

1856-7.

VICTORIA.

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LEGISLATIVE COUNCIL.

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STANDING ORDERS

OF THE

LEGISLATIVE COUNCIL,

AND

JOINT STANDING ORDERS

FOR

BOTH HOUSES OF PARLIAMENT.

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ADOPTED 30TH JULY, 1857.

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ORDERED BY THE COUNCIL TO BE PRINTED, 30TH JULY, 1857.

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By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

# STANDING ORDERS.

## GENERAL CONDUCT OF BUSINESS.

I. That in all cases not hereinafter provided for, resort shall be had to the Rules, forms, usages, and practice of the Imperial Parliament of Great Britain and Ireland, which shall be followed so far as the same are applicable to the proceedings of this Council.

II. That the President shall take the Chair as soon after the time appointed for the Meeting of the Council as there shall be a quorum of members present; but if at the expiration of half an hour after the time appointed there be not a quorum, the President shall then take the Chair and adjourn the Council to the next sitting day.

III. That if at any time after the commencement of the business of the day, notice be taken that there be not a quorum of members present, the President shall forthwith count the House, and if there be not a quorum, shall, without question put, adjourn the Council to the next sitting day.

IV. Whenever the President shall by letter inform the Clerk of the Council that he is prevented attending in his place, or whenever the Clerk of the Council shall state that the President is unavoidably detained, the Chairman of Committees of the Council, if present, but if he shall be absent, then such other member as the Council may appoint, do perform the duties and exercise the authority of President in relation to all proceedings of this Council as Deputy President until the next meeting of the Council, and so on from day to day on the like information being given to the Council, until the Council shall otherwise order: provided that, if the Council shall adjourn for more than twenty-four hours, the Deputy President shall continue to perform the duties and exercise the authority of President for twenty-four hours only after such adjournment.

V. That no Order for a Call of the House shall be made for any day earlier than fourteen days from the date of such Order, inclusive of the day of such Order.

VI. That a copy of the Order for a Call of the House, signed by the Clerk, shall be forwarded to each member of the Council.

VII. That whenever a Division shall be demanded by two members, the members present shall take their seats, the "Contents" on the right, the "Not Contents" on the left of the Chair respectively, and the President, or the Chairman, when the House is in Committee, shall appoint Tellers, one of either party, and shall declare which has the majority from written lists of the members voting on each side, to be handed to him by the Tellers.

VIII. On every division a bell shall be rung by the Clerk of the House, and the Usher shall ring bells communicating with the library and refreshment rooms; and as soon as the Usher shall report that the doors are locked, the President or Chairman of Committees, as the case may be, shall put the question a second time, and the tellers shall forthwith proceed to count the members.

IX. That an entry of the Division Lists be made by the Clerk in the Minutes of the Proceedings.

X. That all Addresses to the Governor shall be forwarded by the Clerk of the Parliaments through the Chief Secretary, unless otherwise ordered by the Council.

XI. That a member moving an Order of the Day or an amendment shall not be entitled to a reply.

XII. That no member shall digress from the subject matter of the question under discussion, or comment upon the words used by any other member in a previous debate, or upon any expressions said to have been used in the Legislative Assembly; and that all imputations of improper motives, and all personal reflections on members shall be considered highly disorderly.

XIII. That whenever any member shall make use of any expression personal and disorderly, or capable of being applied offensively to any other member, the member so offending shall be required to withdraw the expression, and to make a satisfactory apology to the Council.

XIV. That a member called to order shall sit down, unless permitted to explain.

XV. That when, in consequence of highly disorderly conduct, the President shall call upon any member by name, such member shall withdraw as soon as he has been heard in explanation; and after such member's withdrawal the Council shall at once take the case into consideration.

XVI. That any member or other person who shall wilfully disobey any lawful order of the Council, and any member or other person who shall wilfully or vexatiously interrupt the orderly conduct of the business of the Council, shall be held guilty of contempt.

XVII. That any member not attending in compliance with an Order for a Call of the House without reasonable excuse shall be held guilty of contempt.

