

PARLIAMENT OF VICTORIA

LEGISLATIVE COUNCIL

Procedure Committee



Standing Orders review 2022

Parliament of Victoria
Legislative Council Procedure Committee

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About the Committee

Functions

The Procedure Committee considers any matter regarding the practices and procedure of the House and may consider any matter referred to it by the Council or the President.

The following Members were appointed to the Procedure Committee on 21 March 2019: Mr Shaun Leane, Ms Wendy Lovell, Mr David Davis, Ms Georgie Crozier, Mr Stuart Grimley, Dr Tien Kieu, Ms Fiona Patten, Ms Jaala Pulford and Ms Jaclyn Symes.

The Committee held its first meeting on 1 May 2019. The President assumed the Chair and Ms Lovell was elected Deputy Chair pursuant to Standing Order 23.08(4).

On 18 June 2020, Mr Leane resigned as President and Mr Nazih Elasmr was elected. The President is a member of the Procedure Committee and therefore Mr Elasmr replaced Mr Leane on the Procedure Committee on that day.

To date, the Committee has met on 16 occasions during the 59th Parliament.

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This report is available on the Committee's website.

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Recommendation

RECOMMENDATION: That the Legislative Council take steps to adopt the proposed Standing Orders in Appendix B as the Standing Orders of the Council and further recommends that they take effect from the commencement of the 60th Parliament.

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Standing Orders review 2022

1.1 Background

Throughout the 59th Parliament, the Procedure Committee has been reviewing and considering changes to Standing Orders that aim to:

- create efficiencies in Chamber procedures
- reflect a House that is now far more diverse than when many of the rules were written
- better reflect the House’s constitutional role as a House of Review
- improve understanding of and accessibility to the rules of the House
- increase the relevance and responsiveness of the rules and functioning of the Chamber to current attitudes, practices and changing needs
- clarify contradictory and irrelevant rules that have made the application, explanation and interpretation of the Standing Orders difficult.

In undertaking this review the Committee considered the following principles:

- **common practices**—recent developments, Sessional Orders and preferred practice from recent Parliaments
- **relevance**—removal of redundant or unapplied rules
- **consolidation**—identification of and correction of errors, inconsistencies and contradictions with a view of consolidating and grouping appropriate rules
- **future needs**—providing for emerging technologies and change in attitudes
- **modern language**—where possible, using plain English to ensure language is clear and terminology is used consistently throughout the Standing Orders.

The Committee has considered each chapter of the Standing Orders, the current Sessional Orders and the Temporary Orders. The Committee notes that any Temporary Orders that are not rescinded at the conclusion of this Parliament will continue to be in force at the commencement of the next Parliament and will remain in place until the House resolves otherwise.

The Committee’s proposed changes to Standing Orders are summarised below.

Appendix A provides the proposed complete Standing Orders with major changes depicted.

Appendix B provides the proposed complete new Standing Orders.

RECOMMENDATION: That the Legislative Council take steps to adopt the proposed Standing Orders in Appendix B as the Standing Orders of the Council and further recommends that they take effect from the commencement of the 60th Parliament.

1.2 Summary of Standing Order changes

The Parliament of Victoria has developed a style guide for publishing content to the website. Various changes are proposed to the Standing Orders to ensure consistency with this style guide, including changes to structure, grammar and capitalisation. These changes also seek to simplify, modernise and clarify meaning within the Standing Orders through the use of inclusive and consistent terminology and language.

A description of the individual changes made in each chapter is outlined below.

1.2.1 Chapter 1—Opening of Parliament and address in reply

Changes are proposed in this chapter to achieve greater consistency in phrasing and improve readability. Changes are also proposed to clarify, but not alter, the timing and practice of the House on the opening day of a Parliament. These include:

- reference in Standing Order 1.01(1) to the Governor’s proclamation setting the time and place of the first meeting
- removal of ‘will’ or ‘will then’ where appropriate
- reordering parts of Standing Order 1.01 to reflect when the Clerk reads the Commissions and at what point in proceedings the Commissioner requests that members elect a President
- reference in Standing Order 1.01(12) to reflect that other members may accompany the President when the President presents to the Governor
- consistent reference to the speech made by the Governor on the opening day as the ‘Governor’s speech’
- clarifying in Standing Order 1.10(3) that the address in reply must be agreed to (as per sub-clause(1)).

1.2.2 Chapter 2—President, Deputy President and Acting Presidents

Changes are proposed in this chapter to fill in omissions in guidance for certain situations that may arise. Changes are also proposed to provide greater flexibility.

In Standing Order 2.01(2), a notice requirement, where applicable, prior to a President vacating the position has been included. This is to maintain the ‘no ambush’ principle of the House and ensure that all members have prior notice, where possible, before the election of a new President.

In Standing Orders 2.02 and 2.03 references to ‘the proposer and seconder’ have been removed to allow greater flexibility in who conducts a new President to the Chair. No change is made to the House’s rules in relation to seconding certain motions.

In Standing Order 2.05 a reference to ‘and independent members’ is included to reflect the requirement to consult party leaders and independent members.

In Standing Order 2.09 a qualification has been added that the Deputy President may choose to vacate the position. The original wording did not provide for that to occur.

In Standing Order 2.10 a distinction has been made between a new President presenting to the Governor after an opening of a new Parliament and a new President elected during the term of the Parliament. This allows the House to continue to conduct business following the election of a new President during the Parliament without them having been presented to the Governor first.

1.2.3 Chapter 3—Attendance of members

In Standing Order 3.04 the word ‘Council’ has been removed before ‘Chamber’ for consistency.

1.2.4 Chapter 4—Sitting and adjournment of the Council

Changes have been made throughout this chapter (in Standing Orders 4.06, 4.09, 4.12(2) and (3) and 4.14) to achieve consistency in phrasing with that used in other sections of the Standing Orders.

Sessional Order 1 changing Tuesday’s start time from 2.00 pm to 12.00 noon and providing for a meal break on Tuesdays and Thursdays has been included in Standing Orders.

In Standing Order 4.03 a new sub-clause (2)(a) provides clarity that any report of a division where a quorum of members has not voted will not stand as a decision of the House.

In Standing Order 4.04 changes have been made to modernise the language and clarify meaning.

Note that Sessional Order 2, which altered Standing Order 4.07(7), and changed ‘will’ to ‘may’ in that Standing Order and effectively gave the President discretion at adjournment not to read Messages from the Assembly, has not been incorporated into Standing Orders and will lapse.

In Standing Order 4.08 a clarification has been made that declared extensions are only able to be made on Tuesday, Thursday or Friday.

Sessional Order 3 allowing Ministers to declare an extension from the Table during Committee of the whole has been included in Standing Orders.

In Standing Order 4.10 a change in language reflects common terminology.

In Standing Orders 4.11 to 4.14 the term ‘daily’ has been removed from references to ‘adjournment debate’.

In Standing Order 4.11(2) the reference to the number of members who may speak on the adjournment debate has been replaced with a cross-reference to that information in the order of business.

In Standing Order 4.12 the rule that members may not raise adjournment matters which have been discussed in the previous six months has been removed. This rule is unclear and difficult to apply in practice. If enforced it would be overly restrictive in relation to what issues may be raised in the adjournment debate.

In Standing Order 4.13(1) clarification has been made to indicate that all matters require either a verbal or written response.

Sessional Order 31 which provided for the publishing of adjournment responses at the time they are received in the questions database has been included in Standing Order 4.13. This removes the requirement for the Minister to advise the House of responses received at the conclusion of the adjournment debate and for the response to be incorporated in Hansard.

1.2.5 Chapter 5—Business

The order of business in Standing Order 5.02 has been updated to reflect changes made throughout the Standing Orders, including:

- answers to questions on notice no longer being announced in the House
- changing ‘Statements on reports and papers’ to ‘Statements on tabled papers and petitions’
- inclusion of a new procedure: ‘Petitions (qualifying for debate)’ on a Wednesday (see below at 1.2.11).

Changes have been made, mainly to the format and language, around time limits in Standing Order 5.03, including:

- reordering the list to appear alphabetically rather than by Standing Order
- removal of the word ‘party’ from various items of business for consistency
- inclusion of the current time limit for constituency questions for completeness
- inclusion of time limits for a new procedure ‘Petitions (qualifying for debate)’ (see below at 1.2.11)
- inclusion of a ‘total time’ for general business for consistency with government business
- renaming of ‘Statements by Members’ to ‘Members’ statements’ for consistency

- renaming ‘Statements on reports and papers’ to ‘Statements on tabled papers and petitions’
- removal of time limit for inaugural speeches as this is not currently applied.

In Standing Orders 5.04 and 5.05 the definitions have been included in a list for readability.

In Standing Order 5.04 the giving of a notice of intention to make a statement on a report, paper or petition has been removed (see below).

In Standing Order 5.05 a motion that has been moved in the Council but not yet resolved has been included for completeness.

In Standing Order 5.06 the duplicated reference to motions of urgent public importance has been removed as they are listed in special business that takes precedence in Standing Order 5.08.

In Standing Order 5.08 a reference to the inaugural speech of a new member taking precedence has been removed from special business to reflect current practice whereby a new member’s inaugural speech is arranged for a specific time in proceedings.

In Standing Order 5.12 references to ‘the memory of the deceased’ and the requirement for the President to convey a message of sympathy from the House have been removed. This latter rule is best managed through the President’s office.

In Standing Order 5.12(4) changes have been made to clarify that the House adjourns for the sitting day in certain cases and suspends its proceedings for one hour in other cases. This is consistent with terminology used throughout the Standing Orders.

In Standing Order 5.13 the title has been changed to reflect common terminology. The timing and reference to the number of statements has been replaced with a cross-reference to that information in the order of business.

1.2.6 Chapter 6—Notices, motions and orders of the day

In Standing Order 6.01(1) the timing for giving notices of motion has been clarified. This removes any doubt about whether a notice of a motion may be given during or at the conclusion of Members’ statements. A member seeking to give a notice of motion after the House has moved past this item of business will continue to need the permission of the President and/or House.

In Standing Order 6.01(2) changes reflect current practice and remove the requirement for a hard copy to be provided, allowing notices to be accepted via email.

In Standing Order 6.01(5) ‘printed on’ is replaced with ‘published in’. This is consistent with other sections of Standing Orders and removes the requirement for the Notice Paper to be printed (although the current practice of printing the Notice Paper is intended to continue for the foreseeable future).

Added a new Standing Order 6.02(2) which allows members to move a motion on behalf of another member. This is consistent with practice and the rule allowing notice to be given on another's behalf.

In Standing Order 6.02(3) a cross-reference to clarify that notices lapse after 20 sitting days has been included.

In Standing Order 6.03(2) changes reflect practice.

In Standing Order 6.06 additional words acknowledge that certain motions are moved without leave under Standing Orders.

Proposed Standing Order 6.08 consolidates original Standing Orders 6.08 ('Withdrawal of motions'), 6.14 ('Discharge of Order of the Day') and 6.15 ('Discharge of Business from the Notice Paper'). This clarifies and simplifies the different ways business may be discharged from the Notice Paper.

In Standing Order 6.11 the words 'on Wednesdays' have been removed to allow motions relating to statutory instruments to be debated any day that general business occurs.

In Standing Order 6.12(3) a cross-reference has been included to clarify that orders of the day lapse after 20 sitting days.

In Standing Order 6.13 the following changes have been made:

- in sub-clause (j) 'or' has been included to indicate that this reference was not to a paper that had been both published and taken into consideration
- a new sub-clause (r) has been included to provide for debate on the choice of when a bill will be further considered in Committee of the whole following a resolution to report progress
- reordered to reflect the order these motions appear in Standing Orders.

1.2.7 Chapter 7—Questions and amendments

Standing Orders 7.01(1) and (2) have been consolidated for readability. Moving, debating and putting the question are now in one sequence. Clarification has been made that some motions are required to be seconded, without changing the rules around seconding. The rule that the President may restate the question upon request has been removed as it is redundant—this is already practice.

In Standing Order 7.02 'divided' has been replaced with 'split' for consistency with terminology and to avoid confusion with other meanings of the term 'divide'.

In Standing Order 7.08 'delivered' has been replaced with 'provided' for consistency.

In Standing Order 7.11 clarification has been made that multiple amendments to motions may be proposed and put to the House together, which is practice and similar to the process for amendments to bills.

Standing Order 7.16 relating to multiple amendments has been removed. This rule is no longer applied.

1.2.8 Chapter 8—Questions seeking information

This chapter has an intermingling of rules relating to questions without notice and questions on notice. The suggested revision clearly groups these separate procedures, as well as bringing in successful Sessional Orders and updating rules to meet current practice.

In Standing Order 8.01(1) 'of the Crown' has been removed as this terminology is not used throughout Standing Orders.

