him, and submit himself to the Council, and he shall be then taken out of his place by the Members who proposed and seconded him, and by them conducted to the Chair.

When more than one Member proposed.

29. If more than one Member be proposed as President, a motion shall be made and seconded regarding each such member "That the Honourable do take the Chair of the Council as President", and each Member so proposed shall address himself to the Council.

Question put by the Clerk.

30. A question shall be then put by the Clerk that the Member first proposed "do take the Chair of the Council as President", which shall be resolved in the affirmative or negative, like other questions.

ELECTION OF PRESIDENT

If question passed or negatived.

31. If the question be resolved in the affirmative, the Member shall be conducted to the Chair; but if in the negative, a question shall be then put by the Clerk that the Member next proposed "do take the Chair of the Council as President", and if it be resolved in the affirmative the Member shall be conducted to the Chair.

President takes the Chair.

32. Having been conducted to the Chair, the Member elected shall return his acknowledgements to the Council for the honour conferred upon him, and thereupon take the Chair.

President presents himself to Governor.

33. Before proceeding to any business, the President, with such Members of the Council as desire to accompany him, shall present himself to His Excellency the Governor as the choice of the Council.

(Amended 28 October 1981)

Governor's reply to be reported.

34. The President shall report to the Council any reply that may be made by His Excellency the Governor.

Deputy-President.

35. The Chairman of Committees shall 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.

CHAPTER 3

PROCEEDINGS ON PROROGATION

Governor's approach announced by Usher.

36. On the prorogation of Parliament by His Excellency the Governor in person, the Usher of the Black Rod shall announce the arrival of His Excellency and shall conduct him to the Chair, the President leaving the Chair and taking one to the right of the Governor.

(Amended 28 October 1981)

Assembly summoned.

37. Upon the command of His Excellency the Governor, the Usher of the Black Rod shall desire the immediate attendance of the Assembly in the Council Chamber.

(Amended 28 October 1981)

Assent to Bills.

38. When the Members of the Assembly have come with their Speaker into the Council Chamber, the Clerk of the Parliaments having received the Supply and Appropriation Bills (if any) from the hands of the Speaker shall present them, together with other Bills passed by the two Houses of Parliament, to His Excellency the Governor for the signification of His Majesty's pleasure thereon, and His Excellency's determination on each Bill respectively shall be read by the Clerk of the Parliaments.

Prorogation.

39. His Excellency the Governor will then make a Speech, and prorogue the Parliament.

CHAPTER 4

SITTING AND ADJOURNMENT OF THE HOUSE

President takes Chair when quorum present. If a quorum not present within half an hour, Council adjourned.

40. The President shall take the Chair as soon after the time appointed for the meeting of the Council as a quorum* of Members is present, and shall read the Lord's Prayer; but if, at the expiration of half an hour after the time appointed, there be not a quorum, the President shall then take the Chair and adjourn the Council to the next sitting day, the bells having been previously rung as for a division.

If want of a quorum be noticed, Council adjourned.

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

Doors unlocked whilst President counting.

42. The doors of the Chamber shall be unlocked when the President is engaged in counting the Council.

Special meeting of the Council.

43. If during the currency of any adjournment of the Council any emergency shall arise which in the opinion of the President

* To constitute a quorum there must be present (exclusive of the President) one-third at least of the Members of the Council [See Act No. 8750 S.32(1)]

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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 shall be empowered to appoint a day and hour for a special meeting to deal with such matter and to summon Members to such special meeting: Provided always that the said date shall not be earlier than two days from the date of summons.

Strangers.

44. The Usher of the Black Rod shall from time to time take into his custody any stranger (save as in the next Order mentioned) whom he sees or who is reported to him to be in any part of the Council appropriated exclusively to the Members of the Council, and also any stranger who, having been admitted into any other part of the Chamber or Gallery, misconducts himself or does not withdraw when strangers are directed to withdraw while the Council or any Committee of the whole Council is sitting; and no person so taken into custody shall be discharged out of custody without the order of the Council.

(Amended 28 October 1981)

Strangers not admitted within the Bar.

45. No strangers shall, 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.

Assembly Members to have seats outside the Bar.

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

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Seat for Speaker within the Chamber.

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

Orders for admission of strangers.

48. The President only shall have the privilege of admitting strangers to the body of the Council Chamber outside the Bar; but every Member shall have the privilege of admitting by orders strangers to the Gallery of the Council Chamber.

Strangers to withdraw when ordered.

49. If at any sitting of the House, or in Committee, any Member shall take notice that strangers are present, the President or the Chairman (as the case may be) shall forthwith put the question "That strangers be ordered to withdraw" without permitting any debate or amendment: Provided that the President or the Chairman may, whenever he thinks fit, order the withdrawal of strangers from any part of the House.

Standing Orders Committee to prescribe arrangements for opening and prorogation.

50. The Standing Orders Committee shall prescribe the arrangements for the opening and prorogation of Parliament, which arrangements the Usher of the Black Rod shall carry into effect under the direction of the President.

(Amended 28 October 1981)

Minutes of Proceedings.

51. Every vote and proceeding of the Council shall be noted by the Clerks at the Table, and the Minutes of the Proceedings of the Council shall be printed; the Government Printer shall print the same; and the Minutes of the Proceedings, so printed and

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signed by the Clerk of the Council, shall be the Journals of the Council; but the Council may at any time by order restrain the publication of any of its proceedings.

Custody of records and documents.

52. The custody of all records or other documents belonging to the Council shall be in the Clerk, who shall not permit any to be removed without leave of the Council, or during any adjournment or prorogation, without leave of the President.

Adjournment motion.

53. No Member, unless he be a Minister of the Crown or some Member deputed by him, shall be allowed to move "That the Council do now adjourn" unless, on his rising to make such motion, six other Members shall rise in their places and require the motion to be proposed. The Member moving the adjournment shall state in writing the subject that he proposes to speak to, and the debate shall be strictly confined to the subject so stated. No second motion under this Standing Order shall be made during any sitting of the Council.

(Amended 9 December 1980)

If adjournment motion an abuse of the rules.

54. If the President be of 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 may forthwith put the question thereupon from the Chair; and no Member having moved or seconded any such motion shall be entitled to move or second any similar motion during the same debate.

(Amended 9 December 1980)

CHAPTER 5

ATTENDANCE AND PLACES OF MEMBERS

Every Member to attend service of Council.

55. Every Member is bound to attend the service of the Council, unless leave of absence be given to him by the Council, and shall during such attendance remain uncovered.

Leave of absence.

56. Leave of absence may be given by the Council to any Member for sufficient cause to be stated to the Council.

Notice of motion to be given.