XVIII. That no member shall absent himself during the session for more than one week without informing the President, nor for more than three consecutive weeks without express leave of absence from the Council, and any member wilfully infringing this Order shall be held guilty of contempt.

XIX. That any member or other person declared guilty of contempt shall be committed to the custody of the Usher by order of the President.

XX. That in cases of great emergency requiring an immediate remedy, the President shall commit on his own authority.

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

	£	s.	d.
For arrest ... ..	50	0	0
For commitment ... ..	50	0	0
For each day's detention, including sustenance ... ..	5	5	0

XXII. That all fees payable under clause XXI. shall be paid to the account of a fund to be called the Legislative Council Standing Orders Fund, in the name of the Council, and shall be applied to such purposes as the Council shall direct in discharge of any expenses connected with the Standing Orders.

#### MOTIONS.

XXIII. That no Notice of Motion shall be received after the Council shall have proceeded to the Orders of the Day.

XXIV. That no member shall make any motion except an unopposed motion, but in pursuance of Notice openly given at a previous sitting of the Council and duly entered on the Notice Paper.

XXV. That it shall be in order, on the presentation of any document, except a Petition, to move, without Notice, that it be printed, and to appoint a day for its consideration.

XXVI. That Motions shall take precedence of Orders of the Day, except on days fixed for the consideration of Government business.

XXVII. That, except by leave of the Council, Motions shall be moved in the order in which they stand on the Notice Paper, and if not so moved or postponed, shall be struck out.

#### PUBLIC BILLS.

XXVIII. That before any Bill shall be read a third time the Chairman of Committees shall certify that it is in accordance with the Bill as agreed to by the Committee.

XXIX. That whenever the Governor shall transmit by message to the Council any amendment which he shall desire to be made in any Bill presented to him for Her Majesty's assent, the amendment shall be considered by the Council, and, if deemed necessary, referred to the Committee of the whole Council, which shall thereupon consider the same and also recommend such alterations in the Bill as may be necessary for incorporating the amendment therewith, and shall report such alterations to the Council.

XXX. That when the Council shall have agreed to any amendment proposed by the Governor, such amendment, together with the alterations rendered necessary to be made in the Bill presented to the Governor in consequence of such amendment, shall be forwarded to the Legislative Assembly for its concurrence.

XXXI. That whenever any Bill for repealing, altering, or varying all or any of the provisions of the Act, intituled, "*An Act to enable Her Majesty to assent to a Bill as amended of the Legislature of Victoria, to establish a Constitution in and for the Colony of Victoria,*" and for substituting others in lieu thereof, shall have passed its second and third readings in the Council, with the concurrence of an absolute majority of the whole number of the members of the Legislative Council, the Clerk, or other proper officer of the Council, shall certify the fact on the Bill accordingly.

#### COMMITTEE OF THE WHOLE COUNCIL.

XXXII. That when any member shall have been appointed Chairman of Committees of the whole Council, he shall continue to act as such Chairman so long as the session shall continue.

XXXIII. That, in Committee of the whole Council, ten members, exclusive of the Chairman, shall be a quorum.

XXXIV. That the Lists of Divisions in Committee of the whole Council shall be printed weekly.

XXXV. That Committees of the whole Council, to which Bills may be committed, have power to make such amendments therein as they shall think fit, provided they be relevant to the subject matter of the Bill; but if any such amendments shall not be within the title of the Bill, they do amend the title accordingly, and do report the same specially to the Council.

XXXVI. That, in going through a Bill, no questions shall be put for filling up words already printed in italics, and commonly called blanks, unless exception be taken thereto; and if no alterations have been made in the words so printed in italics, the Bill shall be reported without amendment, unless other amendments have been made thereto.

XXXVII. That, unless otherwise directed, amendments made by the Assembly to public Bills shall not be considered in Committee on the same day on which such amendments may be brought up to the Council.

