

# **LEGISLATIVE COUNCIL OF VICTORIA**

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## **STANDING ORDERS**

together with

**JOINT STANDING ORDERS  
AND JOINT RULES OF PRACTICE  
OF THE  
PARLIAMENT OF VICTORIA**

**2006**

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## CHAPTER 1

### OPENING OF PARLIAMENT AND ADDRESS IN REPLY

#### 1.01 Opening of a new Parliament

On the first day of the meeting of a new Parliament the proceedings will be —

- (1) Members meet at the appointed time and place.
- (2) The Clerk reads the Proclamation convening Parliament.
- (3) The Usher of the Black Rod will then introduce to the Council Chamber two Commissioners from the Governor appointed to open Parliament.
- (4) The Senior Commissioner will direct the Usher of the Black Rod to request the attendance of the Members of the Assembly to hear the Commission read.
- (5) After the Members of the Assembly have attended at the Council Chamber, the Clerk will read the Commission.
- (6) The Senior Commissioner will then inform the Members of both Houses that the Governor will at a future time outline the reasons for calling Parliament together, and request the Members of the Council and the Assembly in the meantime to proceed to the election of their President and Speaker, respectively.
- (7) The Second Commissioner and the Members of the Assembly will then withdraw from the Council Chamber.
- (8) The Clerk will read the Commission for swearing Members, issued by the Governor to the Senior Commissioner.
- (9) After the Commission has been read the Clerk will read the returns to the Writ for the election of Members to the Council.
- (10) Members elected pursuant to such Writ will then be sworn or affirmed as prescribed by the *Constitution Act 1975*.
- (11) The Senior Commissioner will then retire from the Council Chamber.
- (12) The Council proceeds to the election of a President, following which the President takes the Chair and reads the Lord's Prayer.
- (13) The Council then elects a Deputy President.

(14) The President informs the Council of the time that the President will present himself or herself to the Governor.

(15) The sitting will then be suspended.

#### **1.02 Governor's arrival**

When the Council meets after the suspension of the sitting the President will take the Chair and the Council awaits the arrival of the Governor.

#### **1.03 Governor announced by Usher**

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

#### **1.04 Assembly summoned**

The Governor will direct the Usher of the Black Rod to require the immediate attendance of the Assembly in the Council Chamber. Seats may be provided within the body of the Council Chamber for the Speaker and such other Members of the Assembly as determined by the President.

#### **1.05 Governor's Speech**

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

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

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

#### **1.07 Opening of a new Session**

On the first day of the meeting of a new Session not following a dissolution —

- (1) Members meet at the appointed time and place.
- (2) The Clerk reads the Proclamation convening Parliament.
- (3) The Council awaits the arrival of the Governor.
- (4) Standing Orders 1.03 to 1.06 apply in relation to the arrival of the Governor, the summoning of the Assembly to the Council Chamber and the Governor's Opening Speech.
- (5) The President will then take the Chair and read the Lord's Prayer.

### **1.08 Suspension of sitting**

The sitting will then be suspended for an appropriate time.

### **1.09 Privilege Bill introduced**

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

### **1.10 Other business**

The order of business will then be —

- (1) Questions.
- (2) Presentation of papers.
- (3) Notices of motion.
- (4) A motion for the Address in Reply to the Governor's Speech pursuant to Standing Order 1.11.
- (5) Any other business.

### **1.11 Address in Reply to Governor's Speech**

- (1) The President will report to the Council the Speech of the Governor.
- (2) When the Speech has been reported by the President, a motion for an Address in Reply to the Speech will then be made and seconded. The Council will resolve to agree to the Address with or without amendment.
- (3) Unless otherwise ordered, the debate on the Address in Reply will take precedence over all other business except questions, formal business, urgency motions, and urgent Bills.
- (4) At the conclusion of debate on the motion for an Address in Reply to the Speech of the Governor, a motion will then be made that the Address be presented to the Governor by the President and such Members who may wish to accompany him or her.
- (5) The President will report to the Council the Governor's reply to their Address.

## **CHAPTER 2**

### **PRESIDENT, DEPUTY PRESIDENT AND ACTING PRESIDENTS**

#### **2.01 Election of President**

Members must elect a President at the opening of every Parliament immediately after they have been sworn or made an affirmation. If the office of President becomes vacant at any other time, no business may be transacted until a new President is elected.

#### **2.02 Conduct of the election**

- (1) The Clerk will conduct the election of the President.
- (2) The Clerk will ask whether there are any nominations.
- (3) A Member, addressing the Clerk, will nominate a Member who is present to be President. The nomination must be seconded. The Member nominated will indicate whether the nomination is accepted.
- (4) The Clerk must allow adequate time for nominations to be made and seconded.
- (5) If only one Member is nominated and seconded as President, the nominee will then be taken out of his or her place by the proposer and seconder and conducted by them to the Chair.

#### **2.03 Procedure when more than one candidate is nominated**

- (1) If more than one Member is nominated and seconded as President an open vote will be held.
- (2) The Clerk will announce the name of each candidate in turn and ask Members who support that candidate to stand in their places. All Members present in the Chamber must vote but will be entitled to vote for only one of the candidates.
- (3) If there are only two candidates, the candidate with the greater number of votes will be declared elected, taken out of their place by the proposer and seconder and conducted by them to the Chair.
- (4) If there are more than two candidates, and no candidate outpolls all the others, the candidate with the smallest number of votes will be eliminated and a further open vote will be held.
- (5) Additional open votes will be held until only two candidates remain when a final vote will be taken. The candidate with the greater number of votes will be declared elected, taken out of their place



by the proposer and seconder and conducted by them to the Chair.

#### **2.04 Procedure for resolving tie for smallest number of votes**

- (1) If there is a tie for the smallest number of votes, and the combined total of the tied votes is less than the number of votes cast for the next lowest candidate, the candidates with the smallest number of votes will be eliminated.
- (2) If Standing Order 2.04(1) does not apply, two open votes may be held and if two candidates remain tied for the smallest number of votes, the Clerk will determine by lot which of those candidates will be eliminated from any further vote.

#### **2.05 Suspension of the sitting**

If the Council is unable to resolve any question relating to the election of the President, the Clerk, after consultation with the party leaders, may suspend the sitting for up to one hour, for that or any other reason that he or she thinks appropriate.

#### **2.06 Procedure following suspension of the sitting**

- (1) Upon resumption of the sitting the Clerk will again ask whether there are any nominations.
- (2) The Clerk will conduct the election pursuant to Standing Orders 2.02, 2.03 and 2.04.
- (3) In the event that the Council is again unable to resolve any question relating to the election of the President no further suspension will be permitted.

#### **2.07 Procedure where no candidate has a majority**

If the vote is tied between the two final candidates, the Clerk will call for a second open vote between them and, if the result is the same, the candidate nominated by the Government will be declared elected as President and, notwithstanding the provisions of Standing Order 2.09, the candidate nominated by the Opposition will be declared elected Deputy President.

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

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

#### **2.09 Deputy President**

- (1) Immediately following the election of the President, the Council will elect a Deputy President.

- (2) The election of a Deputy President is governed by Standing Orders 2.03 to 2.06, except that the President presides over the election.
- (3) In the event of a tied vote for the election of Deputy President, the Opposition candidate will be declared elected if the Government's candidate has been declared elected as President.
- (4) The Deputy President will continue to act in that position until the next election of Members of the Council. The Deputy President will take the Chair whenever requested to do so by the President during a sitting of the Council, without any formal communication to the Council.

#### **2.10 Presentation of President to Governor**

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

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

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

#### **2.12 Acting Presidents**

At the commencement of every Session the President will nominate a panel of not less than two Members who will preside in the Council and in Committee of the whole Council whenever requested to do so by the President or Deputy President. The President may from time to time during the Session make changes to the panel.

#### **2.13 Absence of President**

During any absence of the President, the Deputy President will perform the duties and exercise the authority of the President in relation to all proceedings of the Council until the return of the President or until the Council decides otherwise.

#### **2.14 Absence of Clerk**

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

## **CHAPTER 3**

### **ATTENDANCE OF MEMBERS**

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

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

#### **3.02 Leave of absence**

- (1) Notice will be given of a motion for giving leave of absence to any Member, stating the cause and period of absence.
- (2) Any Member having leave of absence shall forfeit it by attending the Council before the leave expires.
- (3) Members without leave of absence who, when ordered, do not attend sittings of the Council may be dealt with as the Council may think fit.

#### **3.03 Introduction of new Members**

- (1) A Member chosen to fill a casual vacancy in the Council will be escorted to the Table by the Usher of the Black Rod and sworn in by the President.
- (2) If the office of President is vacant, a new Member will be sworn in by a Commissioner appointed by the Governor for swearing Members, prior to the election of a new President.

#### **3.04 Allocation of places in Chamber**

The President will determine all questions regarding the allocation of seats in the Council Chamber.

## CHAPTER 4

### SITTING AND ADJOURNMENT OF THE COUNCIL

#### 4.01 Days and hours of meeting

- (1) Unless otherwise ordered by the Council the days and hours of meeting of the Council will be —
  - (a) Tuesday at 2.00 p.m. and at 9.30 a.m. in the final sitting week of the calendar year.
  - (b) Wednesday at 9.30 a.m.
  - (c) Thursday at 9.30 a.m.
  - (d) Friday at 9.30 a.m.
- (2) At any time when no question is before the Chair a Minister may move without leave a motion to set the day and time of the next meeting.

#### 4.02 President takes Chair when quorum present

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

#### 4.03 Lack of quorum

- (1) If, after 30 minutes from the time appointed for the sitting of the Council or the resumption of the sitting after a suspension, there is not a quorum, the President will take the Chair and adjourn the Council to the next sitting day.
- (2) If at any time after the commencement of the business of the day any Member draws attention to the lack of a quorum or it becomes clear on the report of a division that a quorum of Members is not present, the President must order that the bells be rung as for a division, and after the bells have been rung count the Members present in the Chamber.
- (3) If after the Members have been counted and a quorum is not present the President will, without putting any question, adjourn the Council to the next sitting.
- (4) The doors of the Chamber will be unlocked when the President is engaged in counting the Council to determine whether there is a quorum present.

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

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

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

#### **4.05 Motion to adjourn moved by Minister**

A Minister may move at any time when there is no question before the Chair that the House do now adjourn. Such motion may not be amended.

#### **4.06 Interruption of debate**

- (1) Unless a motion to adjourn has already been moved by a Minister pursuant to Standing Order 4.05, the President will interrupt the business before the House at 10.00 p.m. on Tuesday, Wednesday and Thursday and at 4.00 p.m. on Friday.
- (2) If a division is taking place when business is due to be interrupted, it will be completed and the result announced before the President interrupts business.
- (3) The President will have discretion to extend the time for a maximum of ten minutes to allow for the completion of a speech on a motion for the second reading of a Bill within the allocated time.
- (4) The President will not be required to call the next speaker if a speaker completes his or her speech within three minutes prior to the time fixed for such interruption.

#### **4.07 Extension of sitting**

- (1) Upon any interruption of business pursuant to Standing Order 4.06 and before a motion for the adjournment of the Council under Standing Order 4.08 is proposed by the President, a Minister may move that the sitting be extended. The motion will be put forthwith without amendment or debate.
- (2) If such motion is agreed to, the Council will resume the proceedings at the point at which they had been interrupted.

#### **4.08 Adjournment proposed by President**

- (1) Unless the sitting is extended under Standing Order 4.07, the President will forthwith propose the question “That the House do now adjourn”. Such question may not be amended.
- (2) Before proposing such question the President will announce to the Council the receipt of any Messages from the Assembly and any Bills transmitted will be read a first time and their second reading made an Order of the Day for the next day of meeting.
- (3) On Fridays, the President will interrupt business and, unless the sitting is extended, adjourn the House until the next day of meeting without putting any question.

#### **4.09 Business under consideration at time of adjournment**

Any business under discussion and not concluded at the time of the adjournment will be listed on the Notice Paper for the next sitting and any Member speaking at the time of interruption may continue their speech upon the resumption of the debate.

#### **4.10 Daily Adjournment Debate**

- (1) On the question for the adjournment of the Council proposed by the President or moved by a Minister, Members may raise matters for consideration by Ministers.
- (2) Up to 15 Members (other than Ministers) may speak on the question on Tuesday, Wednesday and Thursday.
- (3) Members may speak once only on the question in each sitting week.
- (4) A Member may assign her or his single entitlement to another Member, but no individual member may be called more than once each day.
- (5) Members from a party will no longer be called if in so doing a single party would have in excess of 50 per cent of all the potential Adjournment speeches for that week.
- (6) At the conclusion of the debate, the President will adjourn the House until the time of the next meeting without putting any question.

#### **4.11 Rules relating to the Daily Adjournment Debate**

- (1) A Member speaking to the question “That the House do now adjourn” at the conclusion of a sitting may —
  - (a) make a complaint; or
  - (b) make a request; or
  - (c) pose a query.

- (2) In speaking to the question for adjournment a Member must only raise matters which are within the administrative competence of the Victorian Government and may not raise a matter which has been discussed in the previous six months of the same Session.
- (3) A Member may only raise a matter for consideration by a single Minister.
- (4) Matters raised on the question for adjournment cannot be the subject of debate.
- (5) Any reply by a Minister to a matter raised on the question for adjournment should be as brief as possible.