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

Leave of absence, how forfeited.

58. If any Member having leave of absence attend the service of the Council before the expiration of such leave, his leave shall thereupon expire.

Call of the Council.

59. When an order is made that the Council be called, such call shall not be made for any day earlier than seven days from the date of such order, inclusive of the day of such order.

Order for call of the Council to be forwarded.

60. A copy of the order for a call of the Council, signed by the Clerk, shall be delivered by hand or forwarded by post, addressed to each Member of the Council.

ATTENDANCE AND PLACES OF MEMBERS

Usher to keep book of Members' addresses.

61. For the purpose of enabling this notice to be given, the Usher of the Black Rod shall keep a book and enter therein the name and address of every Member.

(Amended 28 October 1981)

Call of the Council an Order of the Day.

62. The order for a call of the Council on a future day shall be set down as the first Order of the Day for the day so appointed.

Names called in alphabetical order.

63. When the Order of the Day for a call of the Council is read, unless the same be postponed or discharged, the names of the Members shall be called over by the Clerk in alphabetical order.

Members not present but subsequently attending.

64. The names of all Members who do not answer when called shall be taken down by the Clerk, and subsequently called a second time, when those who answer, or afterwards attend in their places on the same day, may be excused.

Members not attending during the same day.

65. Members not attending in their places on the same day may be ordered to attend on a future day; when, unless they attend, or an excuse to the satisfaction of the Council be offered for their absence, they may be dealt with for their default as the Council may think fit.

CHAPTER 6

NOTICES AND ORDERS OF THE DAY

Ordinary business of the Day.

66. The ordinary business of each day consists of the giving of notice of Questions and Motions, the answering of Questions, the presentation of Petitions, and the discussion of Motions and of Orders of the Day.

Order of the Day defined.

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

Notices of Motion, &c., when to be given.

68. No Notice of Motion shall, without leave of the Council, be received after the Council has proceeded to the Orders of the Day.

Urgency motion.

68A. (a) 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 –

- (i) the subject-matter desired to be discussed; and
- (ii) 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 shall permit the motion to be moved: Provided that, where the President is satisfied that unusual and extreme circumstances did not permit of a matter being submitted to him at least two hours before the

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time fixed for him to take the Chair, he may waive that requirement.

(b) Discussion upon a matter approved by the President pursuant to this Standing Order shall be entered upon immediately prior to Questions without Notice; a motion being made, without notice, "That the Council take note of ... (subject)."

(c) A motion under this Standing Order shall not require a seconder, and shall take precedence of a motion for the adjournment of the Council pursuant to Standing Order No. 53.

(d) A motion under this Standing Order may not be amended, nor shall any motion for the adjournment of the debate be entertained.

(e) Not more than one motion under this Standing Order shall be made during any sitting of the Council.

(f) In the case of two or more subject-matters being proposed to the President for discussion at a sitting, the President shall decide, having regard to their relative urgency, which (if any) of those matters shall be the subject of a motion.

(g) No debate shall be permitted as to the exercise of discretion by the President under this Standing Order, except by motion to dissent from his ruling.

(Adopted 9 December 1980)

Questions to Ministers or other Members.

69. Questions may be put to Ministers of the Crown relative to public affairs, and to other Members relating to any Bill motion or other public matter connected with the business before the Council in which such Members may be concerned.

Questions not to involve argument.

70. In putting any such question, no argument or opinion shall be offered, nor any facts stated, except so far as may be necessary to explain such question.

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In answering a question the matter not to be debated.

71. In answering any such question, the Minister or Member shall not debate the matter to which the same refers.

Questions without Notice.

71A. Prior to Questions on Notice being answered, Members may ask Questions without Notice, provided that no Question without Notice shall be asked after the lapse of twenty minutes from the time the President calls on Questions, unless such time be extended at the discretion of the President.

(Adopted 9 December 1980)

Ministerial statements.

71B. No Ministerial statement may be made until motions proposed pursuant to Standing Orders numbered 53 and 68A and Questions without Notice have been disposed of.

(Adopted 9 December 1980)

When Motions to precede Orders of the Day.

72. Motions shall take precedence of Orders of the Day, except on days fixed for the consideration of Government business, and shall, unless postponed, be moved in the order in which they stand on the Notice-paper.

Printing of a document may be moved without notice.

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

NOTICES AND ORDERS OF THE DAY

Clerk to read the Orders of the Day.

74. After Questions and Motions have been disposed of, the President shall direct the Clerk at the Table to read the Orders of the Day, without any question being put.

Motions and Orders not called on.

75. All Motions and Orders of the Day which at the adjournment of the Council have not been called on shall, according as they relate to Government business or general business, be set down in 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.

76. If a Motion or Order of the Day drops off the Notice-paper owing to no day being appointed for its future consideration or to its being superseded or to the debate thereon being interrupted by a Count Out, 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.

Notices of Question.

76A. A Member may give notice of a Question by delivering to the Table a copy of such notice fairly written, and signed by him or on his behalf.

(Adopted 9 December 1980)

Notices to be in writing and delivered at Table.

77. Every Member in giving notice of a Motion shall read it aloud and deliver at the Table a copy of such notice fairly written,

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signed by him or on his behalf, and stating the day proposed for bringing on such Motion.

(Amended 9 December 1980)

Two Notices not to be given consecutively.

78. A Member may not give for himself two Notices of Motion consecutively if any other Member has any notice to submit.

(Amended 9 December 1980)

Notice may be given for absent Members.

79. A Member may give notice for any other Member not then present by putting the name of such Member on the Notice of Question or of Motion.

Restriction upon giving Notices.

80. No Notice of Motion may be given for a day beyond fourteen days from the day of giving the same.

(Amended 9 December 1980)

Notices, &c. to be printed and circulated.

81. Every Notice of Question or of Motion and Order of the Day shall be printed and circulated.

Notices may be expunged.

82. Any Notice or part of a Notice of Question or of Motion containing, in the opinion of the President, unbecoming expressions or, in the case of a Notice of Question, debatable matter, may be omitted from the Notice-paper by order of the President.

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Notices may be postponed.

83. A Member desiring to change the day for asking a Question or bringing on a Motion, may give notice of such Question or Motion for any day subsequent to that first named, but not earlier, subject to the same rules as other Notices of Question or of Motion.

Notices may be altered.

84. After a Notice of Question or of Motion has been given, the terms thereof may be altered by the Member, on delivering or causing to be delivered at the Table an amended notice one day at the least prior to the day for asking such Question or making such Motion.

Effect of question of Order or Privilege arising.