XXXVIII. That all questions of finance, or Addresses to the Crown relating thereto, shall first be considered in Committee of the whole House.

XXXIX. That every Report from a Committee of the whole Council be brought up without any question being put.

## LAPSED QUESTIONS.

XL. That if a debate on any Motion, or Order of the Day, be interrupted by the Council being counted out, such debate may be resumed at the point where it was so interrupted, on motion upon notice.

XLI. That, if the discussion of any question in a Committee of the whole Council be interrupted for want of a quorum, the Council may order the resumption of such Committee on a future day, on motion upon notice, and the discussion of such question shall then be resumed at the point where it was so interrupted.

## SELECT COMMITTEES.

XLII. That no Select Committee shall consist of less than five nor more than ten members, without leave from the Council.

XLIII. That it shall not be compulsory on the President to serve on any Select Committee.

XLIV. That the Notice of Motion for the appointment of every Select Committee shall contain the names of the members whom the mover wishes to be appointed with himself on such Committee; but if the mover be desirous the Committee should be appointed by ballot, then the number only need be stated.

XLV. That, if upon any Motion for a Select Committee, any two members shall require it, such Committee shall be formed in the manner following, viz. :—Each member shall give in to the Clerk a list of the members whom he wishes to be appointed on such Committee, not exceeding the number proposed, inclusive of the mover; and if any list contain a larger number of names it shall be rejected, and the members who shall be reported by the Clerk to have the greatest number of votes shall be declared by the President to be the members of such Committee; and in any case of doubt arising from two or more members having an equality of votes, the President shall decide which shall serve on such Committee.

XLVI. That any Notice of Motion for discharging, adding, or substituting members of Select Committees shall contain the names of such members.

XLVII. That in all Select Committees three shall be a quorum.

XLVIII. That all questions shall be decided by a majority of voices, including the voice of the Chairman; and whenever the voices are equal, the Chairman shall have a second or casting vote.

XLIX. That if there shall not be a quorum of members present within one quarter of an hour after the time fixed for the meeting of any Select Committee, the Chairman may adjourn the meeting of the Committee to a future day.

L. That an entry be made on the Proceedings of the names of the members attending each Committee meeting, and of every motion or amendment proposed in the Committee, together with the name of the mover thereof; and if any division take place in the Committee, the Clerk do take down the names of the members voting in any such division, distinguishing on which side of the question they respectively vote, and that lists of the members so voting may be given in with the Report to the Council.

LI. That it be the duty of the Chairman of every Select Committee to prepare the Report.

LII. That the Chairman shall read to the Committee convened for the purpose of considering the Report, the whole of his Draft Report, which, if practicable, shall be printed and circulated amongst the members of the Committee; and at some subsequent meeting of the Committee the Chairman shall read the Draft Report, paragraph by paragraph, putting the question to the Committee at the end of each paragraph, that it do stand part of the Report. That a member objecting to any portion of the Report do propose his amendment at the time the paragraph he wishes to amend shall be under consideration.

LIII. That every Report of a Select Committee shall be authenticated by the signature of the Chairman.

LIV. That a Committee consisting of five members, to be called the Standing Orders Committee, shall be appointed at the commencement of each session, and that the functions of such Committee shall not cease until their successors may be appointed.

## MESSAGES.

LV. That whenever a Message from the Governor shall be announced, the business before the Council shall be immediately suspended, and the bearer of the Message introduced into the Council Chamber to deliver the Message to the President.

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

## PETITIONS.

LVII. That it shall be in order to present any petition during the sitting of the Council, except during a debate, provided there be no interference with business under discussion.

LVIII. That it shall be incumbent on every member presenting a Petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to any branch of the Legislature, or violate any of the Standing Orders of the Council.

LIX. That every member presenting a Petition to the Council shall affix his name at the beginning thereof.

LX. That every Petition must contain the prayer of the petitioners at the end thereof.

LXI. That every Petition must be signed by at least one person on every skin or sheet thereof.

LXII. That every Petition must be in the English language, or be accompanied by a translation, duly authenticated.

LXIII. That every Petition must be signed with their names by the parties whose names are appended thereto, and by no one else, except in cases of incapacity by sickness.