In Standing Order 8.01(2) the two types of questions that this section refers to have been clarified with their common terms. The requirement for questions on notice to be published in the Notice Paper has been removed as they are now published in the questions database.

In Standing Order 8.02(1)(d) '/or' has been added to clarify that this reference does not need to be both court decisions and sub judice matters to be ruled out.

Standing Orders 8.02(2)(c) and (3)(a) have been removed as these rules are no longer enforced.

In Standing Order 8.02(3)(b) a clarification has been made that it is only confidential committee proceedings (and not, for example, public hearings) that may not be referred to.

Sessional Order 13 relating to questions without notice and Ministers' statements has been included in Standing Order 8.04, replacing the previous rule.

Sessional Orders 14 and 34 relating to the President being able to order a further written response and publishing answers in the questions database have been included in Standing Order 8.07.

Sessional Order 33 relating to publishing answers in the database has been included in Standing Order 8.08, removing the requirement to incorporate answers in Hansard.

Standing Order 8.09 has been updated to:

- reflect the current process for lodging questions on notice
- remove sub-clause (2) as the verification requirements are no longer necessary
- relocate Standing Orders 8.10 and 8.12(6) to this section as they relate to asking questions on notice.

Standing Order 8.11 has been removed as it is ambiguous. Questions on notice may be altered anytime until they are published, but may not be altered after publication.

Sessional Order 32 relating to publishing answers to questions on notice when they are received in the database and no longer requiring a Minister to table the answers in the House has been included in Standing Order 8.10 (originally 8.12). Changes to this Standing Order also clarify that the Minister has 30 days to respond to a question on notice.

Standing Order 8.11 (originally 8.13) has changes to words to reflect changes made in Chapters 5 and 9.

In Standing Order 8.13 (originally 8.15) the words ‘to the Notice Paper’ have been removed to reflect changes made to the location of publication of questions on notice.

1.2.9 Chapter 9—Tabling of papers

In Standing Order 9.02 the word ‘required’ has been removed to indicate that papers tabled by leave also need to be lodged with the Clerk. The phrase ‘delivered to’ has been replaced with ‘lodged with’ for consistency.

In Standing Order 9.05 the description of when the Clerk presents the documents has been removed to provide flexibility.

Standing Order 9.10 has been updated to:

- include **Sessional Order 16** relating to tabled petitions
- remove the requirement to give notice of an intention to make a statement on a report, paper or petition—this item of business is not a debate and the Committee considers that notice for statements is unnecessary. As per other business, such as Members’ statements, members will add their names to call lists or otherwise seek the call
- retitle this section for simplicity to ‘statements on tabled papers and petitions’.

1.2.10 Chapter 10—Production of documents

Originally Chapter 11, this chapter has been brought forward to follow directly after the chapter on tabling of papers, with which it is thematically related.

In Standing Order 10.02(2) and (5) the wording ‘laid on the Table’ has been replaced with ‘presented to the Council’ to allow for documents to be provided electronically.

In Standing Order 10.02(3) the word ‘tabled’ has been replaced with ‘identified’ as the index is to include all documents identified, even those that have not been provided.

Standing Order 10.06 is amended to a) clarify via a cross-reference that the Clerk maintains a register of people who examine documents over which Executive privilege is claimed, and b) clarify via a cross-reference that the Clerk maintains a register of people who examine reports of the independent legal arbiter.

1.2.11 Chapter 11—Petitions

This chapter has been reorganised to keep related rules together for consistency and readability. Additional requirements of petitions that are current practice have been expressly included to provide clarity for the community and members.

Standing Order 11.01 consolidates rules relating to the content of petitions (bringing original 10.02 and 10.04 together).

An addition in Standing Order 11.01(1)(c) outlines that the action or remedy sought must be within the responsibilities of state administration or relate to the procedures of the Legislative Council. Previously the rule that matters raised must be within state administration was implied by the requirement for the Clerk to refer the petition to a Minister. The addition of matters relating to the procedures of the Council is in response to petition requests having been received that have had to be rejected.

In Standing Order 11.01(1)(d) the word 'clear' has been added to clarify what is meant by 'legible'.

In Standing Order 11.01(1)(e) the word 'temperate' has been replaced with 'moderate' to provide greater meaning.

In Standing Order 11.01(1)(f) the word 'succinctly' has been added to provide the ability to edit unclear or repetitive petitions to meet the forms of the House and with the petitioner's agreement.

In Standing Order 11.01(2)(a) an additional requirement that a petition not include irrelevant statements has been included to avoid allegations being made that are not relevant to the grievance.

In Standing Order 11.01(2)(b) an additional requirement clarifies that the text of the petition may not have any alterations or amendments made. This is to avoid text being changed after signatures have been gathered.

Original Standing Order 10.04(1) relating to petitions not having letters, affidavits or other documents attached to it is replaced by new Standing Order 11.01(2)(c) which states that 'a petition must not have other documents attached to it'.

In Standing Order 11.01(3) an additional requirement has been included clarifying that petitions should avoid unnecessary allegations. Such allegations pose a risk and challenge procedural fairness when published on the parliament's website regardless of whether the petition is tabled.

Standing Order 11.02 consolidates rules on signing a petition (bringing original 10.03, parts of 10.02 and parts of 10.10 together).

As one purpose of petitions is to indicate the number of Victorians that think a certain action should be taken, Standing Orders 11.02(1) and (2) clarify that signatories must be a Victorian resident and may only sign a petition once. As per current practice,

non-Victorian signatories will not be accepted but the presence of such a signature on a petition does not invalidate the petition.

Standing Order 11.03 consolidates rules on presenting a petition (bringing original 10.01, 10.05, 10.06 and 10.07 together).

In Standing Order 11.03(5) an additional statement that the presentation of a petition by a member does not signify their agreement with the issue has been included.

In Standing Order 11.03(10) an additional process for a 30 minute debate on a petition that has surpassed a threshold of signatures to occur on a Wednesday has been included. This is a new procedure to allow petitions of large public interest to be further aired and debated in the House.

Original Standing Order 10.08 has been removed as the House is already able to do this by leave.

Standing Order 11.04 provides a section on what occurs following the presentation of a petition.

Consistent with the change to allow petitions that relate to the procedures of the House to be presented, an addition in Standing Order 11.04 indicates that those petitions would be referred to the Leader of the Government in the Council.

A new requirement for a Minister to respond in writing (within 30 days) to all petitions referred to them has been included, along with the process for publishing these upon receipt and tabling them on the next sitting day. Currently, there is no requirement for a response (or any other action) after a petition is tabled.

References throughout this chapter have been updated to indicate that all the rules apply to e-petitions and paper petitions, therefore, Standing Order 11.05 has been consolidated and now contains only e-petition specific content. Changes to this section are based on the experiences of administering e-petitions since they were introduced in 2017.

An additional rule in Standing Order 11.05(3) has been included to consolidate support for an issue into a live petition rather than a new petition on the same matter being published.

In Standing Order 11.05(4)(b) the words 'the initial posted period' have been included to prevent petitions continuously being extended and not presented.

1.2.12 Chapter 12—Debate

Original Standing Orders 12.01 and 12.02 have been relocated to Chapter 13 as they relate to the conduct of members.

In Standing Order 12.02 unnecessary qualifying words have been removed.

In Standing Order 12.12 a requirement that a proposed personal explanation be provided to the President in writing prior to consent being granted has been included.

In Standing Order 12.15 references to Committee of the whole have been included to extend the ability for material to be incorporated in Hansard in the House and in a Committee of the whole.

In Standing Order 12.18(1) clarification has been made that offensive words should not be used against a judicial officer as opposed to the judiciary. In Standing Order 12.18(2) qualifying words have been included that permit accusations by substantive motion, which is practice.

In Standing Order 12.21 a correction has been made to the reference to a 'question of order' to a 'point of order'.

1.2.13 Chapter 13—Conduct of members

Original Standing Order 13.01 has been removed as this is covered by the rule that 'Order will be maintained in the House by the President'.

In Standing Order 13.03 the language has been modernised for readability.

1.2.14 Chapter 14—Bills

In Standing Order 14.01 clarification has been made to reflect that the introduction of a bill does not require a motion.

Standing Orders 14.06 and 14.07 outline the second reading process, noting the various statements and motions that may be moved. The processes of a bill initiated in the Council and a bill received on Message from the Assembly have been separated to clearly indicate the differences. In doing this, the original Standing Order 14.07 relating to the incorporation of a second reading speech in Hansard has been removed as it is included in 14.06 and 14.07.

In Standing Order 14.09 clarifications have been made including:

- specifying the words that a reasoned amendment should take if its intention is to reject the bill (Standing Order 14.09(2)(e))
- that the House may consider multiple reasoned amendments to the second reading question, but a member may only move one
- clarification that the question on the reasoned amendment is put at the conclusion of the second reading debate.

Standing Order 14.10 brings in provisions from 14.13(4) so all rules relating to the circulation of amendments are in one place. These provisions have been extended to allow all members (not just Ministers) to circulate amendments at the start of the

Committee of the whole stage to reflect current practice. It is expected that later circulation of amendments will continue to require leave. Clarification is also made to provide for members circulating amendments on another member's behalf.

Original Standing Order 15.07 relating to instructions to Committee of the whole has been relocated to Standing Order 14.11 as this process occurs at this point in proceedings. A clarification that notice of an instruction motion may be given during formal business on the day it is intended to be moved has been included to reflect practice. Instruction motions continue to require notice.

Standing Order 14.12 clarifies the process following the second reading of a bill to include the potential consideration of an instruction motion and provide detail on the mechanism for referring a bill to a parliamentary committee or deferring the Committee of the whole stage.

In Standing Order 14.14(2) word changes have been made for consistency.

In Standing Order 14.16(6) clarification that the committee stage includes consideration of amendments has been included.

In Standing Order 14.17(5) clarification has been included indicating what question the Deputy President will put following a report of progress.

In Standing Order 14.23 a reference to a bill lapsing has been included for completeness.

In Standing Orders 14.26 and 14.29 'printed' has been changed to 'circulated' for consistency.

1.2.15 Chapter 15—Committee of the whole Council

References to 'Committee' have been replaced with 'Committee of the whole' throughout this chapter for consistency and to avoid confusion with other uses of the term.

In Standing Order 15.02 clarification has been made to this process to reflect practice and changes made in Standing Order 4.03.

In Standing Order 15.04 the practice of members assisting at the Table during Committee of the whole has been simplified.

In Standing Order 15.05(5) a cross-reference to the newly added procedure to be followed where the Deputy President reports progress has been included for completeness.

Sessional Order 19 relating to chairing arrangements where the Deputy or Acting President reports from Committee of the whole included as a new Standing Order 15.08.

1.2.16 Chapter 16—Divisions

In Standing Order 16.02 changes have been made to structure for clarity and to improve readability.

In Standing Order 16.02(2) word changes to simplify and clarify that it is at the Chair's discretion to direct that the bells be rung for a shorter period have been included. Standing Order 16.05 has been included in this section as a new sub-clause (7).

In Standing Orders 16.03 and 16.04, word changes have been made for consistency.

In Standing Order 16.08, word changes have been made that reflect practice.

1.2.17 Chapter 17—Witnesses

In Standing Orders 17.01 and 17.02 clarification has been made that these rules relate to Council members.

Original Standing Orders 17.04 and 17.06 have been combined in Standing Order 17.04 to bring rules relating to summoning a witness to the Council and a Council committee together.

In Standing Order 17.06 the title and rule has been updated to modernise the language.

In Standing Order 17.08 changes to words have been made to improve readability.

1.2.18 Chapter 18—Messages from and addresses to the Governor

In Standing Order 18.02 unnecessary words have been removed for consistency.

1.2.19 Chapter 19—Records of the Council

In Standing Order 19.02 unnecessary reference to 'at the Table' has been removed and 'Government Printer' has been changed to 'Legislative Council, Parliament of Victoria' to reflect practice and changes in processes.

1.2.20 Chapter 20—Broadcasting, recording and photography of proceedings

Changes have been made to this chapter to reflect current and potential future advancements in technology and provide rules and guidance, without limiting the ability of the House to broadcast proceedings.

The title of this chapter has been changed to 'Broadcast of proceedings' to reflect the application of the rules.

As this rewritten chapter is broader and less prescriptive in relation to rules for specific types of broadcast, a definitions section has been included in Standing Order 20.01. These definitions clarify that these rules apply to both House and committee proceedings.

This chapter has been broadened to allow for filming, photography, broadcast and re-broadcast as per the guidelines and rules issued by the President, in so far as those guidelines are not inconsistent with legislation. This allows the President to make rules about accreditation and what access/technology to facilitate transmission is offered.

In the new Standing Order 20.03 the material that may be filmed, photographed and broadcast is defined to exclude activity that is not part of official proceedings.