#### **4.12 Adjournment motion proposed by Member**

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

## CHAPTER 5

### BUSINESS

#### 5.01 Business on opening day

On the opening day of a new Parliament or Session the order of business is as provided in Standing Orders 1.01 to 1.11.

#### 5.02 Order of Business

Unless otherwise ordered by the Council, the order of business will be —

(1) On Tuesday —

Messages

Questions

Answers to Questions on Notice

Formal Business

Members' Statements (up to 15 Members)

Government Business

**At 8.00 p.m.** Legislation Committee (if ordered)

Adjournment (up to 15 Members)

(2) On Wednesday —

Messages

Formal Business

Members' Statements (up to 15 Members)

General Business (for 3 hours)

**At 2.00 p.m.** Questions

Answers to Questions on Notice

Government Business

**At 8.00 p.m.** Legislation Committee (if ordered)

Adjournment (up to 15 Members)

(3) On Thursday —

Messages

Formal Business

Members' Statements (up to 15 Members)

Statements on reports and papers (60 minutes)

Government Business

**At 2.00 p.m.** Questions

Answers to Questions on Notice

Government Business (continues)

**At 8.00 p.m.** Legislation Committee (if ordered)

Adjournment (up to 15 Members)



(4) On Friday —

Government Business whether or not there is a Government Business Program.

**At 2.00 p.m.** Questions  
Government Business (continues)

A Bill which is not listed on the Notice Paper on Tuesday may only be dealt with on a Friday in weeks when there is a Government Business Program, unless ordered by the Council.

### **5.03 Business in final week of year**

In the final sitting week of the calendar year —

(1) The order of business on a Tuesday will be —

Messages

Formal Business

Government Business

**At 2.00 p.m.** Questions

Answers to Questions on Notice

Members' Statements (up to 15 Members)

Government Business (continues)

**At 8.00 p.m.** Legislation Committee (if ordered)

Adjournment (up to 15 Members)

(2) General Business will take precedence on Wednesday for 2 hours. Speaking times will be reduced proportionately.

(3) Statements on reports and papers will take precedence on Thursday for 30 minutes.

### **5.04 Time limits**

The following time limits will apply to business before the Council —

#### ***Address in Reply (Standing Order 1.11)***

Total time	No limit
Lead Government and Opposition speakers	60 minutes
Lead third party speaker	45 minutes
Remaining speakers	15 minutes

#### ***Adjournment debate (Standing Order 4.10)***

Total time	No limit (Maximum 15 Members)
Each Member	3 minutes

#### ***Government business (Standing Order 5.07)***

Total time	No limit
Minister and lead Opposition speaker	60 minutes
Lead third party speaker	45 minutes
Remaining speakers	15 minutes

**General business (Standing Order 5.08)**

Total time	3 hours
Total time (Government party)	60 minutes
Total time (non-Government Members)	2 hours
Maximum time (mover)	60 minutes and 5 minutes right of reply

**Condolences (Standing Order 5.12)**

In relation to current Member, past Governor, Premier, Presiding Officer, Minister or party leader in either House	No limit
In relation to a former Member of the Council — total time	60 minutes

**Statements by Members (Standing Order 5.13)**

Total time	No limit (Maximum 15 Members)
Each Member	90 seconds

**Ministerial Statements (Standing Order 5.14)**

Total time	2 hours
Minister	20 minutes
Lead speaker on motion to take note	20 minutes
Other speakers	15 minutes

**Notices of motion (Standing Order 6.01)**

Total time	(Maximum 15 minutes)
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**Urgency motions (Standing Order 6.09)**

Total time	No limit
Lead Government speaker	60 minutes
Lead non-Government speaker	60 minutes
Lead speaker, other non-Government party	45 minutes
Remaining speakers	15 minutes

**Questions without notice (Standing Order 8.04)**

Each Member	1 minute
Minister's answer	4 minutes

**Supplementary questions (Standing Order 8.05)**

Each Member	1 minute
Minister's answer	1 minute

**Presentation of Committee Reports (Standing Order 9.09)**

Mover of motion to take note	5 minutes
Member of Committee	2 minutes each
By leave, 2 other Members	2 minutes each

**Statements on reports and papers (Standing Order 9.10)**

Total time	60 minutes
Total time (final week of sitting period)	30 minutes
Each Member	5 minutes

**Government Business Program (Standing Order 11.01) and Amendment to Government Business Program (Standing Order 11.02)**

Total time	30 minutes
Each Member	5 minutes
Mover, in reply	2 minutes

**Government Bills — second reading debate**

Total time	No limit
Lead Government and Opposition speakers	60 minutes
Lead third party speaker	45 minutes
Remaining speakers	15 minutes

**Budget debate**

Total time	No limit
Lead Government and Opposition speakers	60 minutes
Lead third party speaker	45 minutes
Remaining speakers	15 minutes

**Procedural motions**

Total time	30 minutes
Each Member	5 minutes
Mover, in reply	2 minutes

**Inaugural speeches**

Each Member	30 minutes
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**5.05 Formal business defined**

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

**5.06 Order of the Day defined**

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

### **5.07 Government Business**

- (1) Government Business is business initiated by Ministers and other Members of the Government party or parties.
- (2) Government Business will take precedence over all other business in accordance with the order of business prescribed by Standing Order 5.02 except for the following business —
  - (a) motions for the adoption of the Address in Reply to the Governor's Speech pursuant to Standing Order 1.11;
  - (b) special business pursuant to Standing Order 5.09; and
  - (c) urgency motions pursuant to Standing Order 6.09.

### **5.08 General Business**

- (1) General Business is business initiated by Members who are not Members of the Government party or parties.
- (2) General Business will take precedence over all other business on Wednesdays in accordance with the order of business prescribed by Standing Order 5.02.
- (3) The maximum time provided for General Business under Standing Order 5.02 excludes any period of suspension of the sitting.
- (4) When any of the time limits prescribed by Standing Order 5.04 are reached the President must call the next speaker.
- (5) If any of the allocated times are not used, the President will allocate that remaining unused time among any other Members wishing to speak for or against the question.
- (6) Unless otherwise ordered by the Council, when debate has concluded on each General Business matter the President must put the question.

### **5.09 Special Business**

Precedence will be given to —

- (a) a motion for a vote of thanks of the Council;
  - (b) a motion for leave of absence to a Member;
  - (c) a motion relating to the qualification of a Member;
  - (d) an Order of the Day for the consideration of a report of the Standing Orders Committee or, arising from any such report, a motion to vary or adopt Standing Orders of the Council;
- and

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

### **5.10 Points of order or privilege**

Subject to the provisions of Standing Order 22.01, all points of order or questions of privilege which arise at any time will take precedence over the consideration and decision of every other question, but an adjourned debate on such questions will not be accorded precedence unless so ordered.

### **5.11 Notice Paper**

All business before the Council will be listed on the Notice Paper in accordance with the Standing or Sessional Orders and the Notice Paper will be published on each sitting day.

### **5.12 Condolences**

- (1) Precedence will ordinarily be given by courtesy to a motion of condolence in the event of the death of —
  - (a) a Member of the current Parliament; or
  - (b) a past or present Governor, Premier, Presiding Officer, Minister, or party leader in either House.
- (2) Precedence may be given by leave to a motion of condolence in the event of the death of a person who had previous distinguished service in Victoria.
- (3) In relation to the death of former Members of the Council not referred to in Standing Order 5.12(1), the period of time allowed for such motion is as prescribed by Standing Order 5.04.
- (4) At the conclusion of a condolence motion, Members will be asked to rise in their places for one minute's silence as a mark of respect to the memory of the deceased, and the Council will suspend its proceedings for one hour unless otherwise ordered.
- (5) The President shall convey a message of sympathy from the House to the relatives of the deceased.

### **5.13 Statements by Members**

- (1) From the conclusion of Formal Business on Tuesday, Wednesday and Thursday, up to 15 Members may make statements on any topic of concern.
- (2) Each Member will be entitled to make only one such statement in each sitting week.
- (3) A Member may assign his or her single entitlement to another Member provided that no individual Member may be called more than once each day.
- (4) Members from a party will no longer be called if in so doing a single party would have in excess of 50 per cent of all the potential statements for that week.

#### **5.14 Ministerial Statements**

- (1) A Minister may make a Ministerial Statement without leave at any time in Government Business provided that there is no question before the Chair.
- (2) The Minister must provide a copy of the statement to the President at least two hours before it is proposed to be made.
- (3) The Minister must give not less than two hours notice to the party leaders of his or her intention to make the statement.
- (4) At the conclusion of the Ministerial Statement, a motion may be moved without notice, "That the Council take note of the Ministerial Statement".
- (5) The time limits for debate on the motion are prescribed by Standing Order 5.04.
- (6) When the maximum time for debate on the motion to take note of a Ministerial Statement has been reached, unless otherwise ordered by the Council, the President must put the question.

## CHAPTER 6

### NOTICES, MOTIONS AND ORDERS OF THE DAY

#### 6.01 Notices of Motion

- (1) Notices of motion may be given in formal business after the presentation of papers. No notice of motion will, without leave of the Council, be received after the Council has proceeded to the Orders of the Day.
- (2) Every Member giving notice of a motion will read it aloud and deliver to the Table a copy of such notice signed by him or her or on his or her behalf, and stating the day proposed for moving such motion.
- (3) A Member may not give two notices of motion consecutively if any other Member has any notice to submit.
- (4) A Member, with the consent of another Member who is not present, may give notice for that Member by putting the name of such Member on the notice of motion.
- (5) A notice of motion will be printed on the Notice Paper. Any notice of motion or part of a notice of motion which, in the opinion of the President, contains material not in conformity with the Standing Orders may be omitted from the Notice Paper by order of the President.

#### 6.02 Moving of notices

- (1) Notices will be called on in the order in which they appear on the Notice Paper and will take precedence of Orders of the Day.
- (2) A notice of motion which, at the adjournment of the Council, has not been called on will be listed on the Notice Paper for the next sitting day.

#### 6.03 Postponement of notices

- (1) A Member who has given notice of a motion may move its postponement without notice.
- (2) A Member may move the postponement of a notice on behalf of a Member who is not present, with the consent in writing of that Member, providing that consent is given in writing.

#### **6.04 Alteration of notices**

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

#### **6.05 Withdrawal of notices**

A Member who has given notice of a motion may withdraw the notice by advising the Clerk in writing.

#### **6.06 Motions without notice**

A Member may only move a motion without previous notice by leave of the Council.

#### **6.07 Seconding of motions**

Except as provided for in Standing Orders 1.11 and 2.02, no motion will require a seconder.

#### **6.08 Withdrawal of motions**

- (1) A motion may be withdrawn by its mover but only with the leave of the Council.
- (2) A motion which has been withdrawn by leave of the Council may be moved again during the same Session.

#### **6.09 Urgency motions**

- (1) A Member may propose that a definite matter of urgent public importance be brought before the Council for discussion by submitting to the President in writing at least two hours before the time fixed for the President to take the Chair —
  - (a) the subject-matter desired to be discussed; and
  - (b) a statement setting out the grounds considered to justify its urgent consideration and, if the President is satisfied that the matter is of such importance as to warrant urgent consideration, he or she will permit the motion to be moved.
- (2) Where the President is satisfied that unusual and extreme circumstances did not permit a matter being submitted to him or her at least two hours before the time fixed for taking the Chair, he or she may waive that requirement.
- (3) Discussion upon a matter approved by the President pursuant to this Standing Order will occur prior to Questions without Notice; a motion being made, without notice, "That the Council take note of ... (subject)".
- (4) A motion under this Standing Order will take precedence of a motion for the adjournment of the Council pursuant to Standing Order 4.12.



- (5) A motion under this Standing Order may not be amended and the debate may not be adjourned.
- (6) Not more than one motion under this Standing Order will be moved during any sitting of the Council.
- (7) In the case of two or more subject-matters being proposed to the President for discussion at a sitting, the President will decide, having regard to their relative urgency, which (if any) of those matters will be the subject of a motion.
- (8) No debate will be permitted as to the exercise of discretion by the President under this Standing Order, except by motion to dissent from his or her ruling.

#### **6.10 Rules relating to urgency motions**

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

#### **6.11 Motions for consideration of statutory instruments**

A motion, except a motion moved by a Minister, to approve, allow, disallow, revoke or otherwise void, any proposal, Statutory Rule or other instrument which by any Act is expressed as being subject to a resolution of the Council or of the Council and the Assembly can only be debated on Wednesdays during General Business.

### **6.12 Consideration of Orders of the Day**

- (1) When notices of motion have been disposed of, the President will direct the Clerk to read the Orders of the Day without any question being put. Orders of the Day will be considered in the order in which they appear on the Notice Paper.
- (2) A motion for the postponement of an Order of the Day may be moved without notice.
- (3) An Order of the Day which, at the adjournment of the Council has not been called on, will be listed on the Notice Paper for the next sitting day.

### **6.13 Discharge of Order of the Day**

An Order of the Day may be read and discharged.

### **6.14 Discharge of Business from the Notice Paper**

- (1) A notice of motion and an Order of the Day, other than for the consideration of a Bill, will be discharged from the Notice Paper after it has been listed for 20 consecutive sitting days.
- (2) This Standing Order does not apply to business initiated by Ministers.