LXIV. That no letters, affidavits, or other documents shall be attached to any Petition.

LXV. That no Petition shall make reference to any debate in Parliament during the current session.

LXVI. That every member presenting a Petition to the Council, not being a Petition for a Private Bill, or relating to a Private Bill before the Council, do confine himself to a statement of the parties from whom it comes, of the number of signatures attached to it, of the material allegations contained in it, and to the reading of the prayer thereof.

LXVII. That every Petition, not being a Petition relating to a Private Bill, which, according to the rules of this House, can be received, be brought to the Table by the direction of the President, who shall not allow any debate, or any member to speak upon, or in relation to, such Petition.

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

LXIX. That, subject to the above regulations, Petitions against any resolution or Bill imposing a tax or duty for the current service of the year may be received.

LXX. That no Petition, the prayer of which is for a distinct grant of money, shall be received by the Council.

LXXI. That no Petition shall be printed, unless the member moving the printing thereof shall state it to be his intention to make a motion upon the subject to which such Petition shall relate.

#### STRANGERS.

LXXII. That no strangers be admitted to the body of the Council Chamber within the Bar.

LXXIII. That members of the Legislative Assembly be admitted without order to the benches to the right of the President, outside the bar.

LXXIV. That accommodation be provided for the Speaker of the Legislative Assembly within the body of the Council Chamber.

LXXV. That the President only shall have the privilege of admitting strangers to the body of the Council Chamber outside the Bar; but every Member shall have the privilege of admitting by Orders strangers to the Gallery of the Council Chamber.

LXXVI. That, on the request of any Member, or in his own discretion, the President shall at any time order all strangers to withdraw, and such strangers shall immediately withdraw accordingly.

LXXVII. That it shall be the duty of the Standing Orders Committee to prescribe the arrangements for the opening and prorogation of Council, which arrangement it shall be the duty of the Usher to carry into effect under the direction of the President.

#### SUSPENSION OF STANDING RULES AND ORDERS.

LXXVIII. That (except in cases of urgent and pressing necessity) no Motion shall be made to dispense with any Sessional or Standing Order of the Council, without due Notice thereof.

#### JOINT STANDING ORDERS FOR BOTH HOUSES OF PARLIAMENT.

##### 1.

#### MESSAGES.

LXXIX. [1.] All communications between the Council and Assembly shall be by Message.

LXXX. [2.] Messages from one House to the other shall be in writing, and shall be communicated by the Clerk Assistant of each House respectively, unless the House transmitting the Message shall otherwise direct.

LXXXI. [3.] Members carrying any Message from either House of the Legislature to the other shall be announced at once, unless any Member shall be addressing the House, or unless the President or Speaker, as the case may be, shall be ascertaining the sense of the House upon any question, in which case the bearer of the Message shall not be announced until the member shall have concluded his speech, or until the sense of the House shall have been declared by the President or Speaker, as the case may be; and the bearer of the Message shall be introduced by the Usher or Serjeant-at-Arms, and shall deliver the Message to the President or Speaker.

LXXXII. [4.] Messages carried by the Clerk Assistant of either House shall be delivered to the Usher or Serjeant-at-Arms, as the case may be.

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

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

LXXXV. [7.] When either House of the Legislature shall not agree to any amendment made by the other House in any Bill, Vote, or other Resolution with which its concurrence shall have been desired, or when either House shall insist upon any amendment previously proposed by such House, and any communication shall be desired, then the communication shall be by Message, and the House transmitting such Message shall at the same time transmit written reasons for not agreeing to the amendment proposed by the other House, or for insisting upon any amendment previously proposed by the House sending such Message.

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

LXXXVII. [9.] At the commencement of each Session there shall be appointed by each House a Committee of five Members respectively to constitute a Joint Committee to manage the Library; another Committee of five Members of each House respectively to constitute a Joint Committee for the management of the Refreshment Rooms; another Committee of five Members of each House respectively to constitute a Joint Committee for the management and superintendence of the Parliament Buildings; and five Members shall form a quorum of each of the said Committees.