In the new Standing Order 20.04 the rules relating to what material should not be used for have been modified and modernised to reflect practice, for example, the reference to 'satire and ridicule' has been removed and the requirement to 'provide in context a balanced presentation of differing views' has been reworded to 'a reasonable balanced presentation of views'.

1.2.21 Chapter 21—Privilege and right of reply

In Standing Order 21.01 word changes have been made to modernise language and requirements.

In Standing Order 21.01(6) a reference to notice has been removed to allow for leave to be sought for a motion, or the usual notice process to occur.

1.2.22 Chapter 22—Strangers

In Standing Orders 22.03, 22.06 and 22.07 word changes have been made for consistency. In Standing Order 22.04(2) clarification has been made that a motion moved to order the withdrawal of a stranger would not require notice.

1.2.23 Chapter 23—Council committees

Changes have been made to this chapter to provide greater consistency in rules across all types of committees. Original Standing Order 23.15 has been relocated to the start of the chapter to reflect that the provisions set out in the chapter relate to all council committees. Sections have been moved to reduce repetition and bring rules relating to the same topic together.

Sessional Order 21 has been included in Standing Order 23.02 to remove the three 'pairs' of references and legislation standing committees and replace them with three single standing committees. Sessional Orders have made this change in the last two Parliaments.

The nomination requirement in original Standing Order 23.03 has been replaced with a new Standing Order 23.05 which reflects the practice of members being appointed to

committees by a motion moved in the House. Original Standing Order 23.32 has been relocated bringing in the requirement to list members on committees in the Notice Paper into the membership section of this chapter.

Standing Order 23.05(4) outlines how a member ceases to be a member of a committee for clarity.

Sessional Order 22 has been included in Standing Order 23.04 providing standing committees the ability to self-refer inquiries and noting that a standing committee must comply with any time limitation imposed on them by a referral from the House.

In Standing Order 23.04(5) a requirement to list current inquiries in the Notice Paper (similar to listing committee membership in the Notice Paper) has been included.

Specific quorum numbers in original Standing Order 23.04 have been replaced in Standing Order 23.06 with a standard requirement of a majority of the members appointed, unless otherwise provided.

A rewritten Standing Order 23.07 improves a previously convoluted and difficult to interpret Standing Order. It separates rules relating to participating members out from the section on substitute members, while maintaining the established rules. Paragraph (3) of **Sessional Order 24** relating to participating members not being counted for the purpose of forming a quorum has been included in Standing Order 23.07(1).

Standing Order 23.08 provides clarity of the appointment, role and rights of substitute members.

Standing Order 23.09 clarifies that sub-committees may be appointed for all types of committees except the Privileges Committee and provides a requirement for a committee to elect a Chair of a sub-committee upon establishment.

Standing Order 23.10 brings the election of Chair and Deputy Chair for all types of committees into one place.

Standing Order 23.11 separates the rules that apply in relation to the absence of the Chair and Deputy Chair to bring this rule into a distinct Standing Order and standardise the process across all types of committees.

In Standing Order 23.12 changes have been made to reflect practice, including:

- clarifying that a committee must not sit while the Council is sitting
- bringing original Standing Order 23.20 into this section
- word changes for consistency.

Standing Orders 23.12(6) to (8) incorporate parts of **Sessional Order 28**, modernise the ability to participate in committee proceedings via audio or audio visual means and clarify the ability to vote while participating via audio or audio visual means. They also include a requirement for members to provide the secretariat reasonable notice of an intention to participate remotely to allow for set-up time.

Standing Order 23.13 brings all of the voting rules relating to committees together.

In Standing Order 23.15 the reference to the Parliament's website has been removed and a change provides the committee discretion in deciding whether to call for submissions.

In Standing Order 23.16 original Standing Order 23.19 has been incorporated as it relates to evidence.

Original Standing Order 23.22(2) relating to the name of the member asking a question appearing in transcript has been removed as this is standard practice with all transcription. The requirement for a committee to decide on the weight to give evidence obtained via electronic means (original sub-clause (7)) has been removed to reflect that more and more evidence is gathered that way.

In Standing Order 23.16(4) qualifications have been included in relation to what happens to in camera evidence for clarity.

In Standing Order 23.18 clarification that evidence referenced here is that received by that specific committee.

Original Standing Order 23.25 relating to interim reports has been removed and Standing Order 23.19 has been generalised to refer to any draft report. Clarification has been made that a draft report or a report adopted by a committee is confidential until it reports to the Council.

In Standing Order 23.20 the requirement to print a draft report has been removed to reflect practice.

In Standing Order 23.22 the option for council committee reports to be presented out of session has been included. These rules reflect the provisions in the *Parliamentary Committees Act 2003*.

In Standing Order 23.23 clarification has been made relating to a government response that is tabled out of session being published when received and provided to members to reflect practice.

An additional Standing Order 23.23(4) requiring the President to report to the House every six months on all responses that were due to be provided but were not provided in the preceding 12 months has been added.

1.2.24 Chapter 24—Operation and suspension of Standing Orders

In Standing Order 24.03 clarification has been made to the reference of rules and orders.

**Adopted by the Legislative Council Procedure Committee
Parliament of Victoria, East Melbourne
1 September 2022**

Appendix A

Standing Orders showing major changes

The following are the complete Standing Orders showing the major changes proposed by the Committee.

LEGISLATIVE COUNCIL OF VICTORIA

STANDING ORDERS

together with
JOINT STANDING ORDERS and
JOINT RULES OF PRACTICE
of the
PARLIAMENT OF VICTORIA
and
RESOLUTION OF CONTINUING EFFECT

2021

STANDING ORDERS

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 specified in the Governor's proclamation.
- (2) The Clerk reads the proclamation convening Parliament.
- (3) The Usher of the Black Rod ~~announces will then introduce to the Council Chamber~~ a Commissioner from the Governor appointed to open Parliament.
- (4) The Clerk reads the Commission appointing the Commissioner to open Parliament.
- (~~56~~) The Clerk ~~will read~~s the Commission for swearing members, issued by the Governor to the Commissioner.
- (~~67~~) ~~After the Commission has been read t~~The Clerk ~~will read~~s the returns to the writ for the election of members to the Council.
- (~~78~~) Members elected pursuant to such writ will ~~then~~ be sworn or affirmed as prescribed by the *Constitution Act 1975*.
- (~~85~~) The Commissioner ~~will then~~ informs members that the Governor will at a future time outline the reasons for calling Parliament together, and requests that members ~~to~~ proceed to the election of their President.
- (9) The Commissioner ~~will then retire~~ withdraws from the Council Chamber.
- (10) The Council proceeds to the election of a President, following which the President takes the Chair and reads the Lord's Prayer.
- (11) The Council then elects a Deputy President.
- (12) The President informs the Council of the time that the President will present to the Governor accompanied by other members who may wish to attend.
- (13) The sitting will then be suspended.

1.02 Governor's arrival

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

1.03 Governor announced by Usher

~~When~~The Usher of the Black Rod announces the arrival of the Governor ~~has arrived~~ at the Council Chamber, ~~the Usher of the Black Rod will announce his or her arrival~~ and conducts the Governor to the Chair, ~~T~~he President leaves ~~ing~~ the Chair and takes ~~ing~~ one to the right of the Governor.

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 will be provided ~~within on~~ the body floor of the Chamber for the Speaker and such other members of the Assembly as determined by the President. Accommodation will be provided for ~~other remaining~~ members of the Assembly in the lower ~~side~~ galleries of the Chamber.

1.05 Governor's speech

When the Speaker and members of the Assembly have come to the Council Chamber, the Governor will make the Governor's speech~~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 given~~ a copy ~~by the Governor's Secretary of the speech~~ 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 specified in the Governor's proclamation.
- (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 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 Business after the suspension of the sitting

When the Council meets after the suspension of the sitting the following business will be conducted —

- (1) Questions.
- (2) Formal business to re-assert and maintain the rights of the Council.

- (3) The President reports the Governor's speech to the Council.
- (4) A motion for the address in reply to the Governor's speech pursuant to Standing Order 1.10.
- (5) Any other business.

1.10 Address in reply to Governor's speech

- (1) When the Governor's 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.
- (2) Unless otherwise ordered, the debate on the address in reply will take precedence over all other business except questions, formal business, special business, and urgent bills.
- (3) ~~When the address in reply has been agreed to, 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~~ moved that the address be presented to the Governor by the President accompanied by ~~and~~ such members who may wish to attend ~~accompany him or her~~.
- (4) The President will report to the Council the Governor's response ~~reply~~ to ~~their~~ the Council's address in reply.

CHAPTER 2

PRESIDENT, DEPUTY PRESIDENT AND ACTING PRESIDENTS

2.01 Election of President

- (1) Members must elect a President at the opening of every Parliament immediately after they have been sworn or ~~made an~~affirmedation.
- (2) If the office of President becomes vacant at any other time, no business may be transacted until a new President is elected. A minimum one-hour notice period is required of a President's intention to vacate the position, where applicable.

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 their 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-Further~~ 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 and independent members, may suspend the sitting for up to one hour, for that or any other reason that the Clerk 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 as Deputy President.

2.08 President takes the Chair

Having been conducted to the Chair, the member elected will return acknowledgements to the Council for the honour conferred upon them and will take the Chair.

2.09 Deputy President

- (1) The election of a Deputy President is governed by Standing Orders 2.03 to 2.06, except that the President presides over the election.
- (2) 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.

- (3) The Deputy President will continue to act in that position until the next election of members of the Council or until they vacate the position. 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

- (1) At an opening of a new Parliament, bBefore proceeding to any other business, the President, with such members of the Council who wish to attend, will present to the Governor as the choice of the Council.
- (2) At any other time during a Session, the President will present to the Governor as the choice of the Council as soon as practicable following the President’s election.

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 the Clerk’s 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 their 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 sees 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 12.00 p.m.noon
 - (b) Wednesday at 9.30 am
 - (c) Thursday at 9.30 am
 - (d) Friday at 9.30 am
- (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.
- (3) Unless otherwise ordered, the Council will suspend for a meal break on Tuesday and Thursday at 6.30 pm for 60 minutes. A member may move without leave to suspend or alter the duration of the meal break. The Chair will put the question forthwith without debate.

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.
 - (a) Following the report of a division where it becomes clear that a quorum of members is not present no decision will be considered to have been reached by that division.
- (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.

* 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*]

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-set~~ 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 President must give a minimum of two calendar days' notice of a special meeting ~~will not be earlier than two days from the date of summons.~~

4.05 Regional sittings of the Council

The Council may meet from time to time at regional places fixed by the Governor in accordance with section 8 of the *Constitution Act 1975*. At these sittings —

- (1) 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 the President, or a local religious leader, will read the Lord's Prayer.
- (2) The Clerk will read the proclamation or other authorisation from the Governor varying and altering the place for the despatch of business of the Legislative Council.
- (3) The President may invite the local Mayor to address the House.
- (4) The order of business thereafter will be in accordance with Standing Order 5.02 unless otherwise ordered by the Council.

4.06 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.

4.07 Interruption of debate

- (1) Unless a motion to adjourn has already been moved by a Minister pursuant to Standing Order 4.06, the President will interrupt the business before the House —
 - (a) at 10.00 pm on Tuesday and Thursday;
 - (b) at ~~7.03~~ 6.30 pm on Wednesday;
 - (c) at 5.30 pm on Wednesday if a joint sitting has been scheduled for 6.15 pm on that day;
 - (d) at 4.00 pm on Friday.
- (2) If the House is in Committee of the whole the Deputy President will report progress and the President will then interrupt such business.
- (3) 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.

- (4) 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.
- (5) The President will not be required to call the next speaker if a speaker completes their speech within three minutes prior to the time fixed for such interruption.
- (6) Providing no further debate is proposed, the remaining questions in relation to any business subject to interruption may be put.
- (7) Before proposing that the House do now adjourn pursuant to Standing Order 4.09 the President will read any Messages from the Assembly.
- (8) Any bills transmitted from the Assembly will be read a first time and their second reading made an order of the day for the next day of meeting unless the Council grants leave for the second reading to be proposed forthwith.

4.08 Extension of sitting

- (1) Upon any interruption of business pursuant to Standing Order 4.07 and before a motion for the adjournment of the Council under Standing Order 4.09 is proposed by the President, a Minister may, on a Tuesday, Thursday, or Friday —
 - (a) move that the sitting be extended. The motion will be put forthwith without amendment or debate; or
 - (b) declare, without debate, that the sitting be extended by up to one hour; and —
 - (i) at the conclusion of an extension of time declared under Standing Order 4.08(1)(b), a Minister may declare, without debate, that the sitting be extended by up to one further hour; and
 - (ii) at the conclusion of an extension of time declared under Standing Order 4.08(1)(b)(i), a Minister may move that the sitting be extended. The motion will be put forthwith without amendment or debate.
- (2) A declared extension in accordance with Standing Order 4.08(1)(b) may be made by the Minister at the Table during Committee of the whole.
- (3) If the Council is extended in accordance with Standing Order 4.08(1), proceedings will resume at the point at which they had been interrupted.