85. All questions of Order or Privilege at any time arising shall suspend the consideration and decision of every other question, but an adjourned debate on such questions shall not be entitled to precedence unless so ordered.

Business to take precedence.

86. Precedence shall 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 touching the qualification of a Member;
 - (d) a motion to 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; and
 - (e) an Order of the Day for the consideration of a report of the Standing Orders Committee or, arising from

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any such report, a motion to vary or adopt Standing Orders of the Council:

Provided that any such business shall be taken according to its sequence in this Standing Order.

(Amended 14 April 1987)

Questions and Motions without notice.

87. A Question may be asked or a Motion may be made by leave of the Council without previous notice.

CHAPTER 7

QUESTIONS PUT BY PRESIDENT

Question proposed by President.

88. When a motion has been made and seconded, the question thereupon shall be proposed to the Council by the President.

Motions not seconded.

89. Any motion not seconded may not be further debated, and no entry thereof shall be made in the Minutes of Proceedings.

Motion may be withdrawn.

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

Question, how superseded.

91. A question may be superseded—
- (1) By 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;
 - (2) By a motion "That the Orders of the Day be now read";
 - (3) By the Previous Question, viz.: "That this question be not now put" being proposed and resolved in the affirmative.

(Approved 28 September 1926)

QUESTIONS PUT BY PRESIDENT

Previous Question, if resolved in the negative.

92. If the question "That this question be not now put" be resolved in the negative the original question shall be put forthwith, without any amendment or debate.*

(Approved 28 September 1926)

Previous Question, &c., superseded by adjournment.

93. The question "That the Orders of the Day be now read" and also the question "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.

(Approved 28 September 1926)

Debate, how interrupted.

94. The debate upon a question may be interrupted –
- (1) By a Message from His Excellency the Governor;
 - (2) By a matter of privilege suddenly arising;
 - (3) By words of heat between Members;
 - (4) By a question of order;
 - (5) By a Message from the Assembly;
 - (6) By a motion for reading an Act of Parliament, an entry in the Journal, or other public document, relevant to the question before the Council.

Question may be divided.

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

* NOTE – If the question "That this question be not now put" be resolved in the affirmative, the original question is superseded, the Motion or Bill under discussion drops off the Notice-paper (*see* S.O. 76), and the Council passes on to the next business.

QUESTIONS PUT BY PRESIDENT

Question put and again stated.

96. So soon as the debate upon a question is concluded, the President shall put the question to the Council, and if the same be not heard shall again state it to the Council.

Questions determined by majority of voices.

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

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

98. The President shall state whether, in his opinion, the "Ayes" or the "Noes" have it; and, unless his opinion be acquiesced in by the minority, the question shall be determined by a division.

The same question not to be again proposed.

99. No question shall 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.

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

Resolution or vote may be rescinded.

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

Order may be discharged.

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

CHAPTER 8
AMENDMENTS

How question may be amended.

103. A question having been proposed may be amended –
- (1) By leaving out certain words only;
 - (2) By leaving out certain words in order to insert or add other words; or
 - (3) By inserting or adding words.

Amendments to be seconded.

104. An amendment proposed, but not seconded, shall not be entertained by the Council, nor entered in the Minutes of Proceedings.

Amendment to leave out words.

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

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

106. When the proposed amendment is to leave out certain words in order to insert or add other words, the President shall put a question “That the words proposed to be omitted stand part of the question”, which, if resolved in the affirmative, will dispose of the amendment; but if resolved in the negative and there is no motion before the Council for amending the proposed amendment, another question shall be put, “That the words (*of the amendment*) proposed to be inserted [*or* added] in

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the place of the words omitted be so inserted [*or added*]”, which shall be resolved in the affirmative or negative, as the case may be.

Amendment to insert or add words.

107. When the proposed amendment is to insert or add certain words, the President shall put a question “That such words be inserted [*or added*]”, which shall be resolved in the affirmative or negative, as the case may be.

When later part amended or proposed to be amended.

108. No amendment shall 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 by leave of the Council withdrawn.

No amendment to words already agreed to.

109. No amendment shall be proposed to be made to any words which the Council has resolved shall stand part of a question, except the addition of other words thereto.

Proposed amendment withdrawn.

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

Amendments to proposed amendments.

111. When an amendment has been proposed from the Chair, amendments may be moved thereto, as if such proposed amendment were an original question.

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Question as amended put.

112. When amendments have been made, the main question as amended shall be put.

If proposed amendments not made.

113. When amendments have been proposed, but not made, the question shall be put as originally proposed.

CHAPTER 9

DEBATE

Order maintained by President.

114. The President shall maintain order in the Council.

When the President rises Members to be silent.

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

Indulgence to Members unable to stand.

116. By the special indulgence of the Council a Member unable conveniently to stand, by reason of sickness or infirmity, may be permitted to speak sitting.

No Member to speak after question put.

117. No Member may speak to any question after the same has been put by the President and the voices have been given both in the affirmative and in the negative thereon.

President calls upon Members to speak. Motion that a Member "be now heard".

118. When two or more Members rise to speak the President calls upon that Member first observed by him; but a motion may be made, That any Member who has risen "be now heard" or "do now speak".

DEBATE

Member moving adjournment of debate.

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

Personal explanation.

120. By the indulgence of the Council a Member may explain matters of a personal nature, although there be no question before the Council; but such matters may not be debated.

No Member to speak twice to a question, except in explanation or reply.

121. No Member may speak twice to a question before the Council, except in explanation or reply.

Member speaking in explanation.

122. A Member who has spoken to a question before the Council may again be heard, to explain himself in regard to some material part of his speech, but shall not introduce any new matter.

Member may speak in reply in certain cases.

123. A reply shall be allowed to a Member who has made a substantive motion to the Council, but not to any Member who has moved an Order of the Day, an amendment, an instruction to a Committee, or the previous question.

DEBATE

Member seconding *pro forma* may reserve his speech.

124. A Member who seconds a motion or amendment before the Council without speaking to it may address the Council on the subject of such motion or amendment at any subsequent period of the debate.

Member speaking may move adjournment of debate.

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

Speaking “to order”, &c.

126. Any Member may rise to speak “to order” or upon a matter of privilege suddenly arising.

Debates of same Session not to be alluded to.

127. No Member shall allude to any debate of the same Session, upon a question or Bill not being then under discussion, except by the indulgence of the Council for personal explanations.

Allusion to debates in the other House.

128. No Member shall allude to any debate in the Assembly in the same Session.

Reflections upon votes of the Council.

129. No Member shall reflect upon any vote of the Council except for the purpose of moving that such vote be rescinded.

DEBATE

Offensive words against either House or any Statute.