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

If a motion or Order of the Day drops off the Notice Paper owing to —

- (a) no day being appointed for its future consideration; or
- (b) its being superseded; or
- (c) the debate thereon being interrupted by lack of a quorum —

such motion or Order may be restored to the Notice Paper for a subsequent day on motion without notice.

## CHAPTER 7

### QUESTIONS AND AMENDMENTS

#### 7.01 Putting the question

- (1) When a motion has been moved, the question will be proposed to the Council by the President in the form "That the motion be agreed to".
- (2) When the debate on a question is concluded, the President will put the question to the Council and will, if requested by a Member, again state it to the Council.
- (3) A question will be agreed to or negatived by the majority of voices "Aye" or "No".
- (4) The President will state, whether in his or her opinion, the "Ayes" or the "Noes" have it and, if challenged, the question will be determined by a division.

#### 7.02 Question may be divided

The Council may order a complicated question to be divided.

#### 7.03 Previous question

- (1) The previous question will be put in the form "That this question be not now put".
- (2) The previous question may not be moved to an amendment.
- (3) The motion "That this question be not now put" will not be amended.
- (4) In considering the previous question, the original question and any amendment may be debated.

#### 7.04 Superseding of question

A question may be superseded by the previous question being proposed and resolved in the affirmative.

#### 7.05 Determination of previous question

- (1) If the previous question is agreed to and the original question and any amendment to it are superseded, the motion or Bill under discussion drops off the Notice Paper and the Council will proceed to the next business.

- (2) If the previous question is negatived the original question and any amendment to it will be put forthwith, without any amendment or debate.

#### **7.06 Same question not to be proposed again**

No question will be proposed in the Council which is the same in substance as any question which has been resolved during the previous six months in the same Session.

#### **7.07 Resolution or vote may be rescinded**

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

#### **7.08 Amendment of a question**

- (1) A question which has been proposed may be amended by —
  - (a) omitting certain words; or
  - (b) omitting certain words in order to insert or add other words; or
  - (c) inserting or adding words.
- (2) An amendment must be relevant to the question it is proposed to amend and must not be a direct negative of the question.
- (3) An amendment to a question must be delivered in writing to the Clerk.
- (4) The mover of a motion or a Member who has already spoken in the debate may not move an amendment.

#### **7.09 Restrictions on moving of amendments**

- (1) No amendment will be proposed if it is the same in substance as an amendment already determined to the same question, or would have the effect only of reversing an amendment already agreed to by the Council.
- (2) No amendment will be proposed in any part of a question after a later part has been amended, or has been proposed to be amended, unless (in the latter case) the proposed amendment has been withdrawn by leave of the Council.
- (3) No amendment will be proposed to be made to any words which the Council has resolved will stand part of a question, except the addition of other words to the question.

#### **7.10 Debate on an amendment**

Debate on an amendment must be strictly confined to the terms of that amendment.

### **7.11 Putting of amendments**

On every amendment the President will put the question "That the amendment be agreed to".

### **7.12 Proposed amendment withdrawn**

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

### **7.13 Amendments to proposed amendments**

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

### **7.14 Putting of question, when amendments agreed to**

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

### **7.15 Putting of question, when amendments not agreed to**

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

## CHAPTER 8

### QUESTIONS SEEKING INFORMATION

#### 8.01 Questions to Ministers or other Members

- (1) Questions may be put to —
  - (a) Ministers of the Crown relating to public affairs with which the Minister is connected or to any matter of administration for which the Minister is responsible; and
  - (b) Other Members relating to any matter connected with the business on the Notice Paper of which the Member has charge.
- (2) Questions may be asked orally without notice for immediate reply and placed on the Notice Paper for written reply.

#### 8.02 Rules relating to questions

- (1) Questions should not contain —
  - (a) offensive or unparliamentary language;
  - (b) statements of facts or names of persons unless they are strictly necessary to explain the question and can be authenticated;
  - (c) argument or opinion;
  - (d) reflections on Court decisions and *sub judice* matters;
  - (e) hypothetical matter; or
  - (f) reflections upon persons whose conduct may only be challenged on a substantive motion.
- (2) Questions should not ask for —
  - (a) an expression of opinion;
  - (b) legal opinion; or
  - (c) a statement or announcement of the Government's policy.
- (3) Questions cannot refer to —
  - (a) debates in either House in the previous six months of the same Session; or
  - (b) proceedings in committees which have not been reported to the Council.
- (4) Questions may be asked to elicit information regarding business on the Notice Paper but debate on the matter must not be anticipated.
- (5) A question cannot be asked again if —
  - (a) it has been fully answered; or
  - (b) an answer has previously been refused.

### **8.03 Matter not to be debated in answer**

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

### **8.04 Questions without notice**

Questions without notice may be asked at 2.00 p.m. when any business before the Council will be interrupted.

### **8.05 Supplementary questions**

- (1) At the conclusion of each answer the Member may ask a supplementary question of the Minister to elucidate or clarify the answer.
- (2) Supplementary questions must be actually and accurately related to the original question and must relate to or arise from the Minister's response.

### **8.06 Consideration of answers**

On motion without notice the Council may order that an answer to a question and/or supplementary question be taken into consideration on a future day.

### **8.07 Questions on notice**

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

### **8.08 Questions may be omitted from Notice Paper**

Any question or part of a question which, in the opinion of the President, contains material not in conformity with the Standing Orders may be omitted from the Notice Paper by order of the President.

### **8.09 Question may be altered**

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

### **8.10 Answers to questions on notice**

- (1) After questions without notice have concluded a Minister will advise the Council the numbers of the questions on notice to which answers are being provided.
- (2) A copy of the answer will be given to the Member asking each question, and all answers will be incorporated in *Hansard*.

### **8.11 Procedure when answers to questions on notice not provided**

- (1) If a Minister does not furnish an answer to a question on notice within 30 days of the asking of that question and does not, within that period, provide to the Member who asked the question an explanation satisfactory to that Member as to why an answer has not been provided —
  - (a) at the conclusion of the normal time for answering questions on notice on any day after that period the Member may ask the relevant Minister for an explanation; and
  - (b) at the conclusion of any such explanation the Member may move, without notice, “That the Council take note of the explanation”.
- (2) In the event that a Minister does not provide an explanation, notice may forthwith be given of a motion regarding the Minister's failure to provide either an answer or an explanation to a question on notice which can only be debated during General Business.
- (3) Members may also make a statement on Thursdays within the time allocated for “Statements on reports and papers”, provided that at least one day’s notice of intention to make such statement is given by a Member.

### **8.12 Rules relating to answers to questions on notice**

- (1) Ministers have a responsibility to provide, within a reasonable time, an answer which is relevant to the question.
- (2) The answer to a question may be limited in nature if in the opinion of the Minister the expense associated with the provision of all of the information which has been sought is too great. Where a Minister has formed this view, he or she should contact the Member to determine whether a compromise is possible by withdrawing the question and substituting another in a mutually acceptable form.
- (3) An answer to a question may be refused if in the opinion of the Minister the commitment of resources to, and costs associated with, its preparation cannot be justified. There must be reasonable grounds for this opinion and any refusal is limited to genuine cases.
- (4) Immediately it is apparent to a Minister that it will be difficult to provide an answer to a question within 30 days he or she should advise the Member accordingly.
- (5) If in the opinion of the Minister the information sought in a question is of a nature that is not normally provided, the Minister may inform the Member of that view.



- (6) Before placing a question on notice a Member should consider whether the information to be sought is readily available in known documents.
- (7) When a question is placed on notice and the information is found to be readily available in accessible documents, the Minister should advise the Member accordingly.
- (8) A Member intending to ask for an explanation as to why an answer has not been provided in response to a question should acquaint the Minister or his or her office of that intention the day before failure to supply an answer is to be raised in the Council.

## CHAPTER 9

### TABLING OF PAPERS

#### 9.01 Presentation of papers

Papers may be presented to the Council —

- (a) by direction of the Governor;
- (b) by order of the Council; or
- (c) under Acts of Parliament.

#### 9.02 Papers to be delivered to the Clerk

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

#### 9.03 Papers presented by direction of the Governor

Papers that are required to be presented to the Council by direction of the Governor will be tabled by a Minister.

#### 9.04 Papers presented by order of the Council

The Council may give leave for a Member to present a paper which is not being tabled under the authority of an Act.

#### 9.05 Papers presented under Acts of Parliament

After all other papers have been tabled on each sitting day the Clerk will advise the Council of papers being presented under Acts of Parliament.

#### 9.06 Proclamations fixing operative dates

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

#### 9.07 Printing of papers

On motion without notice the Council may order that any paper which has been tabled be printed and taken into consideration on a future day.

#### 9.08 Motion to take note of paper

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

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

- (1) Upon the tabling of a report of a Parliamentary Committee the Council may order that the report be printed with the documents accompanying it.
- (2) The Chair or other Member of the committee if the Chair is absent may then move without notice, "That the Council take note of the report".
- (3) At the conclusion of the debate, the President must put the question.

### **9.10 Statements on reports and papers**

- (1) Following Members' Statements on Thursdays, any Member may make a statement on any report or paper which has been tabled in the Council during the Session. A Member must give not less than one day's notice of a report or paper proposed for discussion and may propose not more than one report or paper for discussion each week.
- (2) Nothing in this Standing Order will preclude a Member from —
  - (a) giving notice of a report or paper previously discussed on a Thursday; or
  - (b) giving notice of a motion to take note of a report or paper for consideration during General Business.
- (3) Subject to the provisions of Standing Order 8.11, a Member may also make a statement regarding the failure of a Minister to provide either an answer or an explanation to a question.

## CHAPTER 10

### PETITIONS

#### 10.01 Petitions may be presented by Members

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

#### 10.02 Content of petitions

A petition will —

- (1) Be legible.
- (2) Be addressed to the Legislative Council of Victoria.
- (3) Be in English or accompanied by an English translation certified to be true and correct by the Member who presents it.
- (4) Be respectful and temperate in its language.
- (5) State the action or remedy sought from the Council on the top of every sheet.
- (6) Contain at least one signature.
- (7) Contain the original signatures, names and addresses of the petitioners. Only a petitioner incapable of signing may get someone else to sign for him or her.
- (8) Not contain signatures which have been pasted or in any other way transferred or attached to the petition.
- (9) If from a corporation, be made under its common seal.

#### 10.03 Forgery of signatures

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

#### 10.04 Restrictions on petitions

A petition will not —

- (1) Have letters, affidavits, or other documents attached to it.
- (2) Make application for or request a direct grant of public money to be paid to an individual.

### **10.05 Time for presenting petitions**

A petition may only be presented during formal business. No petition will be presented during any debate, nor after the Council has proceeded to the Notices of Motion or Orders of the Day.

### **10.06 Procedure for presenting petitions**

- (1) Every Member presenting a petition will acquaint himself or herself with its contents, and lodge it with the Clerk.
- (2) The Clerk must certify that every petition when presented is in conformity with the Standing Orders and practices of the Council.
- (3) A Member presenting a petition will read the request, the subject-matter of the petition and the number of signatures attached to it and sign the front sheet. The terms of the petition will be printed in *Hansard*.
- (4) If desired by the Member presenting the Petition, the full text of a petition may be read to the Council by the Clerk.

### **10.07 Questions on presentation**

Subject to Standing Order 10.08, the President will not allow any debate upon or in relation to a petition. The only questions which may be moved on the presentation of a petition will be "That the petition do lie on the Table" and, if desired, "That it be taken into consideration (on a future day to be named)", which will be decided without amendment or debate.

### **10.08 Petitions complaining of grievances**

The Council may consider a petition immediately if it concerns a personal grievance which may require an urgent remedy.

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

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

## **CHAPTER 11**

### **GOVERNMENT BUSINESS PROGRAM**

#### **11.01 Agreement of Government Business Program**

- (1) Before the Council meets for business in any week, the Leader of the Government or his or her nominee will consult with the Leaders of other parties or their nominees with a view to reaching agreement on the manner in which the Council is to deal with Government Business in that week.
- (2) Before the calling on of Government Business on the first day of the sitting week the Leader of the Government or his or her nominee may move without leave a motion setting times and dates by which consideration of specified Bills or items of Government Business and/or Government Bills have to be completed in that sitting week.

#### **11.02 Amendment to Government Business Program**

- (1) At a change of business, following the adoption of the Government Business Program, the Leader of the Government or his or her nominee may move without leave a motion to amend the resolution under Standing Order 11.01.
- (2) Any change to the program comes into operation one hour after the motion to change the program is agreed to.

#### **11.03 Completion of Government Business Program – specified motion**

On the expiration of the completion time set under Standing Order 11.01, in relation to a specified motion, the President will forthwith put the question on any amendment and/or motion already proposed from the Chair in order to conclude proceedings on the motion.

#### **11.04 Completion of Government Business Program – specified Bill**

On the expiration of the completion time set under Standing Order 11.01, in relation to a specified Bill —

- (1) The President will forthwith put the question on any amendment or motion already proposed from the Chair in order to conclude proceedings on the Bill.
- (2) The Committee of the whole stage of a Bill will be dispensed with if no Government amendments have been circulated pursuant to Standing Order 14.10.
- (3) Subject to Standing Order 11.09, the President will combine the remaining questions necessary for the passage of the Bill through the Council.