LXXXVIII. [10.] Every proposal for a Joint Committee not provided for in these Rules shall be by Message; shall state the object of such Committee, the number of Members to serve thereon, not less than ten nor more than fifteen; and the number of Members to form a quorum thereof; and the House whose concurrence shall be desired shall name the time and place of meeting.

## 2.

## BILLS.

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

XC. [12.] If any amendment shall be made by the House to which the Bill shall be sent, such amendment shall be written on paper and attached to the Bill, and reference shall be made to the section and line of the Bill where the words are to be inserted or omitted, as the case may be, and such amendments shall be certified by the Clerk of the House in which it shall have passed.

XCI. [13.] When such Bill shall have passed both Houses of the Legislature, it shall be fair printed by the Government Printer, who shall furnish three fair prints thereof on vellum to the Clerk of the Parliaments.

XCII. [14.] Such three fair prints of each Bill shall be duly authenticated by the Clerk of the Parliaments.

XCIII. [15.] The three fair prints of all Bills, except the Appropriation Bill, when passed, shall be presented to the Governor for Her Majesty's assent, by the Clerk of the Parliaments.

XCIV. [16.] In case of amendments to Bills, made upon a Message from the Governor, pursuant to the XXXVI. clause of the Constitution Statute, after such Bills shall have passed the two Houses of Parliament, the Clerk of the Parliaments shall endorse the same on the original Bill and shall order three fair prints of the Bill on vellum as amended, and shall authenticate the same before they are presented for Her Majesty's assent.

XCV. [17.] When the Governor shall have assented in the name of Her Majesty to any Bill, one of the fair prints thereof, on vellum, shall be deposited by the Clerk of the Parliaments with the Registrar of the Supreme Court, another shall be delivered to the Private Secretary of His Excellency the Governor, for transmission to Her Majesty's Principal Secretary of State for the Colonies, and the third shall be retained in the record office of the Parliament Houses.

XCVI. [18.] The Title of every Bill shall succinctly set forth the general object thereof.

XCVII. [19.] Every Act of the Legislature, commencing No. 1, from the 1st January, 1857, shall be numbered in regular arithmetical series, in the order in which the same shall be assented to by the Governor.

XCVIII. [20.] In case of unavoidable absence or illness of the Clerk of the Parliaments, the duties imposed upon him by these Rules shall be performed by the Clerk Assistant of the Legislative Council.

## STANDING ORDERS ON PRIVATE BILLS.

XCIX. [1.] That until Special Standing Orders for the initiation of private Bills shall have been adopted, this Council will not enter on the consideration of any private Bill which has not first been considered by the Legislative Assembly, and referred by that body for the concurrence of this Council.

C. [2.] That every private Bill sent up from the Legislative Assembly, if accompanied by a printed copy of the report and proceedings of the Select Committee of that House to which it shall have been referred, shall be dealt with in the same manner as a public Bill, and shall not

be referred to a Select Committee of this Council, unless the same shall be opposed, and then only by motion on notice to be made before the second reading.

CI. [3.] That every Select Committee on private Bills shall consist of five members, to be chosen by ballot, who shall choose their own Chairman, and of whom three shall form a quorum.

CII. [4.] That every one of such Committee of five do attend the proceedings of the Committee during the whole continuance thereof.

CIII. [5.] That members be exempted from serving on the Committee on any private Bill where they shall have any interest.

CIV. [6.] That members be excused from serving for any special reason, to be approved of in each case by the House.

CV. [7.] That if any member of such Committee is prevented from continuing his attendance, the Committee shall adjourn, and report the cause of such member absenting himself to the House, if then sitting, or at its next meeting, and shall not resume its sittings without leave of the House.