130. No Member shall use offensive words against either House of Parliament; nor against any Statute unless for the purpose of moving for its repeal.

Offensive words against a Member.

131. No Member shall use offensive or unbecoming words in reference to any other Member.

Debate, how to be conducted.

132. No Member shall digress from the subject-matter of the question under discussion, nor comment upon any expressions said to have been used in the Assembly in the same Session; and all imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

Irrelevance or tedious repetition.

133. 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 Chairman, as the case may be, may direct such Member to discontinue his speech.

Closure of debate.

133A. After any question has been proposed either in the Council or in a Committee of the whole Council, a motion may be made by any Member rising in his place and without notice and whether any other Member is addressing the Chair or not "That the question be now put" and, if six other Members thereupon rise in their places as indicating approval of the motion, the question on such motion shall be put forthwith and decided without amendment or debate, and no other motion

DEBATE

shall be made or question of Order raised until such motion has been disposed of.

(Approved 28 September 1926)

Personal and disorderly reflections.

134. Whenever any Member makes use of any expression personal and disorderly, or capable of being applied offensively to any other Member, the President shall, either of his own motion or upon his attention being thereto called, require the Member so offending to withdraw the expression and to make a satisfactory apology to the Council.

Words taken down by direction of President.

135. When any Member objects to words used in debate, and desires them to be taken down, the President, if it appear to him to be the pleasure of the Council, shall direct the Clerk to take them down accordingly.

Words to be objected to when used.

136. Every such objection shall be taken at the time when such words are used.

Members not explaining or retracting, or not offering an apology.

137. Any Member using objectionable words, and not explaining or retracting the same, and any Member behaving offensively to the Council or any Member thereof and not offering an apology for the same, to the satisfaction of the Council, shall be censured, or otherwise dealt with as the Council may think fit.

DEBATE

Member called to order.

138. A Member called to order shall sit down, unless permitted to explain.

Council will prevent quarrels.

139. The Council will interfere to prevent the prosecution of any quarrel between Members arising out of debates or proceedings of the Council or any Committee thereof.

No interruption or disturbance allowed.

140. No Member shall wilfully interrupt or make a disturbance during the business of the Council.

Member named by President, or reported by Chairman, may be suspended.

141. If any Member be named by the President, or reported by the Chairman of Committees, for –

- (a) wilfully interrupting or making a disturbance during the business of the Council or a 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 shall be called upon to make any explanation or apology he 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

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Council may think fit)". Any Member suspended under this Standing Order shall immediately withdraw and shall not come within the precincts of the House during the period of his suspension unless, on receipt of a satisfactory apology in writing, the Council resolve, on motion made without notice and determined without amendment or debate, to discharge the order of suspension. Nothing herein shall 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.

142. If any person disobey an order of the Council, or if any person other than a Member wilfully interrupt the business of the Council, he may be declared guilty of contempt.

Commitment of Member or other person in contempt.

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

(Amended 28 October 1981)

Scale of fees payable on arrest or commitment.

144. The following scale of fees shall be payable to the Usher of the Black Rod on the arrest or commitment of any person, and no person shall, without the express direction of the Council, be discharged out of custody until such fees be paid or the Session of Parliament concluded: —

	\$
For arrest	100.00
For commitment	100.00
For each day's detention, including sustenance	10.50

DEBATE

All fees collected by the Usher of the Black Rod under this Standing Order shall forthwith be paid into the Treasury for the public uses of the State.

(Approved 29 November 1966. Amended 28 October 1981)

CHAPTER 10

DIVISIONS

No Member to vote unless present when the question put.

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

Every Member then present must vote.

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

Clerk to ring bell and turn sandglass.

147. So soon as a division has been demanded, the Clerk shall ring the bell and turn a two-minute sandglass, kept on the Table for that purpose, and the doors shall not be closed until after the lapse of two minutes as indicated by such sandglass: Provided that when successive Divisions are taken, and there is no intervening debate, the bells for the ensuing Divisions shall be rung for one minute only.

(Amended 9 December 1980)

Doors locked after the lapse of two minutes.

148. At the expiration of such two minutes the doors shall be closed and locked, and no Member shall enter or leave the Chamber until after the result of the division has been declared.

Question put, and "Ayes" and "Noes" to take different sides of the Chamber. Tellers appointed.

149. When the doors have been locked and all the Members are in their places, the President shall put the question, and

DIVISIONS

shall direct the "Ayes" to the right side of the Chamber, and the "Noes" to the left side of the Chamber, and shall appoint two Tellers for the "Ayes" and two Tellers for the "Noes".

(Amended 28 October 1981)

Tellers report the numbers.

150. The Tellers shall report the numbers to the President, who shall declare them to the Council.

When one member only on a side.

150A. If there be only one Member on a side when the doors are locked, the President shall forthwith announce the decision to the Council: Provided that if, on being asked by the President, that Member expresses a wish for his dissent to be recorded in the Minutes of the Proceedings, the Member's dissent shall be so recorded.

(Adopted 9 December 1980)

Table Officer may act as Teller.

150B. Notwithstanding Standing Order 150A, if there be only one Member on a side when the doors are locked and any Member expresses his desire to have the Division recorded in the normal way, the President shall direct an officer at the Table to act as second teller for the minority, and the Division shall be permitted to proceed.

(Adopted 9 December 1980)

Division Lists to be recorded.

151. An entry of the Division Lists shall be made by the Clerk in the Minutes of the Proceedings.

DIVISIONS

In case of confusion or error, Council again divides.

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

Errors corrected in Minutes of Proceedings.

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

When casting vote given, reasons recorded.

154. When, in case of an equality of votes, the President gives a casting vote, any reasons stated by him shall be entered in the Minutes of Proceedings.

No Member personally interested to vote.

155. No Member shall be entitled to vote either in the Council or in any Committee thereof upon any question in which he has a direct pecuniary interest, and the vote of any Member so interested shall be disallowed.

Point of order when dividing.

156. While the Council or a Committee of the whole Council is dividing, a Member can only speak to a point of order by permission of the President or Chairman.

CHAPTER 11

COMMITTEES OF THE WHOLE COUNCIL

Council resolves itself into a Committee.

157. A Committee of the whole Council can be appointed by the following resolution—

"That this Council do now [*or will on some future day*] resolve itself into a Committee of the whole Council."

Quorum of Committee of the whole.

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

Chairman of Committees.

159. A Member shall be appointed Chairman of Committees of the whole Council, and when so appointed he shall continue to act as Chairman until the next periodical election of Members of the Council or, in the event of a dissolution of the Council, until the date of such dissolution.