4.09 Adjournment proposed by President

Unless the sitting is extended under Standing Order 4.08, the President will propose ~~to the question Council~~ “That the House do now adjourn”. Such question may not be amended.

4.10 Business under consideration at time of adjournment

Any business under ~~discussion-consideration~~ 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.

4.11 ~~Daily~~ Adjournment debate

- (1) On the question for the adjournment of the ~~Council House~~ proposed by the President or moved by a Minister, members may raise matters for consideration by Ministers.
- (2) ~~The number of members (other than Ministers) that may speak on the question for the adjournment or maximum length of the debate is prescribed by Standing Order 5.02. Up to 20 Members (other than Ministers) may speak on the question on Tuesday, Wednesday and Thursday.~~
- (3) Members may speak once only on the question on each day.
- (4) At the conclusion of the debate, the President will adjourn the House until the ~~next sitting day~~ time of the next meeting without putting any question.

4.12 Rules relating to the ~~Daily~~ adjournment debate

- (1) 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.~~
- (2) A member speaking to the question for adjournment ~~“That the House do now adjourn”~~ should —
 - (a) (i) make a complaint; or
 - (ii) make a request; or
 - (iii) pose a query; and
 - (b) suggest the action sought.
- (3) A member may only raise a matter ~~for consideration by~~ with 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.

4.13 Responses to matters raised on the ~~Daily~~ adjournment debate

- (1) ~~When a Member raises a matter which requires a response from a Minister that response must be given at the time the matter is raised or provided in writing within 30 days. The Minister the matter was directed to may dispose of the matter verbally at the end of the adjournment debate.~~

- ~~(2) A Minister may only dispose of the matter by giving a response at the time if they are the Minister to whom the matter was directed.~~
- ~~(2) Any matter that is not disposed of verbally at the time the matter was raised must be responded to in writing within 30 days.~~
- ~~(3) The Minister must lodge a written response with the Clerk. The Clerk must publish the response and give the response to the member who raised the matter. When a response is provided in writing, before the Daily Adjournment Debate is concluded, a Minister will advise the Council of the responses being provided, including the date the matter was raised and the name of the Member who raised the matter.~~
- ~~(4) A copy of the response will be given to the Member who raised the matter, and all responses will be incorporated in Hansard.~~

4.14 Procedure when responses to ~~Daily~~ adjournment debate matters not provided

- (1) If a ~~required~~ response is not provided within 30 days of the matter being raised and the relevant Minister does not, within that period, provide to the member who raised the matter an explanation satisfactory to the member as to why a response has not been provided —
 - (a) at the conclusion of the ~~Daily~~ adjournment debate the member may ask the 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) If a Minister does not provide an explanation, notice may forthwith be given of a motion ~~to take note of regarding~~ the Minister’s failure to provide either a response or an explanation.

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 1.10.

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 10.00 p.m.** Adjournment (up to 20 members)
- (2) On Wednesday —
 - Messages
 - Formal business
 - Members' statements (up to 15 members)
 - General business
 - At 12.00 noon** Questions
 - ~~Answers to Questions on Notice~~
 - General business (continues)
 - At 5.00 p.m.** Statements on ~~reports and tabled~~ papers and petitions (60 minutes)
 - Petitions (qualifying for debate) (30 minutes)
 - Government business (~~maximum~~ 30 minutes)
 - At ~~7.00~~ 6.30 p.m.** Adjournment (up to 20 members)
- (3) On Wednesday, if a joint sitting has been scheduled for 6.15 p.m. on that day —
 - Messages
 - Formal business
 - Members' statements (up to 15 members)
 - General business
 - At 12.00 noon** Questions
 - ~~Answers to Questions on Notice~~
 - General business (continues)
 - At 4.30 p.m.** Statements on ~~reports and tabled~~ papers and petitions (60 minutes)
 - At 5.30 p.m.** Adjournment (up to 20 members)

- (4) On Thursday —
 Messages
 Formal business
 Members’ statements (up to 15 members)
 Government business
At 12.00 noon Questions
~~Answers to Questions on Notice~~
 Government business (continues)
At 10.00 p.m. Adjournment (up to 20 members)
- (5) On Friday —
 Messages
 Formal business
 Government business
At 12.00 noon Questions
~~Answers to Questions on Notice~~
 Government business (continues)
At 4.00 p.m. Adjournment (maximum 30 minutes)

5.03 Time limits

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

Address in reply (Standing Order 1.10)

Total time	No limit
Main Government party lead speaker	60 minutes
Main Opposition party lead speaker	60 minutes
Other lead speakers	45 minutes
Remaining speakers	15 minutes

Adjournment debate (Standing Order 4.11)

Each member	3 minutes
<i>Tuesday, Wednesday and Thursday —</i>	
Total time	No limit (maximum 20 members)
<i>Friday —</i>	
Total time	30 minutes

Budget debate

Total time	No limit
Main Government party lead speaker	60 minutes
Main Opposition party lead speaker	60 minutes
Other lead speakers	45 minutes
Remaining speakers	15 minutes

Condolences (Standing Order 5.12)

<i>In relation to current member, past or present Governor, Premier, Presiding Officer, Minister or party leader in either House —</i>	
Total time	No limit
<i>In relation to a former member of the Council —</i>	
Total time	60 minutes

Constituency questions (Standing Order 8.08)

Total time	No limit (maximum 15 members)
Each member	1 minute

Explanation of reasons for granting leave (Standing Order 5.10)

Total time	4 minutes
Lead party speakers	1 minute
Independent Members	1 minute

General business (Standing Order 5.07)

Total time	No limit
Mover/Sponsor	60 minutes
Main Government lead speaker	60 minutes
Other lead speakers	45 minutes
Remaining speakers	15 minutes

Government bills — second reading debate

Total time	No limit
Main Government lead speaker	60 minutes
Main Opposition lead speaker	60 minutes
Other lead speakers	45 minutes
Remaining speakers	15 minutes

Government business (Standing Order 5.06)

Total time	No limit
Main Government lead speaker	60 minutes
Main Opposition lead speaker	60 minutes
Other lead speakers	45 minutes
Remaining speakers	15 minutes

Statements by Members' statements (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

Motions of urgent public importance (Standing Order 6.09)

Total time	No limit
Main Government party lead speaker	60 minutes
Main Opposition party lead speaker	60 minutes
Other lead speakers	45 minutes
Remaining speakers	15 minutes

Notices of motion (Standing Order 6.01)

Total time	Maximum 15 minutes
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Petitions (qualifying for debate) (Standing Order 11.03(10))

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

Presentation of Committee reports (Standing Order 9.09)

Mover of motion to take note	5 minutes
Member of committee	2 minutes each
By leave, two other members	2 minutes each

Procedural motions (Standing Order 6.13)

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

Questions without notice (Standing Order 8.04)

Each member Question	1 minute
Minister's A answer	3 4 minutes

Statements on ~~reports and~~ tabled papers and petitions (Standing Order 9.10)

Total time	60 minutes
Each member	5 minutes

Supplementary questions (Standing Order 8.05)

Supplementary question Each member	1 minute
Minister's A answer	1 minute

~~Inaugural speeches~~**5.04 Formal business defined**

Formal business ~~is deemed to include~~ s:

- (a) ~~the presentation of petitions;~~
- (b) ~~the introduction and first reading of bills;~~
- (c) ~~the presentation of papers; and~~
- (a)(d) ~~giving notices of motion and giving notices of intention to make a statement on a report or paper tabled in the Council.~~

5.05 Order of the day defined

An order of the day is a :

- (a) ~~bill; or~~
- (b) ~~matter which the Council has ordered to be taken into consideration on a particular day; or~~
- (a)(c) ~~motion that has been moved in the Council that has not been resolved.~~

5.06 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 1.10; and
- (b) special business pursuant to Standing Order 5.08; ~~and~~
- ~~(c) motions of urgent public importance pursuant to Standing Order 6.09.~~

5.07 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.

5.08 Special business

Precedence will be given to —

- (a) a motion relating to a matter of privilege pursuant to Standing Order 21.01;
- (b) a motion of urgent public importance pursuant to Standing Order 6.09;
- (c) a motion for a vote of thanks of the Council;
- (d) a motion for leave of absence to a member;
- (e) a motion relating to the qualification of a member;
- ~~(f) the inaugural speech of a new Member chosen to fill a casual vacancy and sworn in under Standing Order 3.03;~~
- (fg) an order of the day for the consideration of a report of the Procedure 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.

5.09 Points of order or privilege

Subject to the provisions of Standing Order 21.01, 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.

5.10 Explanation of reasons for granting leave

In any situation where the leave of the Council under Standing Order 24.05 is granted to allow business to be transacted, the leaders of parties other than the party of the member who is seeking leave, and any independent members, may give a brief explanation of their reasons for granting leave in accordance with the time limits prescribed by Standing Order 5.03.

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; or
 - (c) former members of the Council, subject to the agreement of the party leaders.
- (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) 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.~~
- (4) Unless otherwise ordered, the Council will ~~— then suspend its proceedings —~~
 - (a) adjourn for the remainder of the sitting in respect of a member of the current Parliament; or
 - (b) suspend its proceedings for one hour, in respect of all other persons referred to in Standing Order 5.12(1)(b).
- (5) The President will announce the death of former members of the Council not referred to in Standing Order 5.12(1), and members will rise in their places for one minute's silence as a mark of respect ~~to the memory of the deceased.~~
- ~~(6) The President shall convey a message of sympathy from the House to the relatives of the deceased.~~

5.13 ~~Statements by Members'~~ statements

- (1) ~~From the conclusion of formal business on Tuesday, Wednesday and Thursday, up to 15~~ Members may make statements on any topic of concern at the time prescribed by Standing Order 5.02.
- (2) Each member will be entitled to make only one statement in each sitting week.
- (3) A member may assign their entitlement to another member provided that no individual member may be called more than once each day.

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 and independent members of their 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 5.03.
- (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 and provide a copy to the Clerk.
- (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~~ published 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 over orders of the day.
- ~~(2)~~ A member may move a motion on behalf of another member, with their consent.
- ~~(3)~~ 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, unless the motion has been discharged pursuant to Standing Order 6.08.

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 another member ~~who is not present~~, with their 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 providing 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, except as provided in Standing Orders.

6.07 Seconding of motions

Except as provided for in Standing Orders 1.10 and 2.02, no motion will require a seconder.

6.08 ~~Withdrawal of motions~~ 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 or an item standing in a Minister's name, will be discharged from the Notice Paper after it has been listed for 20 consecutive sitting days.

(2) After a motion has been moved, but before debate has been adjourned or the question put, it may be withdrawn with leave of the Council by its mover.

(3) After an order of the day has been read, the member in charge of the order may move, without notice, that the order be discharged.

(4) A motion withdrawn by leave of the Council or an order of the day which has been discharged may be moved again during the same Session.

~~(1) When a motion has been moved, it 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 Motions of urgent public importance

(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.

(2) If the President is satisfied that the matter is of such importance as to warrant urgent consideration, the President will permit the motion to be moved.

(3) Where the President is satisfied that unusual and extreme circumstances did not permit a matter being submitted at least two

hours before the time fixed for taking the Chair, the President may waive that requirement.

- (4) Discussion ~~upon~~of a matter approved by the President pursuant to this Standing Order will occur prior to questions without notice ~~where;~~ a motion ~~will be~~ing made, without notice, “That the Council take note of [subject]”.
- (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 their ruling.

6.10 Rules relating to motions of urgent public importance

- (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~~Council in reasonable time by other means.
- (2) If the President approves of a subject ~~_-~~matter being brought on for discussion they will cause —
 - (a) the member who submitted the proposal to be notified that the discussion may proceed as soon as practicable after having reached that decision; and
 - (b) all other members to be advised of the subject matter of the motion, and not less than one hour, where reasonably possible, before the matter is debated.
- (3) If the President is not satisfied that a subject matter should proceed to debate they will —
 - (a) notify the member who submitted the proposal accordingly, giving the reasons for rejecting the request; and
 - (b) report to the Council that they had received representations for a subject matter to be debated, giving reasons for the decision 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 unless the order of the day has been discharged pursuant to Standing Order 6.08.