CVI. [8.] That each member of a Select Committee on a private Bill, before he shall be entitled to attend and vote thereon, shall sign a declaration that he has no personal interest in the Bill, and that he will never vote on any question which may arise in the Committee without having duly heard and attended to the evidence relating thereto.

CVII. [9.] That three clear days' notice be given of the meeting of such Committee.

CVIII. [10.] That such Committee shall meet on each consecutive sitting day from eleven to three o'clock.

CIX. [11.] That upon petition, praying to be heard on the merits against any Bill, leave be given to the Select Committee to hear the petitioners in person, by counsel or agents, and to receive such evidence as may be tendered, and the promoter shall be similarly entitled to reply thereto, if he shall think proper, and to adduce rebutting evidence, provided always that such petition be presented to the House before the third day on which the House shall sit after the day such Bill has been brought by message from the Legislative Assembly; provided also that it set forth specifically the objections of the petitioners to the said Bill, and be otherwise in strict conformity with the rules of the House.

CX. [12.] That the Chairman of every Select Committee shall make a report to the House on each several Bill referred for their consideration, and shall annex thereunto the minutes of the Committee.

CXI. [13.] That no private Bill which has been referred to a Select Committee shall be read a second time sooner than the sixth sitting day after the report from the Select Committee shall have been brought up.

CXII. [14.] That before any Private Bill be read a first time in this Council, a sum of twenty pounds shall be paid into the hands of the Colonial Treasurer, for the public uses of the Colony, to meet the expenses of such Bill; and a certificate of that sum having been paid, to be filed with the Clerk, shall be produced by the member having charge of the Bill. And the promoter of the Bill shall also furnish at his own cost fifty fair printed copies of the same, and the same number of copies of any amended Bill, for the use of members, three clear days before the same shall be considered.

CXIII. [15.] That no private Bill shall pass through more than one stage on one and the same day.

CXIV. [16.] That every private Bill which shall have passed the two Houses of Legislature shall be presented to the Governor for the Royal Assent, and be numbered and published as a public Bill, and the expenses attending such publication shall be ascertained by the Clerk of the Parliaments, and be paid by the promoters of the Bill into the public Treasury, for the public uses of the Colony, before such Bill be presented for the Royal Assent.

CXV. [17.] That every promoter of a Private Bill shall, at least ten days before the same is set down for the second reading, furnish to the Clerk of the Parliaments attested copies of all plans, sections, books of reference, estimates, and subscription contracts, or declarations in lieu of subscription contracts, laid before the Legislative Assembly, in pursuance of the Standing Orders of that House, and the Clerk of the Parliaments shall give a receipt for the same, in which the several documents shall be distinctly specified, which receipt the Member having charge of the Bill shall produce to the House before the Bill is set down for the second reading.

CXVI. [18.] That every Parliamentary agent and solicitor be considered personally responsible to the Council and to the President for any wilful violation of the rules, orders, and practice of Parliament; and for any such violation, or for any other wilful misconduct in prosecuting any proceeding before Parliament, shall be liable to an absolute or temporary prohibition to practice as a Parliamentary agent before this House at the pleasure of the President; provided that, upon the application of such agent, the President shall state in writing the grounds of such prohibition.

CXVII. [19.] That before the prayer of any Petition to be heard on the merits against any Private Bill be granted, the Petitioner shall deposit with the President a sum of fifty pounds, to be disposed of according to the decision of the Committee as hereinafter provided.

CXVIII. [20.] That it shall be competent for the Committee to order the return of the said deposit or of any part thereof to the Petitioner, or to order that the same be paid into the Treasury for the public uses of the Colony, or to direct that it be paid over to the promoters of the Bill, provided that the opposition should, in the judgment of the Committee, appear to have been frivolous.

*Adopted by the Legislative Council  
of Victoria the thirtieth day of July 1857.*

*J. W. Russell  
Clerk of the Council and Clerk of the Parliaments.*

*Approved*

*Henry Barkly  
Governor*

*Government Offices Melbourne 1857  
Melbourne 3<sup>rd</sup> August 1857*