Temporary Chairmen.

160. At the commencement of every Session the President shall nominate a panel of not less than two Members, who may act as temporary Chairmen of Committees whenever requested to do so by the Chairman of Committees or whenever the Chairman of Committees is absent.

* See S.O. No. 40

COMMITTEES OF THE WHOLE COUNCIL

If Chairman and Temporary Chairmen absent.

161. If when the Council resolves itself into a Committee of the whole the Chairman of Committees and the Temporary Chairmen be absent, the Committee may call some other Member then present to take the Chair of the Committee.

Order in Committee to be maintained by Chairman.

162. The Chairman of Committees shall 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.

If motion to report progress an abuse of the rules.

163. If the Chairman be of opinion that a motion "That the Chairman do report progress" [*or* "do leave the Chair"] is an abuse of the rules of the Council he may forthwith put the question thereupon from the Chair.

Words of heat.

164. In a Committee of the whole Council, the Chairman, if it appear to him to be the pleasure of the Committee, shall direct the Clerk to take down any words used in debate to which objection has been made, in order that the same may be reported to the Council.

Words to be objected to when used.

165. Every such objection shall be taken at the time when such words are used.

COMMITTEES OF THE WHOLE COUNCIL

A Committee to consider only such matters as are referred.

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

Questions decided by a majority of voices.

167. Every question in Committee of the whole Council shall be decided by a majority of voices.

Divisions in Committee.

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

Motions not seconded.

169. A motion made in Committee of the whole Council need not be seconded.

When later part amended or proposed to be amended.

170. In Committee of the whole Council no amendment shall be proposed in any part of a clause of a Bill or 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 by leave of the Committee withdrawn.

Previous Question not allowed in Committee.

171. No motion "That this question be not now put" shall be made in Committee of the whole Council.

(Approved 28 September 1926)

COMMITTEES OF THE WHOLE COUNCIL

Members may speak more than once.

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

Order in debate.

173. The same order in debate shall otherwise be observed in Committee of the whole Council as in the Council itself.

Disorder arising.

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

Personal or disorderly reflections in Committee.

175. Any Member using objectionable words in Committee of the whole Council and not explaining or retracting the same, and any Member behaving offensively to the Committee or any Member thereof and not offering an apology for the same, to the satisfaction of the Committee, shall have his conduct reported to the Council by the Chairman, who shall suspend the proceedings of the Committee.

If want of a quorum be noticed.

176. If notice be taken in Committee of the whole Council that a quorum of Members is not present, the bells shall be rung as for a division, and if, at the expiration of two minutes, or on a division, it appear that a quorum of Members is not present, the Chairman shall leave the Chair, and the President shall resume the Chair.

COMMITTEES OF THE WHOLE COUNCIL

Council counted by the President.

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

Motion to report progress.

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

Report.

179. When all matters referred to a Committee of the whole Council have been considered, the Chairman shall be directed to report the same to the Council.

Report of progress.

180. When all such matters have not been considered, the Chairman shall be directed to report progress and ask leave to sit again.

Motion for Chairman to leave the Chair.

181. A resolution "That the Chairman do now leave the Chair" shall supersede the proceedings of a Committee.

Report brought up without question.

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

COMMITTEES OF THE WHOLE COUNCIL

Report of Committee, how dealt with.

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

Division Lists.

184. Lists of divisions in Committee of the whole Council shall be printed weekly, and when the Chairman shall on an equality of votes in a division give a casting vote any reason stated by him shall be entered on the printed Lists of Divisions.

CHAPTER 12

SELECT COMMITTEES

Number of Members requisite.

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

President or Chairman need not serve.

186. It shall not be compulsory on the President or Chairman of Committees to serve on any Select Committee.

Quorum of Committee.

187. The quorum of every Select Committee shall be fixed at the time of appointing such Committee.

Notice of nomination to be given except when appointed by ballot.

188. Every Member intending to move for the appointment of a Select Committee shall, one day at least preceding the nomination of such Committee, place on the Notice-paper the names of the Members intended to be proposed by him to be Members of such Committee; but if the mover be desirous that the Committee be appointed by ballot, then the number only need be stated.

Manner of balloting for Committee.

189. If upon any motion for a Select Committee any six Members require it, such Committee shall be formed in the following manner, viz.: – Each Member shall deliver at the Clerk's table a list of the Members whom he wishes to be appointed on such Committee, equal in number to the number proposed,

SELECT COMMITTEES

inclusive of the mover; if any list contain a greater or lesser number of names it shall be rejected; and the President shall appoint two Members to be scrutineers, who, with the Clerk, shall ascertain the number of votes for each Member; the Members who shall be reported to have the greatest number of votes shall be declared by the President to be the Members of such Committee; in any case of doubt arising from two or more Members having an equality of votes the President shall decide which shall serve on such Committee.

Bells rung before ballot.

190. Before the Council proceed to ballot for a Committee the bells shall be rung as for a division.

Chairman to be elected.

191. Every Select Committee, previous to the commencement of business, shall elect one of its Members to be the Chairman; but if the Chairman be absent from any meeting the Members present may appoint any one of their number to be Chairman for that sitting.

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

192. To every question asked of a witness under examination in the proceedings of any Select Committee shall be prefixed in the minutes of the evidence the name of the Member asking such question.

Names of Members present to be entered.

193. An entry shall be made in the Proceedings of 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.

SELECT COMMITTEES

Divisions to be entered.

194. If any division take place in a Select Committee the Clerk of the Committee shall take down the names of the Members voting in any such division, distinguishing on which side of the question they respectively vote, and such lists shall be given in with the Report to the Council.

If quorum not formed, meeting adjourned.

195. If there be not a quorum of Members present within half an hour after the time fixed for the meeting of any Select Committee, the Member or Members present may adjourn the meeting of the Committee to a future day.

When quorum not present during sitting of Committee.

196. If at any time during the sitting of a Select Committee of the Council the quorum of Members fixed by the Council be not present, the Clerk of the Committee shall call the attention of the Chairman to the fact, who shall thereupon suspend the proceedings of the Committee until a quorum is present, or adjourn the Committee to some future day.

Members discharged and added.

197. Members may be discharged from attending a Select Committee, and other Members appointed or added, by resolution of the Council.

Power to send for persons, papers and records.

198. Whenever it thinks fit, the Council may give a Select Committee power to send for persons, papers, and records.

SELECT COMMITTEES

Admission of strangers to Committees.

199. When a Select Committee is examining witnesses, strangers may be admitted or excluded at pleasure; but shall always be excluded when the Committee is deliberating.

When Members of the Council may be present.