- (4) In the case of the consideration of any Bill in Committee of the whole stage or on any of the remaining stages at that time, the President will put a combined question or a number of questions (the form and number being at the discretion of the Chair) disposing of any clauses and schedules and any amendment and new clauses and schedules desired by the Government which have been circulated pursuant to Standing Order 14.10 and any other questions required to dispose of the Bill. No other amendments, new clauses or schedules will be proposed.

#### **11.05 Completion of Government Business Program – remaining business**

- (1) After the Council has concluded the proceedings under Standing Order 11.04, the President will direct the Clerk to call on each relevant Order of the Day in turn.
- (2) In relation to a specified motion, the President will put a combined question (if required) in order to conclude the proceedings.
- (3) In relation to a specified Bill, subject to Standing Order 11.09, the Committee of the whole stage will be dispensed with and the President will put a combined question necessary for the passage of the Bill through the Council (including any amendments and new clauses and schedules desired by the Government which have been circulated pursuant to Standing Order 14.10).
- (4) In relation to any Bill being considered in Committee of the whole, the Chair will put a combined question or a number of questions (the form and number being at the discretion of the Chair) disposing of any clauses and schedules and any amendment and new clauses and schedules desired by the Government — copies of which have been circulated pursuant to Standing Order 14.10 — and any other questions required to dispose of the Bill. No other amendments, new clauses or schedules will be proposed.

#### **11.06 Completion of Government Business Program – non-specified business**

- (1) If, on the expiration of the completion time set under Standing Order 11.01, the Council is considering a non-specified motion or Bill, and there are specified motions or Bills to be completed, the President will interrupt the business before the Council.
- (2) If a division is in progress such division will be completed and the result announced and if such division be upon a closure motion any question required to be brought to conclusion as a result of such division will be so brought to conclusion.

- (3) The Council will then consider such motions or Bills as required by Standing Order 11.05. At the completion of such motions or Bills the Council will immediately resume the interrupted business and any Member speaking at the time of interruption may then continue their speech.

#### **11.07 Extension of Government Business Program**

- (1) If the Government Business Program determined for the week under Standing Order 11.01 is not completed by 4.30 p.m. on Thursday of that sitting week, a Minister may move without notice that the sitting be extended until 10.00 p.m. in order to complete the unfinished Government Business Program. The motion will be put without amendment or debate.
- (2) At 10.00 p.m. the President will interrupt the business before the Council and will forthwith propose the question "That the House do now adjourn". The question may not be amended but can be open to debate.
- (3) If a division is in progress at the time of such interruption, the division will be completed and the result announced.
- (4) Before proposing such question the President will announce to the Council the receipt of any Messages from the Assembly and any Bills transmitted will be read a first time and their second reading made an Order of the Day for the next day of meeting.

#### **11.08 Friday sitting to complete Government Business Program**

- (1) At the conclusion of the adjournment debate proposed under Standing Order 11.07, the President will adjourn the Council until 9.30 a.m. on Friday of that sitting week for the sole purpose of completing the unfinished Government Business Program.
- (2) At 4.00 p.m. on Friday, the President will interrupt business and put all relevant questions for the purpose of bringing to conclusion the Government Business Program for that week.
- (3) The Council will then adjourn. Before the adjournment a Minister will be permitted to move a motion without notice varying the sitting times of the Council pursuant to Standing Order 4.01(2).
- (4) Subject to Standing Order 5.02(4), the only other business which may be transacted at a Friday sitting is the reading of Messages from the Assembly and any Bills transmitted will be read a first time and their second reading made an Order of the Day for the next day of meeting.



### **11.09 Absolute or special majority on third reading**

In relation to the questions to be put to complete the proceedings on a Bill pursuant to Standing Orders 11.04, 11.05 or 11.08, where the third reading of a Bill is required to be passed with the concurrence of an absolute or special majority of the whole number of the Members of the Legislative Council, the question for the third reading must be put separately.

### **11.10 Points of order and motions**

- (1) The President will not accept any points of order once the expiration of the completion time under Standing Orders 11.01 or 11.08 has arrived and until all the required questions under Standing Orders 11.03, 11.04 and 11.05 have been dealt with.
- (2) Standing Order 12.23 relating to the closure of debate (except for the use of the closure or dilatory motions) and/or Sessional Orders relating to closure of debate will not apply to any proceedings in respect of a specified Bill or item of business.

## CHAPTER 12

### DEBATE

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

The President will maintain order in the Council.

#### **12.02 President to be heard**

Whenever the President stands, Members must sit down and be silent, so that the President may be heard without interruption.

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

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

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

When two or more Members rise to speak the President will call the Member first observed by him or her, but a motion may be made without leave, That any Member who has risen "be now heard".

#### **12.05 Member may not speak more than once**

A Member may not speak more than once to a question before the Council except in giving an explanation, in reply pursuant to Standing Order 12.07 or at the Committee of the whole stage.

#### **12.06 Member speaking a second time in explanation**

A Member who has spoken to a question before the Council may, by leave of the Council and after written notification to the President, speak a second time to explain some material part of his or her speech, but will not introduce any new matter.

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

A reply will only be allowed to a Member who has moved a substantive motion, the second reading of a Bill, a motion for the Government Business Program or a procedural motion.

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

- (1) A Member while speaking to a question may move the adjournment of the debate.
- (2) A Member moving the adjournment of the debate on any question will, whether the adjournment is carried or not, be entitled to speak again on the main question, provided he or she has not discussed that question in moving the motion for adjournment.

### **12.09 Restriction on motion for adjournment of debate**

- (1) If a motion for the adjournment of the debate is negated the same motion cannot be moved again within 15 minutes.
- (2) If a similar motion is again moved during the same debate, the President may decline to propose the question on it to the Council or may decide to put the question forthwith without debate, if he or she is of the opinion that such motion is an abuse of the rules of the Council.
- (3) Any Member who moves such a motion will not be entitled to move any similar motion during the same debate.

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

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

### **12.11 Point of order**

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

### **12.12 Personal explanation**

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

### **12.13 Relevance**

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

### **12.14 Irrelevance or tedious repetition**

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

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

- (1) A Member may be granted leave to incorporate into *Hansard* material such as statistical tables, graphs and charts, to which a Member has referred in debate, that are not suitable for presentation in the ordinary course of a speech.
- (2) A Member desiring to incorporate material in *Hansard* must submit such material to the President for perusal prior to raising the matter in the Council.

- (3) In considering any request for incorporation the President must be satisfied that —
  - (a) the material is strictly relevant to the debate; and
  - (b) no matter is included which otherwise would be inadmissible in debate; and
  - (c) the source of the material is identified; and
  - (d) the information is not readily accessible elsewhere; and
  - (e) it is technically feasible to reproduce the material in *Hansard*.
- (4) If the President is satisfied that the pre-conditions for incorporation have been met —
  - (a) the Member will, at the appropriate stage of the debate, request the leave of the Council for the material to be incorporated; and
  - (b) the President will confirm to the Council that he or she has been consulted, and that the pre-conditions have been met.
- (5) The leave of the Council may then be determined and, if given, the Member will, at that time, provide copies for the benefit of subsequent speakers.

#### **12.16 Reference to debates in same Session**

No Member will refer to any debate during the previous six months of the same Session upon a question or Bill not being then under discussion, except when making a personal explanation.

#### **12.17 Reference to debates in the Assembly**

No Member will quote from any debate on a Bill or a substantive motion in the Assembly during the previous six months of the same Session.

#### **12.18 Anticipating discussion**

A Member may not anticipate the discussion of a subject listed on the Notice Paper and expected to be debated on the same or next sitting day. In determining whether a discussion is out of order the President should not prevent incidental reference to a subject.

#### **12.19 Offensive words**

No Member will use offensive words against either House of Parliament, any other Member of either House, the Sovereign, the Governor or the judiciary.

#### **12.20 Imputations and personal reflections**

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

#### **12.21 Objection to words**

If a Member objects to words used in debate pursuant to Standing Orders 12.19 and 12.20 —

- (1) The objection must be taken immediately.

- (2) If the words relate to a Member of the Council and that Member finds them personally offensive, the Member may ask for a withdrawal. The President may require the words to be withdrawn and may also require an apology.
- (3) If the President considers that any other words used are objectionable or unparliamentary, the President may require the words to be withdrawn and may also require an apology.
- (4) A withdrawal and an apology, must be made without explanation or qualification.

#### **12.22 Interruption of debate**

A Member may only interrupt another Member to —

- (a) call attention to a point of order;
- (b) call attention to a matter of privilege suddenly arising;
- (c) call attention to the lack of a quorum;
- (d) call attention to the unwanted presence of strangers; or
- (e) move that the question be now put pursuant to Standing Order 12.23.

#### **12.23 Closure of debate**

- (1) After any question has been proposed either in the Council or in Committee of the whole a Member may move without notice at any time “That the question be now put”.
- (2) If six other Members rise in their places to support the motion, the question will be put forthwith and decided without amendment or debate.
- (3) During Committee of the whole when the Chair is satisfied that the debate on a clause or amendment is repetitious or frivolous, the Chair may accept a motion without notice from a Minister “That the question be now put”.
- (4) The question on such motion will be put forthwith and decided without amendment or debate.
- (5) No other motion will be made or question of order raised until the disposal of any motion pursuant to this Standing Order.

#### **12.24 Member called to order**

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

## CHAPTER 13

### CONDUCT OF MEMBERS

#### 13.01 Intervention of President

- (1) The President may intervene —
  - (a) to prevent any quarrel between Members during sittings of the Council;
  - (b) when a Member's conduct is considered offensive or disorderly.
- (2) When the President's attention is drawn to the conduct of a Member, the President will determine whether or not it is disorderly.

#### 13.02 Withdrawal of Members

- (1) If the President considers the conduct of a Member to be disorderly, he or she may order the Member to withdraw from the Chamber for up to a maximum period of 30 minutes which order will not be open to debate or dissent.
- (2) Such suspension will not prohibit a Member from returning to the Chamber for the purpose of voting in a division.
- (3) If a Member is ordered to withdraw under Standing Order 13.02(1) and the sitting concludes before the expiration of the time ordered by the Chair, the Member will not take his or her seat in the Chamber on the next sitting day until after the remainder of the time has expired, to be calculated from the end of the ringing of the bells.
- (4) If a Member does not immediately withdraw from the Chamber when ordered to do so under Standing Order 13.02(1), the President may name the Member pursuant to Standing Order 13.03.

#### 13.03 Naming of Member

- A Member may be named by the President for —
- (a) wilfully and persistently interrupting or making a disturbance during the sitting of the Council; or
  - (b) disorderly conduct; or
  - (c) using offensive 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; or
  - (f) refusing to withdraw pursuant to Standing Order 13.02.

#### **13.04 Procedure after Naming**

- (1) If any Member is named by the President under Standing Order 13.03 such Member will be called upon to make any explanation or apology he or she thinks fit, and a motion may be moved forthwith "That such Member be suspended from the service of the Council during the remainder of the sitting (or for such period as the Council may think fit)".
- (2) The motion may not be amended, adjourned or debated.

#### **13.05 Suspension of Members**

- (1) Any Member suspended under Standing Order 13.04 will immediately withdraw and will not come within the precincts of the Council during the period of his or her suspension unless, on receipt of a satisfactory apology in writing, the Council resolves, on a motion made without notice and determined without amendment or debate, to discharge the order of suspension.
- (2) This Standing Order does not deprive the Council of any other powers it may have to proceed against a Member.

#### **13.06 Contempt by Members**

Any Member who disobeys an order of the Council may be declared guilty of contempt by the Council.

#### **13.07 Removal of Member from Chamber**

If a Member refuses to follow any order of the Council or any direction of the President, the President may order the Usher of the Black Rod to remove the Member from the Chamber.

## CHAPTER 14

### BILLS

#### 14.01 Bills initiated in Council

- (1) A Bill may be initiated —
  - (a) by the calling on of a notice of intention to introduce a Bill, specifying its intended title; or
  - (b) by a motion moved without notice of intention to introduce a Bill, specifying its intended title, subject to leave being granted.
- (2) A notice of intention to introduce a Bill will be treated as if it were a notice of motion.

#### 14.02 Irregular Bill

A Bill not prepared according to the Standing Orders and practices of the Council will be ordered to be withdrawn by the President.

#### 14.03 Bills received from Assembly

A message transmitting a Bill from the Assembly seeking the Council's agreement will be read to the Council by the President.

#### 14.04 First reading

On the introduction of a Bill by a Member pursuant to Standing Order 14.01 or transmitted from the Assembly pursuant to Standing Order 14.03 the question "That the Bill be now read a first time" will be proposed immediately and decided without amendment or debate.

#### 14.05 Day fixed for second reading

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

#### 14.06 Second reading

When the Order of the Day is read for the second reading of a Bill —

- (a) a Minister or Member in charge of the Bill will move "That the Bill be now read a second time"; or
- (b) a Minister may move for the incorporation into *Hansard* of the second reading speech pursuant to Standing Order 14.07, following which the question "That the Bill be now read a second time" will then be proposed.