6.13 Procedural motions

The time limit for procedural motions is prescribed by Standing Order 5.03. A procedural motion is defined as —

- (a) a motion to set the day and time of the next meeting of the Council pursuant to Standing Order 4.01(2);
- (b) a motion to take note of a Minister's explanation as to why a response to an adjournment matter has not been provided pursuant to Standing Order 4.14(1)(b);
- (c) a motion for the postponement of notices of motion pursuant to Standing Order 6.03;
- (~~e~~) a motion for the discharge of an order of the day pursuant to Standing Order 6.~~08~~(3)~~14~~;
- (~~e~~) a motion for the postponement of an order of the day pursuant to Standing Order 6.12;
- (f) a motion for the revival of a dropped motion or order of the day pursuant to Standing Order 6.1~~4~~~~6~~;
- (g) a motion "That this question be not now put" pursuant to Standing Order 7.03;
- (h) a motion to read and rescind a resolution of the Council pursuant to Standing Order 7.07;
- (i) a motion that an answer to a question or supplementary question without notice be taken into consideration pursuant to Standing Order 8.06;
- (j) a motion that a paper be published and or taken into consideration pursuant to Standing Order 9.07;

- (k) a motion that a member “be now heard” pursuant to Standing Order 12.0~~35~~35;
- (l) a motion that the debate be now adjourned pursuant to Standing Order 12.0~~810~~810;
- (m) a motion to incorporate in Hansard a second reading speech for a bill that has originated in the Council pursuant to Standing Order 14.0~~67(1)~~67(1);
- (n) a motion providing an instruction to a Committee of the whole pursuant to Standing Order 14.11;
- ~~(on)~~ a motion to refer a bill in government business to a ~~Council committee or any other~~ parliamentary committee pursuant to Standing Order 14.1~~21(ba)~~21(ba);
- ~~(pe)~~ a motion to defer Committee of the whole to a later time pursuant to Standing Order 14.1~~21(de)~~21(de);
- ~~(qp)~~ a motion for the adoption of the report from the Committee of the whole pursuant to Standing Order 14.1~~76~~76;
- (r) a motion setting the time for a bill to be further considered in Committee of the whole pursuant to Standing Order 14.17(5);
- ~~(sq)~~ a motion to reconsider a bill in Committee of the whole pursuant to Standing Order 14.1~~87~~87;
- ~~(tr)~~ a motion to declare a bill urgent pursuant to Standing Order 14.3~~54~~54;
- ~~(us)~~ a motion that a bill ruled to be a private bill be dealt with as a public bill pursuant to Standing Order 14.3~~76~~76;
- ~~(vt)~~ a motion that the Deputy President report progress and ask leave to sit again pursuant to Standing Order 15.05(5).

6.14 — Discharge of Order of the Day

~~After an Order of the Day has been read, the Member in charge of the Order may move, without notice, that the Order be discharged.~~

6.15 — 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 currently standing in a Minister’s name.~~

6.146 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, and if required seconded, and the debate has concluded, the question will be proposed to the Council by the President will propose 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.~~
- ~~(23)~~ A question will be agreed to or negated by the majority of voices "Aye" or "No".
- ~~(34)~~ The President will state, whether in their opinion, the "Ayes" or the "Noes" have it and, if challenged, the question will be determined by a division.

7.02 Question may be dividedsplit

The Council may order a complicated question to be dividedsplit.

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 negated 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~~provided 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 or group of amendments the President will put the question “That the amendment/s 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.

~~**7.16 Multiple amendments**~~

~~(1) Leave may be given to a Member to move and debate multiple amendments to a question.~~

~~(2) When multiple amendments have been moved, the question on each amendment will be put separately by the Chair unless leave is granted for them to be put together.~~

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 for which the Minister is directly connected, or has responsibility when representing a Minister from the Assembly, 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 (questions without notice) or lodged with the Clerk and placed on the Notice Paper for written reply (questions on notice).

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 /or 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; or
 - (b) legal opinion; ~~or~~
 - ~~(c) a statement or announcement of the Government's policy.~~
- (3) Questions cannot refer to confidential proceedings in committees which have not been reported to the Council. —
 - ~~(a) debates in either House in the previous six months of the same Session; or~~
 - ~~(b) —~~
- (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 during the previous six months of the same Session —
 - (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 the time prescribed by Standing Order 5.02 when any business before the Council will be interrupted.~~

- (1) Questions without notice may be asked at the time prescribed by Standing Order 5.02 when any business before the Council will be interrupted.
- (2) Only non-Government members may ask oral questions without notice.
- (3) After every second oral question without notice a Minister may seek the call to make a statement of up to two minutes.
- (4) The time allocated for questions without notice will be until eight oral questions have been answered and four Ministers' statements have been made.

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 Content of answers

- (1) All answers to questions without notice must be direct, factual, succinct and relevant.
- (2) The President may determine that an answer to an oral question without notice or supplementary question is not responsive to the question, and may accordingly direct the Minister to provide a written response to the question and lodge it with the Clerk.
- (3) The President may review a written response to a question provided under this Standing Order and determine that it does not appropriately answer the question and may direct the Minister to provide another written response and lodge it with the Clerk.
- (4) Upon receipt of a written response, the Clerk must give the response to the member who asked the question and publish the response.
- (5) Written responses to questions directed to a Council Minister's portfolio will be required to be lodged within one business day —
 - (a) at least 15 minutes prior to the time scheduled for Questions if they are due on a sitting day; or

- (b) 12.00 noon if they are due on a day when the Council is not sitting.
- (64) Written responses to questions directed to a Minister representing a Minister from the Assembly will be required to be lodged within two business days —
 - (a) at least 15 minutes prior to the time scheduled for Questions if they are due on a sitting day; or
 - (b) 12.00 noon if they are due on a day when the Council is not sitting.
- ~~(5) A copy of any response provided under this Standing Order must be given to the Member who asked the question and printed in Hansard.~~

8.08 Constituency questions

- (1) At the conclusion of questions without notice up to 15 members may ask Ministers an oral question relating to a constituency matter.
- (2) A constituency question must —
 - (a) be within state jurisdiction;
 - (b) ask a question seeking information; and
 - (c) relate to a specific matter within the members' constituency.
- (3) The time limit for each member asking a constituency question is one minute.
- (4) Answers to constituency questions must be ~~given to~~ lodged with the Clerk in writing within 14 days of the question being asked.
- (5) Upon receipt of an answer, the Clerk must give the response to the member who asked the question and publish the response. ~~A copy of the answer will be given to the Member who asked the question, and all answers will be incorporated in Hansard.~~

8.09 Questions on notice

- (1) A member ~~may~~ must lodge a question on notice with the Clerk with sufficient time, in the opinion of the President, to enable it to be published in that sitting day's questions on notice.
 - ~~by delivering or causing to be delivered to the Table Office a copy of the question in writing or electronically.~~ (2) 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 prior to the question being published.
- ~~(36)~~ Before placing a question on notice a mMember should consider whether the information to be sought is readily available in known documents.
- ~~(2) A question on notice lodged with the Table Office must be signed by, or in the case of a question lodged electronically, be provided in a manner that clearly identifies, the Member asking the question.~~

8.10 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.~~

8.11 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 Office an amended question.~~

8.102 Answers to questions on notice

- (1) ~~Answers to questions on notice must be lodged with the Clerk in writing within 30 days of the question being asked. 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) ~~Upon receipt of an answer, the Clerk must give the response to the member who asked the question and publish the response. A copy of the answer will be given to the Member asking each question, and all answers will be incorporated in Hansard.~~

8.113 Procedure when answers to questions on notice not provided

- (1) If a Minister does not ~~furnish~~ **provide** 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) ~~prior to the asking of constituency questions at the conclusion of the normal time for answering questions on notice,~~ a non-government member on a Wednesday, and a government member on a Thursday, ~~after that period,~~ 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 within the time allocated for ~~statements on tabled papers and petitions. “Statements on reports and papers”, provided that at least one day's notice of intention to make such statement is given by a Member.~~

8.124 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, they 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 they 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.~~
- (67) 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.
- (78) 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 their office of that intention the day before failure to supply an answer is to be raised in the Council.

8.135 Reinstatement of questions on notice ~~to the Notice Paper~~

The President may direct that a question or part of a question on notice which has been answered be reinstated ~~to the Notice Paper~~, if following a request of the member asking the question, the President is of the opinion that the question has not been fully answered.

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~~ lodged with the Clerk

Any paper ~~required~~ to be presented to the Council will be ~~delivered to~~ lodged with 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 Publication and consideration of papers

On motion without notice the Council may order that any paper which has been tabled —

- (a) be published;
- (b) be 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 published with the documents accompanying it.

- (2) A member of the committee 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 tabled papers~~ and petitions

- (1) At the time prescribed by Standing Order 5.02, any member may make a statement on any report, ~~or~~ paper or petition which has been tabled in the Council during the Session. ~~A Member must give notice of a report or paper proposed for discussion no later than during the appropriate time in formal business on the same day that statements on reports and papers are to be conducted. A Member 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) making a statement on a report, paper or petition giving notice of a report or paper previously discussed; or
 - (b) giving notice of a motion to take note of a report, ~~or~~ paper or petition for consideration during general business.
- (3) Subject to the provisions of Standing Order 8.113, a member may also make a statement regarding the failure of a Minister to provide either an answer or an explanation to a question on notice.

CHAPTER 101

PRODUCTION OF DOCUMENTS

10.01 Order for the production of documents

- (1) The Council may order documents to be tabled in the Council.
- (2) The Clerk is to communicate to the Secretary, Department of Premier and Cabinet, all orders for documents made by the Council.
- (3) An order for the production of documents must specify the date by when the documents must be provided.

10.02 Tabling of documents provided in accordance with an order for the production of documents

- (1) Documents provided in response to an order under Standing Order ~~101.01~~ will be delivered to the Clerk ~~of the Council~~.
- (2) Upon receipt, such documents will be presented to the Council laid on the Table by the Clerk at the earliest opportunity.
- (3) A return under this Standing Order is to include an indexed list of all documents ~~tabled~~identified, showing the date of creation of the document, a description of the document and the author of the document.
- (4) If the Council is not sitting on the date specified in the resolution of the Council under Standing Order ~~101.01~~(3), the documents may be lodged with the Clerk, and unless Executive privilege is claimed, are deemed to have been presented to the Council and published by authority of the Legislative Council.
- (5) Documents lodged under Standing Order ~~101.02~~(4) must be presented to the Council by the Clerk laid on the Table ~~by the Clerk~~ on the next sitting day of the Council.

10.03 Documents claiming Executive privilege

- (1) Where a document is claimed to be covered by Executive privilege —
 - (a) a return is to be prepared showing the date of creation of the document, a description of the document, the author of the document and reasons for the claim of Executive privilege; and
 - (b) the documents are to be delivered to the Clerk by the date and time required in the resolution of the Council and —
 - (i) made available only to the mover of the motion for the order; and
 - (ii) must not be published or copied without an order of the Council.

- (2) The mover of the motion for the order may notify the Clerk, in writing, disputing the validity of the claim of Executive privilege in relation to a particular document or documents. On receipt of such notification, the Clerk is authorised to release the disputed document or documents to an independent legal arbiter, for evaluation and report within seven calendar days as to the validity of the claim.

10.04 Appointment of independent legal arbiter

An independent legal arbiter required in accordance with Standing Order ~~101~~.03(2) is to be appointed by the President and must be a Queen’s Counsel, a Senior Counsel or a retired Supreme Court Judge.

10.05 Report of independent legal arbiter

A report from an independent legal arbiter appointed under Standing Order ~~101~~.04 is to be lodged with the Clerk and —

- (a) made available only to members of the Council; and
- (b) must not be published or copied without an order of the Council.

10.06 Clerk to maintain register

The Clerk will maintain a register showing the name of any person examining documents ~~tabled-provided~~ under ~~this~~ Standing Orders 10.03 and 10.05.

CHAPTER 110

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.~~

11.012 Content of petitions

~~(1)~~ (1) A petition ~~will~~ must —

~~(1)~~ Be legible.

~~(a2)~~ (a2) ~~be~~ be addressed to the Legislative Council of Victoria;

~~(b3)~~ (b3) ~~be~~ be in English or accompanied by an English translation certified to be true and correct by the member who presents it;

~~(c)~~ (c) ~~seek an action or remedy that is either —~~

(i) within the state's administrative responsibilities; or

(ii) relates to the procedures of the Legislative Council;

~~(d)~~ (d) ~~be legible and clear;~~

~~(e4)~~ (e4) ~~be~~ be respectful and ~~temperate~~ moderate in its language;

~~(f5)~~ (f5) ~~s~~ 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.

~~(g9)~~ (g9) ~~if~~ if from a corporation, be made under its common seal.

~~(2)~~ (2) A petition ~~must not —~~

(a) contain irrelevant statements;

(b) have alterations or amendments made to the text;

(c) have other documents attached to it;

(d) make an application for or request a direct grant of public money to be paid to an individual.

(3) A petition should avoid unnecessarily naming individuals or otherwise contain information that could lead to the identification of any individual. This excludes elected representatives and public figures.