200. Members of the Council, not being of the Committee, may be present when a Committee is examining witnesses; but shall withdraw when the Committee is deliberating.

Secret Committee.

201. No strangers, or Members, not being of the Committee, shall be admitted at any time to a Secret Committee.

Questions decided by majority.

202. In a Select Committee all questions shall be decided by a majority of voices.

Chairman can vote only when voices equal.

203. The Chairman of a Select Committee can vote only when there is an equality of voices.

Committee may adjourn.

204. A Select Committee may adjourn from time to time; and, by leave of the Council, from place to place.

Proceedings void after notice that President is to take Chair.

205. All Select Committees sitting at the time that the President is about to take the Chair shall be informed by the Usher of the Black Rod that the President is about to take the Chair, and all

SELECT COMMITTEES

proceedings after such notice shall be null and void, unless such Committees be otherwise empowered to sit.

(Amended 28 October 1981)

Select Committees may meet when Council not sitting.

206. All Select Committees may meet, if they so desire, on days on which the Council does not sit, unless the Council shall otherwise direct.

Evidence, &c., not to be published before reported.

207. The evidence taken by any Select Committee, and documents which have been presented to such Committee, but have not been reported to the Council, shall not be published by any Member of such Committee, nor by any other person.

Report from time to time.

208. All Select Committees may, if they so desire, have power to report their opinions, observations, minutes of evidence, or proceedings from time to time, unless the Council shall otherwise direct.

Chairman to prepare Report.

209. It shall be the duty of the Chairman of every Select Committee to prepare the Report.

Proceedings on consideration of Draft Report.

210. The Draft Report so prepared shall, if necessary, be printed and circulated amongst the Members of the Committee; and shall be read paragraph by paragraph to the Select Committee, convened for the purpose of considering it, and a question put to the Committee at the end of each paragraph

SELECT COMMITTEES

“That it do stand part of the Report”. A Member objecting to any portion of the Report shall propose his amendment at the time the paragraph he wishes to amend is under consideration.

Report brought up.

211. The Report of a Select Committee shall be brought up by the Chairman, and may be ordered to lie upon the Table, or otherwise dealt with, as the Council may direct.

Proceedings when Report presented to the Council.

212. Upon the presentation of a Report no discussion shall take place unless by leave of the Council, but the Report may be ordered to be printed with the documents accompanying it, and an order made for its being taken into consideration on a future day.

CHAPTER 13

INSTRUCTIONS TO COMMITTEES

Effect of an instruction.

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

What instructions may not be moved.

214. No instruction may be moved to order a Committee to make provision in a Bill; nor to empower a Committee to make provision if they already have that power.

When instructions to be moved.

215. Notice shall be required of an instruction, and the time for moving an instruction to a Committee of the whole is when the Council is about to first resolve itself into such Committee, before the President leaves the Chair.

Instruction to a Select Committee.

216. An instruction to a Select Committee extends or restricts the order of reference.

CHAPTER 14

WITNESSES

Witnesses summoned by orders of the Council.

217. Witnesses shall 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.

218. If the Council desire 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 attendance is required; and the President may issue his warrant accordingly.

Committee with power may summon witnesses.

219. A Committee having power to send for persons, papers, and records may summon witnesses by its own order, signed by the Clerk.

If witness does not attend a Committee.

220. If any witness do not attend, pursuant to the order of a Committee, his absence shall be reported, and the Council may order him to attend the Council; but such order may be discharged in case the witness shall have attended the Committee before the time appointed for his attending the Council.

WITNESSES

Neglect or refusal to attend.

221. A witness not attending in obedience to an order of the Council or of a Committee having power to summon witnesses, or in obedience to a warrant of the President, may be censured or declared guilty of contempt.

Attendance of a Member desired by Council; &c.

222. If the Council or a Committee of the whole Council desire the attendance of a Member as a witness, he shall be ordered to attend in his place.

Attendance of a Member desired by a Select Committee.

223. If a Select Committee desire the attendance of a Member as a witness, the Chairman shall in writing request him to attend.

If a Member refuse to attend.

224. If any Member of the Council refuse, upon being sent for, to attend or, when in attendance, to give evidence as a witness to a Select Committee, the Committee shall acquaint the Council therewith.

Committee to acquaint Council of charges against Members.

225. If any information that charges any Member of the Council come before any Committee, the Committee shall direct that the Council be acquainted with the matter of such information, without proceeding further thereupon.

When attendance of Assembly Member or Officer desired.

226. If the Council, or any Committee thereof (not being a Committee on a private Bill), desire the attendance of a Member

WITNESSES

or Officer of the Assembly as a witness, a Message shall 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.

Tampering with witnesses and false evidence.

227. If it appear that any person has been tampering with any witness in respect of his evidence to be given before the Council or any Committee thereof, or directly or indirectly endeavouring to deter or hinder any person from appearing or giving evidence, or that any person has given false evidence in any case before the Council or any Committee thereof, every such person may be declared guilty of contempt.

Witnesses entitled to protection.

228. All witnesses examined before the Council or any Committee thereof shall 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.

229. No Clerk or Officer of the Council, or Shorthand Writer 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.

230. When a witness appears before the Council, the President shall examine the witness; and no other Member shall put any question otherwise than through the President.

WITNESSES

Witness in custody at the Bar.

231. When a witness is in custody at the Bar, he shall be examined by the President only.

Witness withdraws if question objected to.

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

Member examined in his place.

233. A Member of the Council shall be examined in his place.

Witness examined in Committee.

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

CHAPTER 15

MESSAGES FROM AND ADDRESSES TO HIS EXCELLENCY THE GOVERNOR

Messages, how communicated.

235. A Message, signed by His Excellency the Governor, may be brought to the Council by a Minister of the Crown, being a Member, who shall present it to the President.

Message to be read to Council immediately.

236. The President shall immediately read the Message to the Council and, if necessary, a day shall be fixed for taking the same into consideration.

Verbal Message may be communicated by Minister.

237. A verbal Message from His Excellency the Governor may be communicated to the Council by a Minister of the Crown, being a Member.

Addresses, how presented.

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

When presented by the whole Council.

239. When an Address is ordered to be presented by the whole Council, the President, with the Members, on being admitted to His Excellency the Governor's presence, shall read the Address to His Excellency, the Members who moved and seconded such Address being on his left hand.

MESSAGES FROM AND ADDRESSES TO HIS EXCELLENCY
THE GOVERNOR

Presentation of Joint Address.

240. When it is ordered that an Address in which the Assembly joins the Council be presented by the whole Council, such Address shall be presented by the President and such Members as may be named by the Council, together with the Speaker and the Members appointed by the Assembly.