#### **14.07 Incorporation of second reading speech in *Hansard***

- (1) If the Bill has originated in the Council, the Minister may make introductory remarks on the contents of the Bill and may move a motion for the incorporation of the second reading speech of that Bill into *Hansard* only with the leave of the Council.
- (2) If the Bill originated in the Assembly and has passed that House and is transmitted and introduced into the Council, the Minister may make introductory remarks on the contents of the Bill, including a statement of any amendments made by the Assembly to the Bill which have been reflected in the second reading speech and may move a motion without notice for the incorporation of the second reading speech of that Bill into *Hansard*. Such motion may not be amended or debated.

#### **14.08 Adjournment of second reading**

The debate on the question “That the Bill be now read a second time” will then be adjourned unless the Council otherwise orders.

#### **14.09 Amendment to question for second reading**

- (1) An amendment may be moved to the question “That the Bill be now read a second time”.
- (2) Such amendment —
  - (a) must be strictly relevant to the Bill;
  - (b) may propose to omit words from the question in order to substitute other words;
  - (c) must not propose the addition of words to the question; and
  - (d) must not anticipate an amendment which may be moved during Committee of the whole.

#### **14.10 Circulation of amendments**

- (1) During the debate on the question “That the Bill be now read a second time” a Minister or Member may announce amendments to that Bill to be proposed during Committee of the whole and ask that they are circulated.
- (2) The announcement and request to circulate will not require leave, may not be made when another Member is speaking and may not be debated.
- (3) Following circulation, the Member may discuss the principles of the amendments during the second reading debate.
- (4) If the amendments are proposed to a specified Bill under the Government Business Program pursuant to Standing Order 11.01, the amendments must be circulated two hours before the expiration of the completion time set under that Standing Order.

#### **14.11 Procedure following second reading**

When a Bill has been read a second time, the Council will immediately consider the Bill in Committee of the whole unless the Council —

- (a) refers the Bill to a Legislation Committee, Select Committee or any other parliamentary committee; or
- (b) gives leave for the Bill to proceed immediately to the third reading; or
- (c) defers Committee of the whole until a later time.

#### **14.12 Sequence in which Bill to be considered in Committee of the whole**

- (1) Each Bill must be considered in the following order —
  - (a) clauses separately and in numerical order;
  - (b) proposed new clauses;
  - (c) the schedules separately and in numerical order;
  - (d) proposed new schedules;
  - (e) the preamble (if any);
  - (f) long title;
  - (g) short title.
- (2) Consideration of a clause may be postponed, although it has already been considered and amended.
- (3) After debate on a clause has concluded, the question must be put “That the clause (or the clause as amended) stand part of the Bill”.
- (4) Clauses may be considered together, with the question being put “That clauses XXXXX and/to XXXXX stand part of the Bill”.
- (5) Following consideration and, if necessary, amendment of the preamble, the question must be put “That the preamble (or the preamble as amended) stand part of the Bill”.

#### **14.13 Amendments during Committee of the whole**

- (1) Any amendment may be moved during Committee of the whole to any part of the Bill, provided it is relevant to the subject-matter of the Bill or pursuant to an instruction to a Committee of the whole to extend the scope of the Bill.
- (2) An amendment to a Bill must be delivered in writing to the Clerk.
- (3) An amendment will only be proposed in any part of a clause after a later part has been amended, by leave of the Committee.
- (4) Immediately the Council considers a Bill in Committee of the whole, on the consideration of clause 1, a Minister may circulate and move any number of Government amendments proposed to be made in the Bill. The Minister only may speak to those amendments on clause 1. Consideration of the amendments will be in accordance with the provisions of Standing Order 14.12.

- (5) When an amendment has been proposed to the Bill the question must be put “That the amendment be agreed to”.
- (6) If an amendment has been made in the Bill necessitating an amendment to the long title, the question must be put “That the long title, as amended, be the long title of the Bill”.

#### **14.14 New clauses proposed during Committee of the whole**

- (1) New clauses must be relevant to the subject-matter of the Bill or pursuant to an instruction to a Committee of the whole.
- (2) When a new clause has been proposed, the question must be put “That the new clause stand part of the Bill”.

#### **14.15 Report from Committee of the whole**

- (1) When the Bill has been fully considered in Committee of the whole, the Deputy President will report the Bill (or the Bill as amended) to the Council without any question being put.
- (2) Every report from a Committee of the whole will be brought up without any question being put.
- (3) When a Bill is reported from Committee of the whole, the Council may —
  - (a) adopt the report immediately, or at a future day fixed for that purpose;
  - (b) postpone the further consideration of the report; or
  - (c) recommit the Bill to the Committee.
- (4) If the Committee has not completed its consideration of a Bill, the Deputy President will be directed to report progress and ask leave to sit again.

#### **14.16 Reconsideration in Committee of the whole**

At any time before the passage of the third reading, a Member may move without leave that a Bill be reconsidered in Committee of the whole, in whole or in part, by the Council.

#### **14.17 Third reading**

- (1) When the report from Committee of the whole has been adopted, the question will be put “That the Bill be now read a third time and do pass”.
- (2) When the question “That the Bill be now read a third time and do pass” is put, amendments may be moved as on the second reading.
- (3) The further proceedings on a third reading of a Bill may be adjourned to a future day.

#### **14.18 Third reading requiring absolute or special majority**

- (1) Where a Bill requires the third reading to be passed by an absolute or special majority of the whole number of the Members of the Legislative Council, the questions "That the Bill be now read a third time" and "That the Bill do pass" will be put.
- (2) Where an absolute or special majority is required on the third reading the bells will be rung as for a division.
- (3) When an absolute or special majority has been obtained on the third reading the President will declare that the third reading has been carried with the concurrence of an absolute or special majority of the whole number of the Members of the Legislative Council.

#### **14.19 When absolute or special majority not obtained**

- (1) If an absolute or special majority is not obtained on the third reading as required, except where a division has been called, the President will adjourn the Bill until the next day of meeting without any further question being put.
- (2) If an absolute or special majority is still not obtained when the question for the third reading is again proposed, the President will, if a simple majority of Members is in favour of the question, declare that the third reading has been carried and that an absolute or special majority has not been obtained as required.

#### **14.20 Bill passed**

When the third reading of a Bill is agreed to, it is passed without any further question being put.

#### **14.21 Certificate of Clerk**

- (1) When the Bill has passed all stages the Clerk will sign the Bill to certify that it is the Bill as agreed to by the Council.
- (2) If a Bill has passed its third reading in the Council with the concurrence of an absolute or special majority of the whole number of the Members of the Council, the Clerk will certify the fact on the Bill accordingly.

#### **14.22 Bill sent to Assembly**

When a Bill which originated in the Council has been passed and then certified by the Clerk it will be transmitted to the Assembly with a Message requesting their agreement.

#### **14.23 Assembly amendments**

When a Bill is returned from the Assembly with amendments, the amendments will be printed and a time will be fixed for taking them into consideration.

#### **14.24 Consideration of Assembly amendments**

- (1) The amendments made by the Assembly may be —
  - (a) agreed to either with or without amendments; or
  - (b) disagreed with; or
  - (c) deferred indefinitely, in which case the Bill lapses.
- (2) After the Council has dealt with the amendments, a Message will be sent to the Assembly acquainting them accordingly, without a question being put.

#### **14.25 Bill returned to Assembly**

When a Bill which originated in the Assembly has been passed by the Council and certified by the Clerk it will be returned to the Assembly with a Message acquainting the Assembly that the Council has —

- (a) agreed to the Bill without amendment; or
- (b) agreed to the Bill subject to the amendments contained in the schedule attached and the Assembly agreement to such amendments is requested; or
- (c) rejected the Bill.

#### **14.26 Amendment proposed by Governor**

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

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

When the Council has agreed to any amendment proposed by the Governor pursuant to Standing Order 14.26, that amendment will be transmitted by Message to the Assembly for their agreement.

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

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

#### **14.29 Consequential renumbering of Bills**

Where a Bill has been amended, the Clerk is authorised to carry out any consequential renumbering required in it, except in relation to text being inserted or substituted in Principal Acts.

#### **14.30 Correction of clerical or typographical errors**

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

### **14.31 Urgent Bills**

- (1) At any time following the introduction of a Bill, a Minister may without notice declare a Bill to be an urgent Bill and move "That the Bill be treated as an urgent Bill".
- (2) No amendment will be permitted to the question.
- (3) When a Bill has been declared urgent, the second reading debate and all subsequent stages may proceed immediately or at any time during any sitting.
- (4) A motion to declare a Bill urgent will be dealt with as a procedural motion pursuant to Standing Order 5.04.

### **14.32 President rules as to Private Bills**

After the second reading speech on a Bill has been given, the President may rule the Bill is a Private Bill. The Council may order the Bill to be dealt with as a Public Bill.

### **14.33 Advertising of objects of Private Bill**

- (1) Where a Private Bill has not been ordered to be dealt with as a Public Bill, the President will publish a statement about the general nature and objects of the Bill in a newspaper circulating generally in Victoria and, if applicable, in a newspaper circulating in the relevant locality.
- (2) Where any advertisement has been published, no further debate on the Bill will be permitted until a report has been made by the President pursuant to Standing Order 14.35 or until the expiration of time for objections pursuant to Standing Order 14.34.

### **14.34 Objection to Private Bill**

- (1) A person or body who considers that a provision in the Bill has a direct and adverse effect on him or her may within 21 days after the publication of the statement pursuant to Standing Order 14.33, lodge a written objection to the Clerk.
- (2) The Clerk must notify the Council of any written objections during formal business at the next sitting and any such objections will be ordered to lie upon the Table.

### **14.35 Appointment of panel to consider objections to Private Bills**

- (1) If a written objection is made to the Clerk pursuant to Standing Order 14.34, the President must appoint a panel of examiners of at least two Acting Presidents to consider the objection and to report to the President on whether it raises sufficiently important matters to justify the appointment of a select committee to consider the Bill.

- (2) The President must inform the Council of the recommendation made by the panel to each objection.

#### **14.36 Cost of Private Bills**

- (1) Unless the Council dispenses with fees, the promoter of a Private Bill must pay to the Department of the Legislative Council a deposit to be determined by the President before the Bill is read a second time and a receipt for that payment will be produced by the Member having charge of the Bill.
- (2) Before the Bill is further considered by the Council the promoter must then pay an amount, less the deposit, to reimburse all expenses involved in the preparation and passage of the Bill, including costs of —
  - (a) drafting and printing;
  - (b) circulation and advertising; and
  - (c) any select committee appointed to consider it.

#### **14.37 Procedures for Private Bills**

A Private Bill is dealt with in the same way as a Public Bill except for the procedures in Standing Orders 14.32 to 14.36.

## CHAPTER 15

### COMMITTEE OF THE WHOLE COUNCIL

#### 15.01 Appointment of Committee

- (1) A Committee of the whole Council will be appointed by the resolution "That the Council do now [or will on some future day] resolve itself into a Committee of the whole Council."
- (2) When the Council resolves itself into Committee of the whole the President will leave the Chair without putting any question and the Deputy President will preside over the Committee.

#### 15.02 Quorum of Committee of the whole

- (1) The same number of Members will be required to form a quorum\* in Committee of the whole as are required to form a quorum of the Council.
- (2) If notice is taken in Committee of the whole that a quorum of Members is not present the bells will be rung as for a division and if, at the expiration of three minutes or on a division, it appears that a quorum of Members is not present, the Deputy President will leave the Chair and the President will resume the Chair.
- (3) If a quorum of Members is present when the Council is counted by the President, the Council will again resolve itself into the Committee of the whole without a question being put.

#### 15.03 Committee to consider only matters referred

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

#### 15.04 Proceedings in Committee

- (1) Except as provided by these Standing Orders, the same rules as to the conduct of Members, or of debate, procedure or general conduct of business, will be observed in Committee of the whole as in the Council itself.
- (2) Every question in Committee of the whole will be decided by a majority of voices.

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

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- (3) Divisions will be taken in Committee of the whole in the same manner as in the Council itself.
- (4) The Deputy President or Acting President when in the Chair will in all cases vote by stating to the Committee whether they vote with the “Ayes” or “Noes”.
- (5) A motion may be proposed during Committee of the whole “That the Chair report progress and ask leave to sit again”.
- (6) No motion “That this question be not now put” will be allowed in Committee of the whole.
- (7) A resolution “That the Deputy President do now leave the Chair” will supersede the proceedings of a Committee of the whole.

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

- (1) Debate on clause 1 of a Bill will be limited to the purposes of the Bill.
- (2) Debate will be strictly relevant to any other clause, schedule, preamble, amendment or new clause which is under consideration and no general debate will be permitted.
- (3) In Committee of the whole a Member may speak more than once on any question.
- (4) A Member must not refer to the proceedings of a select committee on a Bill until the proceedings have been reported.

#### **15.06 Instruction to Committee**

- (1) An instruction empowers a Committee of the whole to consider matters not otherwise referred to them.
- (2) No instruction may be moved to order a Committee of the whole to make provision in a Bill or to empower a Committee to make provision if they already have that power.
- (3) Notice will be required of an instruction, which will be moved when the Council is about to first resolve itself into a Committee of the whole and before the President leaves the Chair.