11.02 Signing a petition

- (1) Only Victorian residents may sign a petition or be the principal petitioner.
- (2) A person cannot sign or join the same petition more than once.
- ~~(36)~~ Petitions must contain at least one signature.
- ~~(47)~~ Persons may become signatories to (join) a petition by —
- (a) writing their name, original signature and address on a paper petition; or
- (b) electronically providing their name, address and signifying their intention to join an e-petition.~~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.~~
- ~~(58)~~ Not contain signatures must not be which have been pasted or in any other way transferred or attached to the petition.
- ~~(6)~~ Only a petitioner incapable of signing may get someone else to sign on their behalf.
- ~~(7)~~ Any person forging the name of any other person on any petition or adding any fictitious name may be declared guilty of contempt.

~~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.~~

~~11.04~~ 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.~~

11.036 Presenting a Procedure for presenting petitions

- (1) Petitions can only be presented to the Council by a member only
- ~~(2) A and no member can must not present a petition to the Council that they have started or signed from himself or herself.~~
- ~~(3) A petition may only be presented during formal business.~~
- ~~(44)~~ Every member presenting a petition will become familiar with acquaint himself or herself with its contents, and lodge it with the Clerk.

- (5) A member is not obliged to present a petition and presentation of a petition does not signify agreement with the terms of the petition.
- (62) The Clerk must certify that every petition when presented is in conformity with the Standing Orders and practices of the Council.
- (73) A member presenting a petition will read the ~~request, the subject-matter of the petition and the~~ number of signatures and the action sought attached to it and will sign the front sheet. The terms of the petition will be published in Hansard.
- (84) If ~~desired-requested~~ by the member presenting the petition, the full text of a petition may be read to the Council by the Clerk.
- (9) ~~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, and if notice is not given pursuant to Standing Order 11.03(10), "That it be taken into consideration [on a future day to be named]"~~, which will be decided without amendment or debate.
- (10) Where a member has presented a petition that has received —
- (i) 10,000 signatures or more in the case of an e-petition or combined e-petition and paper petition; or
 - (ii) 2,000 signatures or more in the case of a paper petition;
- that member may give notice of their intention to move "That the petition be taken into consideration".
- (a) The order of the day shall take place on the Wednesday of the next sitting week at the time prescribed by Standing Order 5.02 for 'Petitions (qualifying for debate)'.
 - (b) Any further notices of intention to take a petition into consideration received before the first order of the day is disposed of shall be set down on succeeding Wednesdays in the order in which they are presented.
 - (c) If a member does not seek the call when the order of the day is read the order of the day will lapse.

~~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.~~

11.049 ~~Process following the presentation of a petition~~ ~~Clerk to refer copy of petition to Minister~~

~~(1) 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 or to the Leader of the Government in the Council for matters relating to the procedures of the Legislative Council.~~

~~(2) A Minister must provide a response to every petition tabled in the Council within 30 days of the petition being presented by lodging it with the Clerk.~~

~~(3) Any response lodged with the Clerk will be published at the time it is received and will be presented to the Council by the Clerk on the next sitting day.~~

11.0510 E-Petitions

~~(1) Standing Orders 10.01 to 10.09 apply except in relation to the requirement for a petitioner's signature.~~

~~(12) A principal petitioner may lodge an e-petition with the Clerk for publication on the Parliament's website.~~

~~(23) The Clerk will decline to publish an e-petition not in conformity with Standing Orders.~~

~~(3) E-petitions the same in substance cannot be open for signing at any one time.~~

~~(4) (a) The posted period for an e-petition —~~

~~(a) is to be nominated by the principal petitioner and is to be a minimum of one week and a maximum of six months from the date of publication;~~

~~(b) At the conclusion of the posted period, the principal petitioner may be extended at the conclusion of the initial posted period for up to a maximum of six months upon the principal petitioner making a request to the Clerk;~~

~~(c) The principal petitioner may be closed prior to the nominated closing date upon the posted period of an e-petition prior to the nominated conclusion date the principal petitioner making a request to the Clerk; and~~

~~(d) may be determined by the Clerk; in the event that the Council is due to expire pursuant to section 28(2) of the *Constitution Act 1975* within six months from the date of publication of an e-petition, the maximum posted period will be determined by the Clerk.~~

- ~~(5) — Once published an e-petition cannot be altered.~~
- ~~(6) — Persons may become signatories to (join) an e-petition by electronically providing their name, address and signifying their intention to join the petition.~~
- (57) For the duration of the posted period of an e-petition, signatories may be progressively presented as a petition to the House, and —:
- (a8) uUpon progressive presentation of the signatories to the House, the publicly displayed number of persons who have joined that e-petition will re-set to zero; and
- (b9) fFor the purposes of the records of the House, each progressive presentation of an e-petition will be recorded as a separate petition.
- ~~(10) — On any occasion of progressive presentation and once the posted period for an e-petition has elapsed, a paper copy of the petition shall be printed by the Clerk in full for presentation by a Member.~~

CHAPTER 12

DEBATE

~~12.01~~ ~~Order maintained by President~~~~The President will maintain order in the Council.~~~~12.02~~ ~~Acknowledgement of Chair~~~~All Members when entering or leaving the Chamber or passing in front of the Chair will acknowledge the Chair.~~**12.013 President to be heard**

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

12.024 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.

12.035 President calls member first observed

When two or more members rise to speak the President will call the member first observed, but a motion may be made without leave, That any member who has risen “be now heard”.

12.046 Allocation of speaking rights

When allocating speaking rights the President should have regard to the proportionality of the political representation of the whole number of members of the Council.

12.057 Members’ speaking rights

- (1) A member may speak once to a question or an amendment to a question before the Council except —
 - (a) in giving an explanation pursuant to Standing Order 12.068;
 - (b) in reply pursuant to Standing Order 12.079;
 - (c) at the Committee of the whole stage.
- (2) The President may participate in debate and speak from a place allocated on the floor of the Chamber.
- (3) When the President rises to speak in debate, the Deputy President will take the Chair.

12.068 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 their speech which has been misquoted or misunderstood, but will not introduce any new matter.

12.079 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 or a procedural motion.

12.0819 Member moving adjournment of debate

- (1) A member, unless they have already made a substantial contribution to the debate, 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 they have not discussed that question in moving the motion for adjournment.

12.0914 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 the President 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.

12.102 No member to speak after question put

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

12.113 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.

12.124 Personal explanation

(1) When there is no question before the Chair and with the consent of the President, a member may explain how they have been misrepresented or explain another matter of a personal nature.

(2) A proposed personal explanation must be provided in writing to the President prior to consent being granted.

(3) A personal explanation will not be debated.

12.135 Relevance

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

12.146 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 their speech.

12.157 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-review~~ 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 or proceedings, request the leave of the Council or Committee of the whole for the material to be incorporated; and
 - (b) the ~~President-Chair~~ will confirm to the Council or Committee of the whole that the President has been consulted, and that the pre-conditions have been met.
- (5) The leave of the Council or Committee of the whole may then be determined and, if given, the member will, at that time, provide copies for the benefit of subsequent speakers.
- (6) If the President is not satisfied that the pre-conditions have been met, the ~~President-Chair~~ will advise the Council or Committee of the whole and the matter will not proceed any further.

~~**12.18 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.~~

~~**12.19 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.~~

12.1620 Reference to deliberations of the Dispute Resolution Committee

Notwithstanding anything to the contrary contained in these Standing Orders, a Council member of the Dispute Resolution Committee may report to the Council on deliberations of the Committee.

12.1724 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.

12.1822 Unparliamentary expressions

- (1) No member will use offensive words against either House of Parliament, any ~~other~~ member of either House, the Sovereign, the Governor or ~~the a~~ judicial officer.
- (2) No member will make an accusation of improper motives or a personal reflection on any ~~other~~ member of either House, other than by substantive motion.
- (3) If the President is of the opinion that words used in debate offend against this Standing Order, they may order the words to be withdrawn and may also require an apology.

12.1923 Objection to words

If a member objects to words used in debate pursuant to Standing Order 12.1822 —

- (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) A withdrawal and an apology must be made without explanation or qualification.

12.2024 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 12.215.

12.215 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 point of order raised until the disposal of any motion pursuant to this Standing Order.

12.226 Cognate debate

- (1) Leave may be given for subjects which are related to be debated cognately.
- (2) At the conclusion of the cognate debate, the questions will be put separately, unless the Council determines that a single question be put by the Chair.
- (3) At the conclusion of the cognate second reading debate on bills, the question "That the bill be now read a second time" will be put separately for each bill unless the Council determines that a single question be put.
- (4) The Committee of the whole ~~Council~~ and third reading stages of cognate bills will be taken separately, unless the Council determines otherwise.

12.237 Member called to order

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

CHAPTER 13

CONDUCT OF MEMBERS

13.01 Acknowledgement of Chair

All members when entering or leaving the Chamber or passing in front of the Chair will acknowledge the Chair.

13.02 Order maintained by President

Order will be maintained in the House by the President.

~~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.~~

13.032 Disorderly conduct — member ordered to withdraw

- (1) If the President considers the conduct of a member to be disorderly, the President may order the member to withdraw from the Chamber for up to ~~a maximum period of~~ 30 minutes. ~~That which~~ order ~~will is~~ not ~~be~~ open to debate or dissent.
- (2) ~~The member may, whilst suspended, 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 this Standing Order ~~13.02(1)~~ and the Council sitting concludes adjourns before the end expiration of the suspension period, time ordered by the Chair, the member will not ~~take his or her seat in return to~~ the Chamber (except to vote in a division) on the next sitting day until after the remainingder of the time has expired, This is 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 this Standing Order ~~13.02(1)~~, the President may name the member pursuant to Standing Order 13.043.

13.043 Disorderly conduct — member named

- (1) A member's conduct will be considered disorderly 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 13.032.
- (2) The President may require any member offending under this Standing Order to make an explanation or apology.
 - (3) The President may name any member for disorderly conduct under this Standing Order.

13.054 Procedure after nNaming

- (1) If any member is named by the President under Standing Order 13.043 the President will put the question “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.
- (3) Any member suspended under this Standing Order will immediately withdraw from the ~~Council~~ Chamber.

13.065 Consequences of suspension

- (1) A member who is ordered to withdraw pursuant to Standing Order 13.032 or who is suspended pursuant to Standing Order 13.054 will not enter the Council Chamber or ~~all~~ any of its galleries during the period of the suspension.
- (2) This Standing Order does not deprive the Council of any other powers it may have to proceed against a member.

13.076 Discharge of suspension

The Council may, on motion without notice and determined without amendment or debate, discharge an order of suspension under Standing Order 13.054 if the member makes a satisfactory apology in writing to the Council.

13.087 Contempt by members

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

13.098 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

A bill must be ~~initiated-introduced~~ by a ~~member motion moved without notice to introduce a Bill~~, specifying its intended long title.

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 of a bill initiated in Council

(1) When the order of the day is read for the second reading of a bill initiated in the Council, or if the second reading proceeds forthwith by leave immediately after the first reading, a Minister or member in charge of the bill —

(a) may state if and why the bill is a bill requiring an absolute or special majority on the third reading;

(b) may make any statement pursuant to section 85 of the Constitution Act 1975 in relation to the jurisdiction of the Supreme Court;

(c) will lay on the Table the statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006, if required;

(d) will move "That the bill be now read a second time";

(e) will —

(i) give the second reading speech; or

(ii) move a motion, by leave, for the incorporation of the second reading speech in Hansard.

~~(2) The question “That the bill be now read a second time” will then be proposed.~~

~~(1) a Minister or Member in charge of the Bill will lay on the Table the statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006, if required.~~

~~(2) a Minister or Member in charge of the Bill will move “That the Bill be now read a second time”.~~

~~(3) 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 Second reading of a bill received from Assembly

~~(1) When the order of the day is read for the second reading of a bill transmitted from the Assembly, or if the second reading proceeds forthwith by leave immediately after the first reading, a Minister or member in charge of the bill —~~

~~(a) may state if and how the bill was amended in the Assembly;~~

~~(b) may state if and why the bill is a bill requiring an absolute or special majority on the third reading;~~

~~(c) may make any statement pursuant to section 85 of the Constitution Act 1975 in relation to the jurisdiction of the Supreme Court;~~

~~(d) will lay on the Table the statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006, if required;~~

~~(e) will move “That the bill be now read a second time”;~~

~~(f) will —~~

~~(i) move a motion, without leave, which may not be amended or debated, for the incorporation of the second reading speech in Hansard; or~~

~~(ii) give the second reading speech.~~

~~(2) 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

After the second reading speech has been given or incorporated into Hansard, ~~under Standing Orders 14.06 and 14.07, respectively,~~ debate on the question “That the bill be now read a second time” will then be adjourned and made an order of the day for a future day, unless leave is granted to the contrary.