Governor's answer to Address presented by the whole Council.

241. His Excellency the Governor's answer to any Address presented by the whole Council shall be reported to the Council by the President.

Governor's answer to Address presented otherwise than by the whole Council.

242. His Excellency the Governor's answer to any Address presented otherwise than by the President shall be reported to the Council by the Member or one of the Members presenting the same.

If no order made as to presentation.

243. Unless it be otherwise ordered by the Council, all Addresses to His Excellency the Governor shall be forwarded by the Clerk of the Council.

Concurrence with other House to be signified by Message.

244. The concurrence of the Council in an Address communicated by the Assembly shall be signified by Message.

CHAPTER 16

PETITIONS

Time for presenting petitions.

245. No petition shall be presented after the Council has proceeded to the Orders of the Day.

Petitions may be presented by Members only.

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

Petitions to be in English and to be respectful.

247. Every petition shall be in the English language, and shall be respectful, decorous, and temperate in its language.

Contents of petitions.

248. Every Member presenting a petition shall acquaint himself with the contents thereof, and ascertain that it does not contain language disrespectful to either House of Parliament or violate any of the Standing Orders of the Council, and shall affix his name at the beginning of the petition.

Petitions may be written or printed.

249. Every petition shall be fairly written or printed, or partly written and partly printed.

Petition to contain a prayer or request at the end.

250. Every petition must contain a prayer at the end thereof.

PETITIONS

Petition to be signed on the last page.

251. Every petition must be signed by at least one person on the last page thereof.

Petition to be signed by the parties.

252. Every petition shall be signed by the parties whose names are appended thereto, with their names or marks, and by no one else on their behalf, except in case of incapacity by sickness.

Signatures not to be transferred.

253. The signature shall be written upon the petition itself or upon sheets attached thereto, but no individual or single signature shall be pasted upon, or otherwise transferred thereto.

Petitions of corporations.

254. Petitions of corporations shall be made under their common seal.

Forgery of signatures.

255. If any person forge the name of any other person to any petition to the Council or affix thereto any fictitious name, he may be declared guilty of contempt.

No Letters, &c., to be attached.

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

PETITIONS

Debates not to be referred to.

257. No reference shall be made in a petition to any debate in Parliament.

Members confined to statement of facts in petition.

258. Every Member offering to present a petition to the Council shall confine himself to a statement of the parties from whom it comes, of the number of signatures attached to it, and of the material allegations contained in it, and to the reading of the prayer of such petition.

(Amended 3 December 1981)

Petition not to be debated, but may be read by the Clerk.

259. Every such petition not containing matter in breach of the privileges of the Council, and which according to the rules or usual practice of the Council can be received, shall be handed to the Clerk at the Table, and the President shall not allow any debate upon or in relation to such petition; but it may be read by the Clerk if required.

Petitions complaining of grievances.

260. In the case of such petition complaining of some present personal grievance for which there may be an urgent necessity for providing an immediate remedy, the matter contained in such petition may be brought into discussion on the presentation thereof.

Petition for grant of money cannot be received.

261. No petition the prayer of which is for a distinct grant of money shall be received by the Council.

CHAPTER 17

BILLS

Bills, how initiated.

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

Bill to be presented by a Member.

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

First reading and printing without debate.

264. When any Bill is presented by a Member, or is brought up from the Assembly, the questions "That this Bill be now read a first time" and "That the Bill be printed" shall be decided without amendment or debate.

Day fixed for second reading.

265. When a Bill has been read a first time, its second reading shall be made an Order of the Day for a future day.

Second reading.

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

BILLS

Amendments to question for second reading.

267. Amendments may be moved to such question by leaving out “now”, and inserting any other time; or that the Bill be laid aside or be rejected.

Amendments to be relevant.

268. No other amendment may be moved to such question, unless the same be strictly relevant to the Bill.

Bill committed, or read third time, by leave.

269. A Bill, having been read a second time, may be ordered to be committed to a Committee of the whole Council or to a Select Committee unless the Council grants leave for the question “That the Bill be now read a third time” to be proposed forthwith.

(Amended 9 December 1980)

Committee of the whole Council on the Bill.

270. On the Order of the Day being read for the Committee on a Bill, the President shall put the question “That I do now leave the Chair”, which being resolved in the affirmative, the Council resolves itself into a Committee of the whole Council on the Bill.

When progress has been reported.

271. On the Order of the Day being read for the further consideration in Committee of a Bill on which progress has been reported, the President shall leave the Chair without putting any question.

BILLS

Amendments to the question for the President to leave the Chair.

272. 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 "this Council will, on (*some future day*), resolve itself into the said Committee".

Preamble postponed.

273. In Committee on a Bill the preamble shall stand postponed until after the consideration of the rest of the Bill without question put.

Amendment must be relevant, &c.

274. Any amendment may be made to a clause, provided the same be relevant to the subject-matter of the Bill or pursuant to an instruction, and be otherwise in conformity with the rules and orders of the Council; but if any such amendment be not within the title of the Bill, the Committee shall extend the title accordingly, and report the same specially to the Council.

Each clause to be put.

275. A question shall be put "That each clause stand part of the Bill" or "That each clause, as amended, stand part of the Bill" or "That certain clauses stand part of the Bill".

When clause may be discussed.

276. When the number of a clause has been called, such clause shall be open for discussion and amendment, and when the debate has terminated the Chairman shall put the question

BILLS

“That the clause [*or the clause as amended*] stand part of the Bill”.

(Amended 28 October 1981)

Clause may be postponed.

277. Any clause may be postponed, although the same has already been amended.

When new clauses to be proposed.

278. New clauses relevant to the subject-matter of the Bill, or pursuant to any instruction, shall be proposed after the clauses in the Bill have been considered and before the schedules, if any, are proposed, unless the Committee otherwise direct.

Preamble to be put.

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

Proceedings in Committee not to be noticed until reported.

280. No notice may be taken of 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.

Bill to be reported.

281. When the Bill has been fully considered, the Chairman shall be directed to report the Bill, with or without amendment, to the Council.

BILLS

Time fixed for consideration of Report.

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

If reported without amendment.

283. 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.

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

Order for third reading discharged.

285. 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, or the Bill may be ordered to be committed to a Select Committee.

Third reading.

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

BILLS

Verbal or consequential amendments made.

287. 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.

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

Bill passed and title agreed to.

289. After the third reading, and further proceedings thereon, the question shall be put "That this Bill do pass"; after which the title of the Bill shall be agreed to, or amended and agreed to.

Urgent Bills.

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

Bill sent to Assembly.