#### **15.07 Disorder arising in Committee**

- (1) Disorder in a Committee can be censured only by the Council upon receiving a report thereof.
- (2) If any sudden disorder arises in Committee of the whole, the President may resume the Chair without any question being put.

- (3) Any Member —
- (a) using objectionable words in Committee of the whole and not explaining or retracting the same; or
  - (b) behaving offensively to the Committee or any Member and not making an apology to the satisfaction of the Committee when required —
- will have his or her conduct reported to the Council by the Deputy President, who will suspend the proceedings of the Committee.

## CHAPTER 16

### LEGISLATION COMMITTEE

#### 16.01 Establishment

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

#### 16.02 Function

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

#### 16.03 Membership

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

#### 16.04 Chair and Deputy Chair to be elected

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

#### 16.05 Substitute Members

- (1) A Member of the Committee may be substituted by another Member by notice from the Member to the Clerk of the Committee.
- (2) The substitute Member is a member of the Committee for all purposes.

- (3) A substitution must be for the purpose of consideration of all or part of a specific Bill or related Bills, but a substitute Member, by further leave, may be a substitute Member in relation to one or more Bills at the same time.

#### **16.06 Referral**

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

#### **16.07 Meetings**

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

#### **16.08 Quorum**

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

#### **16.09 Record of proceedings of Committee**

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

#### **16.10 Quorum or division in Council**

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

#### **16.11 Procedure for consideration of a Bill**

- (1) The Committee will consider the Bill in accordance with Standing Order 14.12.

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

### **16.12 Amendments**

- (1) Notwithstanding Standing Order 16.12(5), the provisions of Standing Order 14.13 apply to the consideration of amendments by the Committee.
- (2) An amendment may be moved by a Member of the Committee or a Member on behalf of another Member of the Committee.
- (3) A Member of the Council who is not a Member of the Committee may move an amendment, but is not permitted to vote on this or any other question.
- (4) A Council Minister or Minister representing or a Council Member in charge of the Bill may move an amendment to the Bill.
- (5) If a Member who has moved an amendment in the Legislation Committee proposes to move the same amendment in Committee of the whole, the Deputy President will advise the Committee that the Member has moved the same amendment in the Legislation Committee.

### **16.13 Questions**

- (1) In the Committee all questions will be decided by a majority of Committee Members present.
- (2) All Members of the Committee present at the meeting when the question is put will vote.
- (3) The Chair will have a deliberative vote and, in the case of an equality of votes, will give a casting vote.
- (4) The Deputy Chair will have a deliberative vote only.

#### **16.14 Time for reporting**

- (1) Unless otherwise resolved by the Council at any time, the Committee will present its final report to the Council no later than the first sitting day that occurs after two sitting weeks or four calendar weeks following the referral of the Bill or related Bills, whichever is the shorter period.
- (2) The Committee may resolve to request an extension to the time for reporting by letter to the President, who will then advise the Council at the earliest opportunity.
- (3) If the Committee has not reported to the Council at the appointed time the Bill will be considered in Committee of the whole Council unless leave is given for the Bill to proceed immediately to the third reading.

#### **16.15 Form of report**

- (1) The report of the Committee will comprise —
  - (a) a schedule of amendments recommended;
  - (b) the minutes of the consideration of the Bill in detail, including all questions put and decisions of the Committee dealt with pursuant to Standing Order 14.12, and any amendments moved; and
  - (c) the transcript of the Committee's consideration of the Bill in detail, including any evidence from witnesses.
- (2) The Committee may, if considered necessary, include in its report a narrative explanation of the Committee's recommendations.

#### **16.16 Presentation of report**

- (1) The report of the Committee will be presented to the Council by the Chair or another Member of the Committee during formal business.
- (2) No debate will be permitted at the time of the presentation of the report.

#### **16.17 Consideration and adoption of report**

- (1) The Order of the Day for the consideration of the Committee's report on the Bill will be set down for two sitting days after the presentation of the report to the Council unless leave of the Council is granted to consider the report earlier.
- (2) When the Order of the Day for the consideration of the report is called the Minister or Member in charge of the Bill will move, "That the Council adopt the report of the Committee".
- (3) If the motion to adopt the report is agreed to, any amendments recommended by the Committee will be deemed to have been made to the Bill.

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

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

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

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

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

**16.20 Procedure when Bill reported and amendments proposed**

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

**16.21 Consideration of certain clauses only**

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

**16.22 Application of provisions relating to procedural motions**

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

## CHAPTER 17

### DIVISIONS

#### 17.01 Resolving a question

When a question is proposed to the Council by the President, the President will state whether in his or her opinion, the “Ayes” or “Noes” (as the case may be) have it. If a Member challenges the Chair’s opinion the question must be resolved by a division.

#### 17.02 Procedure for a division

- (1) Immediately a division has been demanded, the Clerk will ring the bells for three minutes and the doors will not be closed until that time. When successive divisions are taken, and there is no intervening debate, the bells for the ensuing divisions will be rung for one minute only.
- (2) At the expiration of three minutes the doors will be closed and locked, and no Member will enter or leave the Chamber until after the result of the division has been declared.
- (3) Every Member present in the Chamber when the question is put with the doors locked will be required to vote.
- (4) When the doors have been locked and all the Members are in their places the President will put the question, and will —
  - (a) direct the “Ayes” to the right side of the Chamber, and the “Noes” to the left side of the Chamber; and
  - (b) appoint two Tellers for the “Ayes” and two Tellers for the “Noes”.
- (5) The Clerk or other Table Officer will report the numbers to the President, who will declare the result to the Council.

#### 17.03 Voting by President

The President or the Deputy President or Acting President when in the Chair will in all cases vote by stating to the Council whether they vote with the “Ayes” or “Noes”.

#### 17.04 Dissent of one Member only

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



- (2) If there is only one Member on a side when the doors are locked and any Member expresses his or her desire to have the division recorded in the normal way, the President will direct an officer at the Table to act as second teller for the minority, and the division will be permitted to proceed.

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

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

#### **17.06 Correction of errors in divisions**

- (1) In case of confusion or error concerning the numbers reported, unless the same can be otherwise corrected, the Council will proceed to a second division.
- (2) If the numbers have been inaccurately reported to the Council, the President will order the Minutes of the Proceedings to be corrected.

#### **17.07 Pecuniary interest**

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

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

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

## CHAPTER 18

### WITNESSES

#### **18.01 Attendance of a Member before the Council**

- (1) If the Council or a Committee of the whole requires the attendance of a Member as a witness, he or she will be ordered to attend in his or her place.
- (2) A Member of the Council will be examined in his or her place.

#### **18.02 Attendance of a Member before a Select Committee**

- (1) If a Select Committee requires the attendance of a Member as a witness, the Chair will in writing request him or her to attend.
- (2) If any Member of the Council refuses to give evidence as a witness to a Select Committee when requested to do so, the committee will report the matter to the Council.

#### **18.03 Attendance of Assembly Member or officer**

If the Council, or a Select Committee desires the attendance of a Member or officer of the Assembly as a witness, a Message will be sent to the Assembly requesting that leave be given to such Member or officer to attend to give evidence in relation to the matters stated in such Message.

#### **18.04 Summoning a witness**

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

#### **18.05 Witness in custody**

If the Council requires the attendance of a witness who is in the custody of any person, such person may be ordered to bring the witness whenever as his or her attendance is required and the President may issue his or her warrant accordingly.

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

- (1) A Select Committee may summon witnesses by its own order, signed by the Clerk of the Committee.
- (2) If any witness does not attend pursuant to the order of a committee his or her absence will be reported, and the Council may order him or her to attend the Council. Such order may be discharged if the witness attends the committee before the time appointed for his or her attending the Council.

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

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

### **18.08 Examination before the Council**

- (1) A witness appearing before the Council will be examined by the President and no other Member will put any question otherwise than through the President.
- (2) A witness in custody at the Bar will be examined by the President only.
- (3) If any question is objected to, or other matter arise, the witness will withdraw from the Chamber while the same is under discussion.

### **18.09 Witnesses entitled to protection**

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

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

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

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

If it appears that any person has —

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

such person may be declared guilty of contempt.

## CHAPTER 19

### MESSAGES FROM AND ADDRESSES TO THE GOVERNOR

#### 19.01 Messages from the Governor

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

#### 19.02 Addresses to the Governor

- (1) Addresses to the Governor may be presented by the whole Council, by the President, or by such Members as the Council may name for that purpose.
- (2) When an Address is ordered to be presented by the whole Council the President will read the Address to the Governor, accompanied by the Members who moved and seconded such Address.
- (3) Unless otherwise ordered by the Council, all Addresses to the Governor will be forwarded by the Clerk of the Council.

#### 19.03 Governor's answer to Address

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

## **CHAPTER 20**

### **RECORDS OF THE COUNCIL**

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

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

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

- (1) All proceedings of the Council will be recorded by the Clerks at the Table, and such records will constitute the Minutes of the Proceedings of the Council.
- (2) The Minutes of the Proceedings will be signed by the Clerk of the Council and printed under the authority of the Government Printer.
- (3) The record of the Committee of the whole Council will be printed as a supplement to the weekly Minutes of the Proceedings.
- (4) The Council may at any time by order restrain the publication of its proceedings.

#### **20.03 Reproduction of parliamentary documents**

The President may authorise reproduction and/or publication for educational or historical purposes, subject to any conditions the President sets, of documents tabled in the Council more than 30 years earlier and not ordered to be printed as parliamentary papers.

#### **20.04 Disclosure of documents and evidence not tabled**

- (1) Where documents or evidence have been presented to a Select Committee at least 10 years earlier but not tabled in the Council they may be transferred by the Clerk to the Public Record Office.
- (2) The President, subject to Standing Order 20.04(3), may permit any person to examine and copy such documents or evidence.
- (3) If the documents or evidence were accepted by the committee on a confidential or restricted basis, disclosure will not take place unless the documents or evidence have been in the custody of the Council for at least 30 years and, in the opinion of the President disclosure is appropriate.
- (4) A statement of any documents or evidence disclosed under Standing Order 20.04(3) must be included in the annual report of the Department of the Legislative Council.

#### **20.05 Clerk to keep record of Members' addresses**

The Clerk will keep a record of the name and the nominated address of every Member.

## CHAPTER 21

### BROADCASTING OF PROCEEDINGS

#### 21.01 Transmission and broadcasting of proceedings

- (1) The proceedings of the Council may be —
  - (a) transmitted by sound or visual recording to offices within the precincts of Parliament House; or
  - (b) published on the internet or by any other electronic means; or
  - (c) recorded in sound and/or visual form by persons and organisations outside Parliament House —  
on such terms and conditions as may be determined by the President or the Council from time to time.
- (2) The broadcasting and re-broadcasting of proceedings of the Council may be undertaken by radio and television stations in accordance with Standing Order 21.02.

#### 21.02 Rules relating to the transmission and broadcasting of the proceedings

- (1) Media organisations or individuals must be accredited by the President.
- (2) Sound will be recorded only from the audio signal of proceedings transmitted by the Council monitoring system by representatives of accredited media organisations or individuals.
- (3) The use of separate recording equipment and/or alteration to the sound relay equipment is not permitted without the authority of the President.
- (4) Visual and/or sound recordings and excerpts of visual and/or sound recordings must not commence until the conclusion of the prayer and must conclude on the adjournment of the Council.
- (5) Visual and/or sound recordings must be used only for the purpose of fair and accurate reports and reasonable balance between all sides is to be achieved by avoiding undue concentration on any one Member.
- (6) Visual and/or sound recordings and excerpts of visual and/or sound recordings must not be used for —
  - (a) political party advertising or election campaigns; or
  - (b) satire or ridicule; or
  - (c) commercial sponsorship or commercial advertising; or
  - (d) radio, television and electronic advertisements or promotion.

- (7) Visual and/or sound transmissions or broadcasts of, or broadcasts or re-broadcasts of recordings of, proceedings —
  - (a) will be such as to provide in context a balanced presentation of differing views; and
  - (b) may not include events in the Council Chamber unrelated to the proceedings of the Council.
  
- (8) Visual and/or sound excerpts of recordings of proceedings —
  - (a) must be placed in context and Members should be identified at least by name; and
  - (b) must not misrepresent any proceeding before the Council, or the seating position, or office held by any Member of the Council.
  
- (9) Camera operators must operate within the guidelines issued by the President.
  
- (10) Points of order or remarks which have been withdrawn must not be re-broadcast.
  
- (11) Media personnel are required to obey any instruction given either generally or in a particular case by the President or, through him or her, by the Clerk, other Table Officers or the Principal Attendant.



## CHAPTER 22

### PRIVILEGE AND RIGHT OF REPLY

#### 22.01 Raising matters of privilege

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

#### 22.02 Right of reply

- (1) A person who has been referred to in the Council by name, or in such a way as to be readily identified, may make a submission in writing to the President requesting that he or she be permitted to incorporate an appropriate response in the parliamentary record.
- (2) In the submission the applicant must claim that he or she has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that his or her privacy has been unreasonably invaded by reason of that reference.

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

- (1) If the President is satisfied that the subject of the submission is not so obviously trivial or the submission so frivolous, vexatious or offensive in character he or she may determine —
  - (a) that no further action be taken in relation to the submission;
  - or

- (b) that a response by the person who made the submission be published by the Council and incorporated in *Hansard*.