14.09 Reasoned 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; ~~and~~
 - (e) will be in the form “this bill be withdrawn” if the intention is to reject the bill.
- (3) The House may consider more than one reasoned amendment, but a member may only move one reasoned amendment.
- ~~(43)~~ When debate on the ~~second reading~~ reasoned amendment ~~has~~ is concluded, the question ~~/s~~ “That the reasoned amendment moved by [member] be agreed to” will be put.
- ~~(54)~~ If the question ~~/s~~ in sub-clause ~~(43)~~ is negated, the question “That the bill be now read a second time” will be put immediately.
- ~~(65)~~ If the question ~~/s~~ in sub-clause ~~(43)~~ is agreed to, the bill will be regarded as having been rejected unless the reasoned amendment seeks to delay the passage of the bill.

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 be circulated. Following circulation, members may discuss the principles of the amendments during the second reading debate.
- (2) When the Council resolves into considering a bill in Committee of the whole, at the commencement of the consideration of clause 1, a member may circulate amendments to the bill to be proposed during Committee of the whole.

(32) The announcement and request to circulate amendments pursuant to this Standing Order will not require leave, may be made by another member on the member's behalf, 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.~~

145.1107 **Instruction to Committee of the whole**

(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 bBill or to empower a Committee to make provision if they already have that power.

(3) Notice will be required of an instruction and that notice may be given, pursuant to Standing Order 6.01(1) on the day the motion is moved.

(4) An instruction motion, 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.

14.124 **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) considers an instruction motion, if any; or

(b) refers by motion without leave the bill to a Council committee or any other parliamentary committee; or

~~(c)~~ gives leave for the bill to proceed immediately to the third reading; or

~~(d)~~ defers by motion without leave Committee of the whole until a later time.

14.132 **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 where they occur in the sequence of 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 (as amended) stand part of the bill".

- (4) Clauses may be considered together, with the question being put “That clauses [number]XXXXX and/to XXXXX-[number] stand part of the bill”.
- (5) Following consideration and, if necessary, amendment of the preamble, the question must be put “That the preamble (as amended) stand part of the bill”.

14.143 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 lodged in writing ~~to~~ with 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.~~
- (45) When an amendment (or amendments) has been proposed to the bill the question must be put “That the amendment/s be agreed to”.
- (56) 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”.

14.154 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”.

14.165 Suggested amendments subject to section 64(2) of the *Constitution Act 1975* during Committee of the whole

- (1) When considering a bill and/or proposed amendments during Committee of the whole that are subject to section 64(2) of the *Constitution Act 1975*, Standing Orders 14.132, 14.143 and 14.154 will apply to the consideration of the bill and/or amendments to the extent that they are not inconsistent with this Standing Order.
- (2) Any clause (or other provision) of a bill that is subject to section 64(2) of the *Constitution Act 1975* and to which no form of amendment is

proposed may be considered in Committee of the whole, but no question will be put.

- (3) If an amendment (including any amendment to the amendment) is agreed to it will be a 'suggested' amendment to the Assembly and the relevant clause (or other provision) of the bill will stand postponed.
- (4) If a member proposes to omit the clause (or other provision), the question will be put "That the clause [or other provision] be agreed to".
- (5) If a question put in accordance with Standing Order 14.165(4) is negated, any previous amendments to that clause (or other provision) already agreed to will be superseded and the clause (or other provision) will stand postponed.
- (6) When consideration on all clauses and other provisions of a bill, including amendments made by the Council, is completed, if any suggested amendments (including to omit a clause or other provision) have been agreed to, the Deputy President will report progress and a Message will be sent to the Assembly suggesting that they make the amendments agreed to by the Council.

14.176 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 of the whole.
- (4) If the Committee of the whole has not completed its consideration of a bill, the Deputy President will be directed to report progress and ask leave to sit again.
- (5) Whenever the Deputy President reports progress, the Chair will put the question "That the Committee of the whole sit again at [a future time]", as advised by a Minister or member in charge of the bill. Such question may be amended and debated.

14.187 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~~.

14.198 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.

14.2019 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.

14.210 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.

14.221 Bill passed

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

14.232 Bill rejected

When a bill which originated in the Assembly is rejected by the Council or lapses pursuant to Standing Orders 14.27(1)(c) or 14.29(2)(c) a Message will be sent to the Assembly informing them accordingly.

14.243 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.

14.254 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.

14.265 Assembly amendments

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

14.276 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 informing them accordingly, without a question being put.

14.287 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 informing 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.

14.298 Assembly's consideration of Council amendments

- (1) Where a bill is returned from the Assembly with a Message disagreeing with the amendments made by the Council, agreeing to the amendments with further amendments or making new amendments on the amendments, the amendments will be ~~printed-circulated~~ and a time fixed for taking the Message into consideration.
- (2) When the Council considers the Message from the Assembly it will —
- (a) insist or not insist on its amendments;
 - (b) agree or not agree with any further amendments made by the Assembly; or
 - (c) defer further consideration of the bill indefinitely, in which case the bill lapses.

14.3029 Amendment proposed by Governor

Whenever the Governor proposes any amendment to be made in a bill originated in the Council and presented to the Governor ~~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.

14.319 Governor's amendment sent to Assembly

When the Council has agreed to any amendment proposed by the Governor pursuant to Standing Order 14.3029, that amendment will be transmitted by Message to the Assembly for their agreement.

14.321 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.

14.332 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.

14.343 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 were corrected.

14.354 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 without leave.

(4) A member may move to adjourn debate or do any other thing normally permitted to be done to a bill, notwithstanding that the bill has been declared urgent.

14.365 Identical bills

- (1) A Minister or member in charge of a bill transmitted from the Assembly pursuant to Standing Order 14.03 may make a statement to the House that the bill is identical in substance to a bill already in the Council.
- (2) Such a statement may only be made —

- (a) after the corresponding Council bill has been read a second time and the Committee of the whole stage (if any) has been completed within the previous six months; and
 - (b) after the statement of compatibility with the *Charter of Human Rights and Responsibilities Act 2006* has been tabled and the second reading speech has been given or incorporated pursuant to Standing Order 14.076 ~~(or incorporated pursuant to Standing Order 14.07)~~, for the identical bill transmitted from the Assembly.
- (3) If the President is of the same opinion in relation to a statement made under Standing Order 14.365(1), the President will declare the bill transmitted from the Assembly to be an identical bill.
 - (4) When a bill is declared to be identical by the President under Standing Order 14.365(3) any further debate on the question “That the bill be now read a second time” will be dispensed with and the question will be put immediately without amendment. No other question may then be proposed except “That the bill be now read a third time and do pass” which will be put without amendment or debate.
 - (5) Standing Order 7.06 does not apply to bills dealt with under this Standing Order.

14.376 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.

14.387 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 14.4039 or until the expiration of time for objections pursuant to Standing Order 14.398.

14.398 Objection to private bill

- (1) A person or body who considers that a provision in the bill has a direct and adverse effect on them may within 21 days after the publication of the statement pursuant to Standing Order 14.387, 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.

14.4039 Appointment of panel to consider objections to private bills

- (1) If a written objection is made to the Clerk pursuant to Standing Order 14.398, 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.

14.410 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.

14.421 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 14.376 to 14.410.

CHAPTER 15

COMMITTEE OF THE WHOLE COUNCIL

15.01 Appointment of Committee of the whole

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 a member draws attention to the lack of notice is taken in Committee of the whole that~~ a quorum of members during Committee of the whole is not present the bells will be rung as for a division, and after the bells have been rung count the members present in the Chamber. If, after the members have been counted and at the expiration of four 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.

(a) If, on the report of 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. No decision will be considered to have been reached by that division.

(3) When the President has resumed the Chair under Standing Order 15.02(2), the President will count the members present in the Chamber and —

(a) if a quorum of members is present, the Council will again resolve itself into Committee of the whole without any question being put; and

(b) if a quorum of members is not present, the President will adjourn the Council in accordance with Standing Order 4.03.

~~(43) 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. 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 of the whole to consider only matters referred

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

* 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*]

15.04 Member may assist at the Table during Committee of the whole

- (1) During Committee of the whole a member may sit at the Table to assist the Minister or member in charge of the bill.
- ~~(2) A Member assisting at the Table under Standing Order 15.04(1) —~~
 - ~~(a) will not answer questions that have been put to the Minister or Member in charge of the Bill; and~~
 - ~~(b) may only participate in debate during Committee of the whole by seeking the call and speaking from their place.~~
- ~~(23) If a Member assisting at the Table under Standing Order 15.04(1) is a Parliamentary Secretary with responsibility in a portfolio area that is covered by the Bill, the Minister or member~~ in charge of the bill may, subject to leave being granted, request that a the member assisting at the Table under Standing Order 15.04(1) be allowed to answer a question or questions on the bill and participate in debate at the Table.

15.05 Proceedings in Committee of the whole

- (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.
- (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 of the whole whether they vote with the “Ayes” or “Noes”.
- (5) A motion may be proposed during Committee of the whole “That the Deputy President 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.

15.06 Rules of debate in Committee of the whole

- (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 ~~Council committee or other~~ parliamentary committee on a bill until the proceedings have been reported.

~~15.07 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.~~

15.078 Disorder arising in Committee of the whole

- (1) Disorder in a Committee of the whole 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 their conduct reported to the Council by the Deputy President, who will suspend the proceedings of the Committee of the whole.

15.08 Report from Committee of the whole — chairing arrangements

When making a report from Committee of the whole (including a report of progress), the Deputy or Acting President, upon leaving the Committee of the whole, may take the President's Chair and report directly to the Council.

CHAPTER 16

DIVISIONS

16.01 Resolving a question

When a question is proposed to the Council by the President, the President will state whether in their 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.

16.02 Procedure for a division

(1) Immediately a division has been demanded, the Clerk will ring the bells for four minutes and the doors will not be closed until that time has expired.

(2) When successive divisions ~~are taken occur, and there is~~ without any ~~an~~ intervening debate, the Chair may direct that the bells for the ensuing divisions ~~will~~ be rung for one minute only.

(32) At the expiration of four 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.

(43) Every member present in the Chamber when the question is put with the doors locked will be required to vote.

(54) 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”.

(65) The Clerk or other Table Officer will report the numbers to the President, who will declare the result to the Council.

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

16.03 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”.

16.04 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 their 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 their desire to have the division recorded in the normal way, the President will direct ~~an officer at the~~ Table Officer to act as second teller for the minority, and the division will be permitted to proceed.

~~16.05 Division Lists to be recorded~~

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

16.056 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.

16.067 Pecuniary interest

No member will be entitled to vote upon any question in which they have 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.

16.078 Point of order when dividing

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

CHAPTER 17

WITNESSES

17.01 Attendance of a Council member before the Council

- (1) If the Council or a Committee of the whole requires the attendance of a member of the Council as a witness, they will be ordered to attend in their place.
- (2) A member of the Council will be examined in their place.

17.02 Attendance of a Council member before a Council committee

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

17.03 Attendance of Assembly member or officer

If the Council or a Council 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.

17.04 Summoning a witness

- ~~(1)~~ Witnesses will be summoned in order to be examined at the Bar of the Council or a Council committee, by orders of the Council, signed by the Clerk.
- ~~(2)~~ A Council committee may summon witnesses by its own order, signed by the Chair or Secretary of the Committee Manager.
- ~~(3)~~ If any witness does not attend pursuant to the order of a committee his or her their absence will be reported, and the Council may order him or her that they 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.

17.05 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 their attendance is required and the President may issue their warrant accordingly.

~~17.06 Committees may summon witnesses~~

- ~~(1) A Council committee may summon witnesses by its own order, signed by the Chair or Secretary 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.~~

17.067 ~~Neglect-Failure~~ or refusal to attend

~~If a witness fails or refuses 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, the Council may ~~be~~ censure the witness or declare them guilty of contempt ~~by the Council~~.

17.078 Examination before the Council

- (1) A witness appearing before the Council will be examined by the President ~~only and no other members will~~ may put any question ~~otherwise to the witness 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 matters arise, the witness will withdraw from the Chamber while the same matter is under discussion.

17.089 Witnesses entitled to protection

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

17.0910 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 committee of the Council, without the Council's special leave.

17.101 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 18**MESSAGES FROM AND ADDRESSES TO THE GOVERNOR****18.01 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.

18.02 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~~.

18.03 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 19

RECORDS OF THE COUNCIL

19.01 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.

19.02 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 published under the authority of the ~~Government Printer~~ Legislative Council, Parliament of Victoria.
- (3) The record of the Committee of the whole Council will be published 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.

19.03 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 published as parliamentary papers.

19.04 Disclosure of documents and evidence not tabled

- (1) Where documents or evidence have been presented to a Council committee 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 19.04(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 19.04(3) must be included in the annual report of the Department of the Legislative Council.

19.05 Clerk to keep record of members' addresses

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

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CHAPTER 20

BROADCASTING, RECORDING AND PHOTOGRAPHY OF PROCEEDINGS**20.01 Definitions**

- (1) Broadcast is transmission of proceedings, by any medium, including but not limited to television, radio, internet and still photography, and including any rebroadcasting.
- (2) Council proceedings are official business conducted in the Legislative Council Chamber that are presided over by the Chair.
- (3) Committee proceedings are official business conducted by the Legislative Council committees that are presided over by the Chair and the official business of any joint committees administered by the Legislative Council.