291. When a Bill originated in the Council has been agreed to, such Bill shall be ordered to be transmitted to the Assembly and their concurrence desired.

Assembly amendments, how dealt with.

292. When a Bill is returned from the Assembly with any clause or portion of a clause struck out, or with any other amendments, such amendments shall be read and agreed to, or agreed to with amendments, or disagreed with, or disagreed with but an amendment or amendments made, or the further consideration thereof put off to some future day, or the Bill ordered to be laid aside or rejected.

BILLS

Assembly amendments, when to be considered.

293. Amendments by the Assembly to Bills originated in the Council shall be appointed to be considered on a future day unless the Council order them to be considered forthwith.

Assembly Bill returned with amendments.

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

Assembly Bill agreed to without amendment.

295. When a Bill originated in the Assembly has been agreed to by the Council without amendment, a Message shall be transmitted to the Assembly acquainting them therewith.

Amendment proposed by Governor, how dealt with.

296. Whenever His Excellency the Governor desires any amendment to be made in a Bill originated in the Council and presented to him for His Majesty's assent, and transmits such amendment by Message to the Council, the amendment shall be agreed to or not agreed to by the Council, but no amendment shall be proposed therein.

Governor's amendment when agreed to is sent to Assembly.

297. When the Council have agreed to any amendment desired by His Excellency the Governor as aforesaid, such amendment shall be transmitted by Message to the Assembly for their concurrence.

BILLS

If Governor's amendment transmitted by Assembly.

298. Whenever the Assembly have agreed to any amendment desired by His Excellency the Governor to be made in a Bill originated in the Assembly, and transmit such amendment to the Council, the amendment shall be agreed to or not agreed to by the Council, but no amendment shall be proposed therein.

Bills altering Constitution Act, how certified.

299. Whenever any Bill for repealing, altering, or varying all or any of the provisions of *The Constitution Act*, 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, shall certify the fact on the Bill accordingly.

Clerk may correct errors.

300. 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 shall forthwith inform the Council what errors he has corrected.

CHAPTER 18

ACCOUNTS, PAPERS AND PRINTING

Accounts, &c., ordered.

301. The Council may order that accounts and papers be laid before it and may, if it think fit, direct the same to be printed.

Addresses for papers.

302. When the Royal prerogative is concerned in any account or paper, an Address shall be presented to His Excellency the Governor praying that the same may be laid before the Council.

Papers presented by command or pursuant to Statute.

303. Other papers may be presented by command of His Excellency the Governor, or pursuant to Statute.

Printing Committee to be appointed.

304. At the commencement of each Session, a Select Committee shall be appointed to consider and order upon all matters which relate to the printing to be executed by order of the Council, and for the purpose of selecting and arranging for printing returns and papers presented in pursuance of motions made by Members.

Papers presented by Members.

305. When any account or paper is presented by a Member, it shall be delivered to the Clerk of the Council.

ACCOUNTS, PAPERS AND PRINTING

Papers to be deposited with the Clerk.

306. Accounts and other papers which are required to be laid before the Council by any Act of Parliament, or by any order of the Council, may be deposited with the Clerk, and the same shall be laid on the Table, and a list of such accounts and papers read by the Clerk.

Accounts and papers ordered to lie on the Table.

307. Every account and paper not presented pursuant to any Act of Parliament shall be ordered to lie upon the Table.

CHAPTER 19

MISCELLANEOUS

When practice of House of Commons to be resorted to.

308. In all cases not herein provided for, resort shall be had to the Rules, Forms, Usages, and Practice of the Commons House of Parliament of Great Britain and Ireland, which shall be followed so far as the same may be applicable to this Council or any Committee thereof and not inconsistent with the foregoing Rules.

Standing Orders may be suspended.

309. The foregoing Rules and Orders, or any of them, 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 shall be made to dispense with any such Rule or Order without due notice thereof.

(Approved 4 September 1945)

Urgency - how decided.

309A. When the question of urgency arises in relation to the application of the foregoing Standing Orders numbered 20A, 290, and 309, or any of them, such question shall 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 shall be allowed where the President declares that in his opinion the case could not reasonably be regarded as one of urgency.

Interpretation of "Leave of the Council".

310. In these Standing Orders, the expression "leave of the Council" shall mean the leave of the Council granted without any negative voice.

STANDING ORDERS

Relating to

PRIVATE BILLS

(Adopted 3 December 1981)

President rules as to private Bills.

311. 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 shall forthwith declare such an opinion to the Council: Provided that if he forms such a view at any later time prior to the second reading question being decided, he shall not be precluded from then declaring such opinion.

Objects to be advertised.

312. Where a private Bill has not been ordered to be dealt with as a public Bill, the President shall, 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 shall be permitted until a report is made by the President pursuant to Standing Order 314 or, where no objections are notified pursuant to Standing Order 313, until the expiration of the time provided therein.

Objections to be lodged within 21 days. Clerk to notify receipt.

313. Written details of objections by any person or body directly and adversely affected by any provisions of a Bill to which Standing Order 312 applies shall be received by the Clerk up to the twenty-first day after the publication of a statement

PRIVATE BILLS

pursuant to that Standing Order, and any objections so received shall 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.

314. Objections received by the Clerk within the specified time shall be considered by a panel appointed by the President of not less than three temporary Chairmen of Committees and a report made to the President as to whether, in the opinion of such 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 shall thereupon be reported by the President to the Council.

Fees.

315. Unless the Council expresses the view that fees should be dispensed with, 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 sum of \$1000 shall be paid into the Treasury for the public uses of the State to meet the expenses involved in the passage of the Bill, and a receipt for that payment shall be produced by the Member having charge of the Bill.

Promoter to pay expenses.

316. The promoters of any private Bill for which fees under Standing Order 315 have been paid shall also be liable for the expenses of –

- (a) its printing and circulation;
- (b) the publication of any statement pursuant to Standing Order 312;
- (c) any select committee appointed to examine its proposals –

PRIVATE BILLS

any the sum of such amounts shall be paid into the Treasury for the public uses of the State.

Public Bill Standing Orders to apply.

317. Subject only to the provisions of Standing Orders 311 to 316, the proceedings on a private Bill shall be governed by the Standing Orders relating to public Bills.

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.

JOINT STANDING ORDERS

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.

JOINT STANDING ORDERS

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.

^{*} 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.

JOINT STANDING ORDERS

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)

JOINT STANDING ORDERS

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)

JOINT STANDING ORDERS

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.

JOINT STANDING ORDERS

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.

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N.B. – The initials "J.S.O." refer to the Joint Standing Orders of both Houses of Parliament.

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