(2) The President will inform the Council of his or her decision.

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

In considering a submission the President —

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

#### **22.05 Content of response in reply**

A response presented to the Council will —

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

## **CHAPTER 23**

### **STRANGERS**

#### **23.01 Strangers**

- (1) The President may direct the Usher of the Black Rod to take into custody any stranger who —
  - (a) is in any part of the Chamber reserved for the Members of the Council;
  - (b) having been admitted to any part of the Chamber or gallery, misconducts himself or herself or does not withdraw when strangers are directed to withdraw;
  - (c) wilfully interrupts the business of the Council;
  - (d) obstructs the approaches to the Chamber; or
  - (e) creates a disturbance within the precincts of the Chamber.
- (2) Persons taken into custody under this Standing Order will not be released without the authority of the President.

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

No strangers will, without leave of the Council, be admitted to the floor of the Council Chamber within the Bar while the Council is sitting.

#### **23.03 Admission of strangers**

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

#### **23.04 Withdrawal of strangers**

- (1) During any sitting the President may order strangers to withdraw from any part of the Council.
- (2) A Member may move at any time “That strangers be ordered to withdraw”. Such motion must be put immediately without amendment or debate.

#### **23.05 Contempt by strangers**

- (1) Any person who disobeys an Order of the Council or wilfully interrupts the sitting of the Council may be declared guilty of contempt by the Council.
- (2) The President will direct the Usher of the Black Rod to take into custody any person declared guilty of contempt.

**23.06 Admission of Assembly Members**

Members of the Assembly may only be admitted to the Council Chamber by order of the President.

**23.07 Seat for Speaker within the Chamber**

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

## **CHAPTER 24**

### **SELECT COMMITTEES**

#### **24.01 Appointment**

- (1) The Council may appoint a Select Committee.
- (2) A motion for the appointment of a Select Committee will state the object of such committee.

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

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

#### **24.03 Quorum of Committee**

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

#### **24.04 Appointment of Members**

- (1) Notice will be given in the Council of the names of the Members that are proposed to be appointed to committees. Notice is not required of a motion for the appointment of Members if that motion immediately follows a resolution that has established a committee.
- (2) Members may be discharged from attending a Select Committee, and other Members added, after notice has been given.
- (3) A list of Members serving on Select Committees must be published in the Notice Paper.

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

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

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

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

#### **24.07 Meetings**

- (1) A Select Committee may not sit while the Council is actually sitting unless specifically empowered to do so by the Council.
- (2) A Select Committee may adjourn from time to time and from place to place.

- (3) If a quorum of Members is not present within half an hour after the time fixed for the meeting of any Select Committee, the meeting will lapse and the next meeting of the committee will be called by the Chair.
- (4) If at any time during the sitting of a Select Committee the quorum of Members fixed by the Council is not present, the Clerk of the Committee will call the attention of the Chair to the fact, who will suspend the proceedings of the committee until a quorum is present, or adjourn the meeting to some future day.

#### **24.08 Record of proceedings of committee**

Minutes of proceedings must be taken of each meeting of a Select Committee and must record —

- (a) the names of the Members who attended each meeting;
- (b) every motion or amendment proposed and the name of its mover; and
- (c) the divisions and the names of the Members voting for each side on a question, which must also be included in the committee's report to the Council.

#### **24.09 Questions**

- (1) In a Select Committee all questions will be decided by a majority of Members present.
- (2) The Chair of a Select Committee can vote only when there is an equality of votes.

#### **24.10 Power to send for persons, documents and other things**

A Select Committee may send for persons, documents and other things.

#### **24.11 Deliberations in private**

Select Committee deliberations will always be conducted in private.

#### **24.12 Evidence**

- (1) Unless otherwise determined by the Select Committee, a transcript will be taken of all formal evidence.
- (2) The name of the Member asking each question of a witness under examination by any Select Committee will be shown in the transcript of evidence.

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

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

### **24.14 Unreported evidence**

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

### **24.15 Interim reports**

A Select Committee may report on its deliberations and present its minutes, evidence or other documents from time to time.

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

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

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

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

#### **24.18 Minority report**

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

#### **24.19 Report presented by Chair**

The report of a Select Committee will be tabled in the Council by the Chair of the committee and may be ordered to lie on the Table.

#### **24.20 Sub-committee of a Select Committee**

- (1) A Select Committee may appoint a sub-committee of two or more of its Members to inquire into and report to the committee upon any matter which the committee is empowered to examine, but may not take evidence unless the committee so decides in relation to each proposed witness.
- (2) At a meeting of a sub-committee two Members constitute a quorum.
- (3) The Standing Orders apply to a sub-committee in the same manner as they apply to a Select Committee.
- (4) A sub-committee will report to the Select Committee as soon as practicable on each matter referred to that sub-committee.



## CHAPTER 25

### OPERATION AND SUSPENSION OF STANDING ORDERS

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

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

#### **25.02 Sessional Orders**

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

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

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

#### **25.04 Urgency – how decided**

- (1) When the question of urgency arises in relation to the application of Standing Orders 1.11 or 25.03, such question will be decided by the Council upon motion without notice or debate, other than a statement by the mover of the particulars claimed to establish urgency.
- (2) No such motion will be allowed where the President declares that in his or her opinion the case could not reasonably be regarded as one of urgency.

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

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



## **JOINT STANDING ORDERS**

### **1 Communications between Houses**

Communications between the Legislative Council and the Legislative Assembly will be by written message.

### **2 Transmission and receipt of messages**

(1) Messages from one House to the other will be signed by the relevant Presiding Officer and be transmitted by an officer of the Legislative Council or of the Legislative Assembly, as the case may be.

(2) Messages will be received at the Bar of the House, and if the House receiving the message is not sitting, by the Clerk of that House and be reported to the House by the relevant Presiding Officer as soon as convenient.

### **3 Long title**

Every Bill must begin with a long title which sets out in general terms the object and scope of the Bill.

### **4 Bills to be reprinted, if amended**

When a Bill has been amended by the originating House, the Bill, as amended, will be reprinted.

### **5 Changes to calendar year citations in Bills**

Where a Bill has passed both Houses and the citation of the Bill includes a reference to a calendar year earlier than that in which the passage of the Bill was completed, the Clerk of the Parliaments is authorised to alter the calendar year reference in the citation of the Bill, and any corresponding reference within the Bill itself, to the year in which the passage was completed.

### **6 Errors in Bills**

(1) The Clerk of the Parliaments may correct literal typographical errors in Bills which have passed both Houses and will report the errors to both Houses.

(2) Where a clerical error is discovered in a Bill which has passed both Houses but has not yet been presented for Royal Assent, the Clerk of the Parliaments will report the error to the House in which the Bill originated. The House may deal with the report in the same way as other amendments.

## **7 Consequential renumbering of Bills**

Where a Bill has been amended, the Clerk of the Parliaments is authorised to carry out any consequential renumbering required in the Bill except in relation to text being inserted or substituted in Principal Acts.

## **8 Bills subject to a referendum**

- (1) When a Bill has been passed by both Houses and is subject to the requirements of the *Constitution Act 1975* s 18(1B), a referendum copy of the Bill as passed will be printed. The Clerk of the Parliaments will certify that the Bill is the Bill to which the Legislative Assembly and Legislative Council have agreed, and will present the certified copy to the Governor.
- (2) Upon receipt of a message from the Governor confirming that a Bill has been approved by the majority of the electors voting at a referendum, copies of the Bill will be prepared for certification and presentation by the Clerk of the Parliaments under JSOs 9 and 10.

## **9 Certification by Clerk of the Parliaments**

When a Bill has passed both Houses it will be printed on archive paper by the Government Printer who will provide two copies to the Clerk of the Parliaments, who will certify that the Bill is the Bill to which the Council and the Assembly have agreed.

## **10 Presentation for Royal Assent**

- (1) Two copies of all Bills, except the Annual Appropriation Bill, will be presented to the Governor for Royal Assent by the Clerk of the Parliaments.
- (2) Annual Appropriation Bills will be presented to the Governor for Royal Assent by the Speaker of the Legislative Assembly.

## **11 Absence of Clerk of the Parliaments**

If the Clerk of the Parliaments is unavoidably absent, his or her duties will be undertaken by the Clerk of the other House or, in the absence of the both Clerks, by either of their deputies.

## **12 Bills returned by Governor with amendments**

When the Houses have agreed to amendments proposed by the Governor to Bills that have passed both Houses, the Clerk of the Parliaments will endorse those amendments in the certified copy of the Bill and will order two copies of the Bill on archive paper, as amended, and will certify the same before they are presented for Royal Assent.

### **13 Custody of original Acts**

After the Governor has given the Royal Assent to a Bill, the Clerk of the Parliaments will retain one signed copy in safekeeping and the other signed copy will be delivered to the Supreme Court.

### **14 Minister sitting in other House**

A Minister sitting in the House of which he or she is not a Member under *Constitution Act 1975* s 52, will be subject to the Standing Orders and practices of that House.

### **15 Joint Committees**

- (1) Every proposal for a Joint Committee not provided for in these Joint Standing Orders will be by message, which will state the object of such Committee and the number of Members to be appointed.
- (2) A Joint Committee must consist of at least two Members of the Council and two Members of the Assembly.
- (3) Prior to the commencement of any other business, every Joint Committee will elect one of its Members to be the Chair of the Committee and may elect one of its Members to be Deputy Chair.
- (4) The quorum of a Joint Committee is a majority of the Members appointed to it and must not consist exclusively of Members of the Council or the Assembly.
- (5) In a Joint Committee all questions will be decided by a majority of Members present.
- (6) Each member of a Joint Committee has a deliberative vote. In the event of an equality of votes on any question, the Chair of a Joint Committee has a casting vote in addition to a deliberative vote.
- (7) If the Chair and Deputy Chair are absent from any meeting the Members present may appoint any one of their number to be Chair for that meeting.
- (8) A Joint Committee may not sit while the Council or the Assembly is actually sitting, unless specifically empowered to do so by that House.
- (9) Without limiting the effect of anything contained in this Joint Standing Order, the Standing Orders of the Assembly and the Council relating to Select Committees will be followed as far as they can be applied.

## **16 Joint Committee documents and evidence not tabled**

- (1) All joint parliamentary committee documents and evidence in excess of four years old which have not been tabled in the Parliament may be transferred to the Public Record Office, subject to the condition that they remain the property of the Parliament.
- (2) Subject to paragraph (4), access may be granted —
  - (a) by either Clerk, to any documents and evidence that have already been made public; and
  - (b) by the Presiding Officers, or their nominees, to any other documents or evidence.
- (3) The Presiding Officers may approve, on such terms and conditions as they may determine, the reproduction or publication of the whole or any part of the documents and evidence for educational, historical or research purposes.
- (4) If the documents and evidence were accepted by the committee on a confidential or restricted basis, access will not be permitted unless they have been in the custody of the Parliament for at least 30 years and, in the opinion of the Presiding Officers, disclosure is appropriate.

## **17 Presentation of Joint Address**

An Address agreed to by both Houses will be forwarded by the Presiding Officers or the Clerk of the Parliaments, unless otherwise ordered.

## **18 Changes to Joint Standing Orders**

- (1) Changes to Joint Standing Orders will be considered by the Standing Orders Committees of both Houses meeting jointly.
- (2) A joint report of the Standing Orders Committees, incorporating any changes recommended, will be tabled in each House.

## **19 Appointment of Chair of joint sitting**

- (1) For joint sittings held under the *Constitution Act 1975* s 27A or s 65G —
  - (a) A Member addressing the Clerk, acting as Chair, may propose a Member to be the Chair of the joint sitting and any such proposal must be seconded. When a Member is proposed, the proposer must state that such Member is willing to accept nomination.

- (b) If only one Member is proposed and seconded, the Clerk declares that Member appointed and such Member will take the chair.
  - (c) If more than one Member is proposed and seconded a ballot must be held. After the ballot and the declaration of the Member elected, he or she will take the chair.
- (2) For all other joint sittings the Chair will alternate between the Speaker and the President.

## **20 Clerks of a joint sitting**

The Clerk of the Legislative Assembly and the Clerk of the Legislative Council will act as joint Clerks of a joint sitting and either of them may exercise a function expressed to be exercisable by the Clerk.

## **21 Ballot during a joint sitting**

- (1) When a ballot is required to be held, the Chair will announce the names of the candidates and every Member present at the joint sitting will be given a ballot paper initialled by the Clerk of each House. Each Member must write on the ballot paper the name of the candidate or candidates that he or she wishes to be elected and place the ballot paper in the ballot box provided for the purpose. If any ballot paper contains more than the appropriate number of names, it will be rejected.
- (2) The Chair, or Clerk when acting as Chair under JSO 19, will ask the proposer of each candidate to name a Member present to be a scrutineer. The scrutineers, with one of the Clerks, will count the votes.
- (3) In the case of more than one vacancy, the required number of candidates reported to have the greatest number of votes will be deemed to be elected. If the result cannot be determined because two or more candidates receive an equal number of votes, the result will be resolved by a special ballot. A special ballot is held only between those candidates who have received an equal number of votes. The candidate(s) receiving the greatest number of votes at the special ballot will be deemed to be elected. If, as a result of a special ballot, two or more candidates receive an equal number of votes a second special ballot will be held to resolve the matter. Where candidates still receive an equal number of votes after a second special ballot the open vote provisions in (6) to (8) will apply.
- (4) If only two candidates are proposed and seconded for a single vacancy, the candidate with the greater number of votes will be declared elected.

- (5) When more than two candidates are proposed and seconded for a single vacancy, the candidate who has the greatest number of votes will be declared elected, provided he or she has a majority of the votes cast. If no candidate has such a majority, the name of the candidate having the smallest number of votes will be excluded and a fresh ballot will take place. This will be done as often as necessary until one candidate is declared elected.
- (6) If, at a ballot at which no candidate receives a majority of the votes cast, two or more candidates receive an equal number of votes and no candidate receives a lesser number of votes, another ballot will be held. If, in the further ballot, no candidate receives a majority of the votes cast but two or more candidates receive an equal number of votes and no candidate receives a lesser number of votes, an open vote will be conducted in accordance with Legislative Assembly Standing Orders to resolve the issue.
- (7) If, after an open vote, the candidates receive the same number of votes, the Chair, or Clerk when acting as Chair under JSO 19, will announce that fact, immediately adjourn the Sitting without any question being put and arrange for another meeting to take place within 10 days.
- (8) At a further Sitting another open vote will be held in relation to the candidates. This process will be repeated until the matter is resolved.
- (9) Informal votes will not be taken into account in any ballot. The Chair or Clerk when acting as Chair under JSO 19 will decide whether a vote is informal.

## **22 General procedure for joint sittings**

### **Scope**

- (1) This Joint Standing Order applies to all joint sittings except a joint sitting held under the *Constitution Act 1975* s 27A or s 65G.

### **Application of Standing Orders**

- (2) In any matter of procedure not provided for in these Joint Standing Orders the Standing Orders of the Legislative Assembly, in force for the time being, will be followed as far as they can be applied.

### **Relief of Chair**

- (3) A Presiding Officer, the Deputy Speaker or the Deputy President will take the chair as Acting Chair whenever requested so to do by the Chair without any formal communication.

### **Time limit on speeches**

- (4) No Member may speak for more than five minutes on any question.



**Entitlement to vote**

- (5) On every question arising in a joint sitting each Member of the Legislative Assembly and of the Legislative Council, including the Chair, will have one vote.

**Sitting and adjournment**

- (6) A motion for the adjournment of the joint sitting may be moved by a minister and will be put immediately without amendment or debate.
- (7) A motion for the purpose of fixing the next meeting of the joint sitting may be moved by a minister at any time provided that there is no question before the Chair.

**Voting on questions**

- (8) Questions will be decided by a simple majority of the Members present and voting.
- (9) In the event of an equality of votes on a question, the question is taken to have been defeated.

**Divisions**

- (10) (a) Whenever the Chair states, on putting a question, that the 'ayes' or 'noes' (as the case may be) have it, the Chair's opinion may be challenged by a Member calling for a division.
- (b) When a division is requested, the Clerk will ring the bells for three minutes as indicated by the timer.
- (c) When the bells have stopped ringing, the Chair calls for the doors to be locked. After that a Member must not leave the Chamber until after the division has been completed.
- (d) When successive divisions are taken without any intervening debate, the Chair will direct that the bells be rung for one minute.
- (e) After the doors are locked the Chair restates the question and directs the ayes to the right side of the Chamber and the noes to the left side of the Chamber. The Chair appoints two or more tellers for each side.
- (f) Votes may only be cast by Members present in the Chamber and every Member present must vote.
- (g) If two tellers cannot be found for one side of the question, the Chair must immediately declare the resolution of the joint sitting.
- (h) The tellers count the votes and record the Members' names. On receiving a report from the tellers, the Chair announces the result to the joint sitting.

**Records of proceedings**

(11) The records of the proceedings and the ballot papers will be retained by the Clerk of the Parliaments who will destroy the ballot papers after one year.

**23 Joint sittings under Commonwealth of *Australia Constitution Act* s 15**

- (1) A Member, addressing the Chair, may propose a person to hold the vacant place in the Senate and any such proposal must be seconded. When a person is proposed, the proposer must state that such person is willing to accept nomination and whether he or she is a Member of the same political party as that subscribed to by the Senator when last elected by the people in whose place the vacancy has occurred.
- (2) If only one person is proposed and seconded, the Chair will declare that that person has been chosen to hold the vacant place in the Senate.
- (3) If more than one person is proposed and seconded in accordance with (1), the person to hold the vacant place will be elected by ballot.
- (4) After the ballot, the Chair will declare the person chosen to hold the vacant place in the Senate.
- (5) The Chair will advise the Governor of the name of the person chosen to fill the vacancy.

**24 Joint sittings under the *Tobacco Act 1987* s 21**

- (1) A Member, addressing the Chair, may propose a Member or Members to be elected to the Victorian Health Promotion Foundation and any such proposal must be seconded. When a Member is proposed, the proposer must state that such Member is willing to accept nomination.
- (2) If no more than the required number of Members are proposed and seconded, the Chair will declare such Members as having been elected.
- (3) If more than the required number of Members are proposed and seconded in respect of the vacancies, the Members will be elected by ballot.
- (4) After the ballot, the Chair will declare the Member or Members elected to the Foundation and will advise the responsible minister of the result of the election.

**JOINT RULES OF PRACTICE 1**  
**JOINT SITTINGS HELD UNDER THE *CONSTITUTION ACT 1975* s 65G**

**Application of Standing Orders**

- (1) In any matter of procedure not provided for in these rules of procedure, the Standing Orders of the Legislative Assembly, in force for the time being, will be followed as far as they can be applied.

**Hours of sitting**

- (2) Unless otherwise ordered, the hours of sitting each day will be —

9.30 a.m. to 1.00 p.m.

2.00 p.m. to 6.30 p.m.

8.00 p.m. to 10.00 p.m.

**Interruption at 10.00 p.m.**

- (3) At 10.00 p.m. the Chair will interrupt debate and will immediately adjourn the joint sitting without a question being put. Any Member speaking at the time of the interruption may, when the joint sitting resumes, continue his or her speech.

**Relief of Chair**

- (4) A Presiding Officer, the Deputy Speaker or the Deputy President will take the chair as Acting Chair whenever requested so to do by the Chair without any formal communication.

**Questions on Disputed Bill**

- (5) (a) If any Member indicates to the Chair that he or she wishes to move amendments to the Disputed Bill, the Bill will immediately be considered in detail. If the Disputed Bill is agreed to at the conclusion of the consideration in detail stage, the Chair will then immediately propose the question 'That the third reading [of the Disputed Bill] be agreed to with/without amendment/s'.
- (b) When a Disputed Bill is not considered in detail, the Chair will immediately propose the question 'That the third reading [of the Disputed Bill] be agreed to without amendment'.
- (c) The third reading question will be carried, with or without amendments, only if agreed to by an absolute majority of the total number of the Members of the Legislative Assembly and the Legislative Council.

**Time limit on speeches**

- (6) The time limits set out in the Standing Orders of the Legislative Assembly will apply.

**Closure**

- (7) (a) Until the expiration of four hours consideration of, or 12 speakers have spoken on, the question 'That the third reading [of the Disputed Bill] be agreed to with or without amendments' (whichever is the later event), no motion may be moved by any Member 'That the question be now put'. Such motion may not be moved by any Member who has already spoken on the question and the Member so moving will not interrupt any other Member who is addressing the Chair. The motion will be put immediately and decided without amendment or debate.
- (b) On any other question a motion may be moved at any time by any Member, but not so as to interrupt a Member who is addressing the Chair on the motion 'That the question be now put'. The Chair must put such motion immediately without amendment or debate unless he or she believes that it is a denial of the rights of the minority.

**Entitlement to vote**

- (8) On every question arising in a joint sitting each Member of the Legislative Assembly and of the Legislative Council, including the Chair, will have one vote.

**Sitting and adjournment**

- (9) A motion for the adjournment of the joint sitting may be moved by a minister.
- (10) A motion for the purpose of fixing the next meeting of the joint sitting may be moved by a minister at any time provided that there is no question before the Chair.

**Voting on questions**

- (11) Questions, other than that the third reading of a Disputed Bill be agreed to, will be decided by a simple majority of the Members present and voting.
- (12) In the event of an equality of votes on a question, the question is taken to have been defeated.

**Divisions**

- (13) (a) Whenever the Chair states, on putting a question, that the 'ayes' or 'noes' (as the case may be) have it, the Chair's opinion may be challenged by a Member calling for a division.
- (b) When a division is requested, the Clerk will ring the bells for three minutes as indicated by the timer.
- (c) When the bells have stopped ringing, the Chair calls for the doors to be locked. After that a Member must not leave the Chamber until after the division has been completed.

- (d) When successive divisions are taken without any intervening debate, the Chair will direct that the bells be rung for one minute.
- (e) After the doors are locked the Chair restates the question and directs the ayes to the right side of the Chamber and the noes to the left side of the Chamber. The Chair appoints two or more tellers for each side.
- (f) Votes may only be cast by Members present in the Chamber and every Member present must vote.
- (g) If two tellers cannot be found for one side of the question, the Chair must immediately declare the resolution of the joint sitting.
- (h) The tellers count the votes and record the Members' names. On receiving a report from the tellers, the Chair announces the result to the joint sitting.

**Certification of Bill passed**

- (14) Where a Bill is passed in accordance with the *Constitution Act 1975* s 65G, the Clerk of the Legislative Assembly and the Clerk of the Legislative Council will endorse the certified copy of the Bill to that effect.

**Records of proceedings**

- (15) The records of the proceedings and the ballot papers will be retained by the Clerk of the Parliaments who will destroy the ballot papers after one year.

**JOINT RULES OF PRACTICE 2**  
**JOINT SITTINGS HELD UNDER THE *CONSTITUTION ACT 1975 s 27A***

**Application of Standing Orders**

- (1) In any matter of procedure not provided for in these rules of procedure, the Standing Orders of the Legislative Assembly, in force for the time being, will be followed as far as they can be applied.

**Relief of Chair**

- (2) A Presiding Officer, the Deputy Speaker or the Deputy President will take the chair as Acting Chair whenever requested so to do by the Chair without any formal communication.

**Time limit on speeches**

- (3) No Member may speak for more than five minutes on any question.

**Nominations**

- (4) A Member, addressing the Chair, may propose a person to occupy the vacant seat in the Legislative Council and any such proposal must be seconded. When a person is nominated, the proposer must state that such person is willing to accept nomination and whether the *Constitution Act 1975 s 27A(4)* applies. This process is repeated, if necessary, until there are no further nominations, at which point the Chair declares that nominations are closed.

**Questions to be proposed**

- (5) The Chair will put the question 'That [nominee] be chosen to occupy the vacant seat in the Legislative Council' in relation to the person first nominated. If that motion is not agreed to in accordance with *Constitution Act 1975 s 27A(7)*, the Chair will then put the question in relation to the next person nominated. This procedure will be repeated, as necessary, for any other nominees in the order in which they were nominated.

**Entitlement to vote**

- (6) On every question arising in a joint sitting each Member of the Legislative Assembly and of the Legislative Council, including the Chair, will have one vote.

**Sitting and adjournment**

- (7) A motion for the adjournment of the joint sitting may be moved by a minister and will be put immediately without amendment or debate.
- (8) A motion for the purpose of fixing the next meeting of the joint sitting may be moved by a minister at any time provided that there is no question before the Chair.

**Voting on questions**

- (9) Questions, other than for the purpose of *Constitution Act 1975* s 27A(5) will be decided by a simple majority of the Members present and voting.
- (10) In the event of an equality of votes on a question, the question is taken to have been defeated.
- (11) After completion of the vote, the Chair will declare the person chosen to hold the vacant seat in the Legislative Council.
- (12) The Chair will advise the Governor of the name of the person chosen to fill the vacancy.

**Divisions**

- (13) (a) Whenever the Chair states, on putting a question, that the 'ayes' or 'noes' (as the case may be) have it, the Chair's opinion may be challenged by a Member calling for a division.
  - (b) When a division is requested, the Clerk will ring the bells for three minutes as indicated by the timer.
  - (c) When the bells have stopped ringing, the Chair calls for the doors to be locked. After that a Member must not leave the Chamber until after the division has been completed.
  - (d) When successive divisions are taken without any intervening debate, the Chair will direct that the bells be rung for one minute.
  - (e) After the doors are locked the Chair restates the question and directs the ayes to the right side of the Chamber and the noes to the left side of the Chamber. The Chair appoints two or more tellers for each side.
  - (f) Votes may only be cast by Members present in the Chamber and every Member present must vote.
  - (g) If two tellers cannot be found for one side of the question, the Chair must immediately declare the resolution of the joint sitting.
  - (h) The tellers count the votes and record the Members' names. On receiving a report from the tellers, the Chair announces the result to the joint sitting.

**Records of proceedings**

- (14) The records of the proceedings and the ballot papers will be retained by the Clerk of the Parliaments who will destroy the ballot papers after one year.





# INDEX



## INDEX

The following abbreviations apply in this Index

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

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