20.02 Filming, photography and broadcasting of proceedings

The Council authorises, on such terms and conditions as may be determined by the President —

- (a) the filming and photography of its proceedings and the public proceedings of its committees; and
- (b) the broadcasting of such proceedings or excerpts of proceedings in any form;

and such terms and conditions must not be inconsistent with any relevant statutory provisions applying to the Council or committees.

20.03 Proceedings that may be broadcast

- (1) Filming, photography and broadcasting may only occur when the Chair is presiding over the House or Committee.
- (2) The broadcast may only include activities related to the Council or committee proceedings.
- (3) Filming, photography and broadcast of the public gallery must not occur, unless an exception has been granted by the President.
- (4) Broadcast material must ensure that excerpts of proceedings are placed in context.

~~20.01 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, internet and other electronic media in accordance with Standing Order 20.02.~~

20.04 Use of the broadcast

- ~~(1) Broadcast material shall only be used for the purposes of providing —~~
- ~~(a) a fair and accurate report of proceedings; and~~
 - ~~(b) a reasonable balanced presentation of views.~~
- ~~(2) Broadcast material must not be used —~~
- ~~(a) for political party advertising or election campaigns;~~
 - ~~(b) for commercial sponsorship or commercial advertising; and~~
 - ~~(c) in a way that is misleading.~~

20.02 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 commencement of the prayer and must conclude on the adjournment of the Council or as soon as the Chair is vacated for a suspension of proceedings.~~
- ~~(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 and still photography 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) Any filming or photography of the public gallery is strictly prohibited at all times.~~
- ~~(10) Camera operators and still photographers must operate within the guidelines issued by the President.~~
- ~~(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.~~

~~20.03 Video on demand~~

- ~~(1) Council Members, authorised Members' staff and Parliamentary Officers (authorised by the Clerk or the Secretary of the Department of Parliamentary Services) may republish audio-visual proceedings of the Council that are provided by the *Hansard* broadcast archive.~~
- ~~(2) Audio-visual proceedings republished under this Standing Order are subject to the following conditions:~~
 - ~~(a) the material must only be used for the purposes of fair and accurate reports of proceedings and must not in any circumstances be used for —~~
 - ~~(i) satire or ridicule; or~~
 - ~~(ii) commercial sponsorship or commercial advertising;~~
 - ~~(b) broadcast material must not be digitally manipulated;~~
 - ~~(c) excerpts of proceedings are to be placed in context so as to avoid any misrepresentation; and~~
 - ~~(d) remarks withdrawn are not to be rebroadcast unless the withdrawal is also rebroadcast.~~

CHAPTER 21

PRIVILEGE AND RIGHT OF REPLY

21.01 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 statement in a newspaper, book or other publication, the member will provide the President with a copy of ~~that newspaper, book or the~~ 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, they 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, they 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~~.

21.02 Right of reply

- (1) A person or organisation 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 they be permitted to incorporate an appropriate response in the parliamentary record.
- (2) In the submission the applicant must claim that they have 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 their privacy has been unreasonably invaded by reason of that reference.

21.03 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 they may determine —
 - (a) that no further action be taken in relation to the submission; or
 - (b) that a response by the person or organisation who made the submission be published by the Council and incorporated in Hansard.
- (2) The President will inform the Council of their decision.

21.04 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 or organisation 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.

21.05 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 or organisation.

CHAPTER 22

STRANGERS

22.01 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 themselves 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.

22.02 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.

22.03 Admission of strangers

The President only will have the privilege of admitting strangers to the ~~body floor~~ of the ~~Council~~ Chamber; but every member will have the privilege of admitting strangers to the galleries of the ~~Council~~ Chamber.

22.04 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 without notice, at any time “That strangers be ordered to withdraw”. Such motion must be put immediately without amendment or debate.

22.05 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.

22.06 Admission of Assembly members

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

22.07 Seat for Speaker within the Chamber

~~Accommodation~~ A place may be provided for the Speaker of the Assembly on
~~within~~ the body-floor of the Council Chamber.

CHAPTER 23

COUNCIL COMMITTEES

23.0115 Application of provisions

These general provisions relating to the operation of committees apply to the standing, procedure, privileges and select committees all committees and sub-committees established by these Standing Orders, except where otherwise stated or resolved by the Council.

Standing Committees**23.021 Appointment of Standing cCommittees**

(1) At the commencement of each Parliament the following standing committees will be appointed subsequently, legislative and reference standing committees shall be appointed as follows:

(a1) Economy and Infrastructure Standing Committee;—

Legislation Committee

References Committee

(b2) Environment and Planning Standing Committee; and—

Legislation Committee

References Committee

(c3) Legal and Social Issues Standing Committee.—

(21) At the commencement of each Parliament Parliament the Council will appoint a Procedure Committee will be appointed to consider any matter regarding relating to the practices and procedures of the House referred to it by the Council or the President.

(3) At the commencement of each Parliament a Privileges Committee will be appointed to consider any matter relating to the privileges of the House referred to it by the Council.

(4) The Council may appoint select committees to consider matters referred by the House. A motion for the appointment of a select committee will state the purposes of such committee.

Legislation Committee

References Committee

23.032 Functions of standing committees

(1) The ~~Standing Committee on the~~ Economy and Infrastructure Standing Committee will inquire into and report on any proposal, matter or thing concerned with agriculture, commerce, infrastructure, industry, major projects, public sector finances and transport.

(2) The ~~Standing Committee on the~~ Environment and Planning Standing Committee will inquire into and report on any proposal, matter or thing

concerned with the arts, coordination of government, environment, and planning the use, development and protection of land.

- (3) The ~~Standing Committee on~~ Legal and Social Issues Standing Committee will inquire into and report on any proposal, matter or thing concerned with community services, education, gaming, health, and law and justice.
- (45) References concerning departments and agencies shall be allocated to the committees in accordance with a resolution of the Council allocating departments and agencies to the committees.
- ~~(6) Following significant machinery of government changes, a new resolution of the Council shall be required to allocate new departments and agencies to the committees accordingly.~~

23.04 Referrals to standing committees

- ~~(1) A standing committee must inquire into, consider and report to the House on any proposal, matter or thing that is relevant to its functions and has been referred to the committee by resolution of the Council.~~
- ~~(2) A resolution of the Council may specify a period of time within which the standing committee must make a final report to the House on the proposal, matter or thing.~~
- ~~(3) A standing committee may resolve to inquire into, consider and report to the House on any matter, including bills or draft bills, annual reports, estimates of expenditure or other documents laid before the Legislative Council in accordance with an Act or Standing Order, provided these are relevant to their functions.~~
- ~~(4) In carrying out its functions, a standing committee must comply with any limitation of time specified in Standing Order 23.04(2).~~
- ~~(5) A list of current inquiries being considered by each standing committee must be listed on the Notice Paper.~~
- ~~(4) (a) Legislation Committees may inquire into, hold public hearings, consider and report on any Bills or draft Bills referred to them by the Legislative Council, annual reports, estimates of expenditure or other documents laid before the Legislative Council in accordance with an Act, provided these are relevant to their functions.~~
 - ~~(b) Reference committees may inquire into, hold public hearings, consider and report on other matters referred to them by the Legislative Council.~~

23.053 Appointment of Membership

- ~~(1) A committee will normally consist of eight members unless otherwise ordered by the Council.~~
- ~~(2) Committee membership will have regard to the proportionality of parties and independents in the Council.~~

- (3) Members and participating members will be appointed to committees by resolution of the Council.
- (4) A member ceases to be a member of a committee if —
- (a) the member’s seat becomes vacant; or
 - (b) the member resigns in writing to the President; or
 - (c) the member is discharged by the Council.
- (5) A list of members serving on committees must be listed on the Notice Paper.
- ~~(1) Each legislation and reference committee will consist of eight Members and will have regard to the proportionality of parties and independents in the Council. Members from the Government will be nominated by the Leader of the Government in the Council, Members from the Opposition will be nominated by the Leader of the Opposition in the Council, Greens Members will be nominated by the Leader of the Australian Greens in the Council and any Members from among the remaining Members in the Council will be nominated jointly by minority groups and independent Members.~~
- ~~(2) (a) The committees to which minority groups and independent Members make nominations shall be determined by agreement between the minority groups and independent Members and, in the absence of agreement being notified to the President, representation on a committee shall be determined by the Council.~~
- ~~(b) The allocation of places on the committees amongst minority groups and independent Members shall be, as near as practicable, in proportion to their respective numbers in the Council.~~

23.064 Quorum

- (1) Unless otherwise provided by the House, the majority of theFive members appointed to of each the committee will constitute a quorum of the committee.
- (2) Each~~A~~ committee may proceed to the despatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy.

23.07 Participating members of standing committees

- (1) Participating members may participate in hearings and meetings, and have all the rights of members of committees, but may not vote on any questions before the committees.
- (2) A participating member must not be counted for the purpose of forming a quorum.

23.085 Substitute members of standing committees

- (1) Participating members may be further appointed as substitutes for other members on the standing committees in respect of nominated meetings, a defined period of time or inquiry of the committee.
- (2) Substitute members are to be appointed by either the member of the committee intending to substitute off or the leader of that member's party, writing to the Chair of the committee appointing a participating member to act as the member's substitute on the committee for nominated meetings, a defined period of time or an inquiry.
- (3) Substitute members have all the rights of members of committees and shall be taken to be a member of a committee for the purpose of forming a quorum.
- (4) A member who has been substituted off a committee must not participate in any proceedings of the committee for the nominated meetings, defined period of time or inquiry that they have been substituted off for, as specified in Standing Order 23.08(2).

~~(1) — Members may be appointed as substitutes for other Members on the legislative and reference standing committees in respect of particular matters before the committees.~~

~~(2) — On the nominations of the Leader of the Government in the Council, the Leader of the Opposition in the Council and minority groups and independent Members, participating members may be appointed to the committees.~~

~~(3) — Participating members may participate in hearings of evidence and deliberations of the committees, and have all the rights of Members of committees, but may not vote on any questions before the committees.~~

~~(4) — A participating member shall be taken to be a Member of a committee for the purpose of forming a quorum of the committee if a majority of Members of the committee is not present.~~

~~(5) — If a Member of a committee is unable to attend a meeting of the committee, that Member may in writing to the Chair of the committee appoint a participating member to act as a substitute member of the committee at that meeting. If the Member is incapacitated or unavailable, a letter to the Chair of a committee appointing a participating member to act as a substitute member of the committee may be signed on behalf of the Member by the leader of the party or group on whose nomination the Member was appointed to the committee.~~

23.096 Sub-committees

- ~~(1) — A committee may appoint sub-committees consisting of three or more of its Members, and refer to any such sub-committee any of the matters which the committee is empowered to consider.~~
- ~~(2) — At a meeting of a sub-committee two Members constitute a quorum. (1) A standing committee, the Procedure Committee and a select~~

committee established pursuant to Standing Order 23.02 may appoint sub-committees consisting of three or more of its members, and refer to any such sub-committee any of the matters which the committee is empowered to consider.

- (2) The committee, when establishing a sub-committee, must appoint one of its members as Chair of the sub-committee.
- (3) A sub-committee will report to the committee as soon as practicable on each matter referred to that sub-committee.

23.1007 Election of Chair and Deputy Chair

- (1) Each ~~standing~~ committee shall elect one of its members to be Chair ~~and one of its members to be Deputy Chair.~~
- (24) The President will be the Chair of the Procedure Committee and the Committee will elect another Member of the Committee to be the Deputy Chair.
- (3) Each committee must elect a Deputy Chair and, in the absence of the Chair, any powers and duties of the Chair may be exercised by the Deputy Chair.
- (42) If a committee cannot resolve the election of its Chair and/or Deputy Chair, either position may be determined by the Council.
- ~~(3) The Deputy Chair shall act as the Chair of the committee when the Member elected as Chair is absent from a meeting of the committee or the position of Chair is temporarily vacant.~~
- ~~(4) The Chair, or the Deputy Chair when acting as Chair, may appoint another Member of a committee to act as Chair during the temporary absence of both the Chair and Deputy Chair at a meeting of the committee.~~

23.11 Absence of Chair and Deputy Chair

If the Chair and Deputy Chair are absent from any meeting or hearing the members present may appoint another member of the committee to act as one of their number to be as Chair for that meeting or hearing.

Procedure and Privileges Committees

~~23.08 Procedure Committee~~

- ~~(1) At the commencement of each Parliament the Council will appoint a Procedure Committee to consider any matter regarding the practices and procedures of the House.~~
- ~~(2) The Committee may consider any matter referred to it by the Council or the President.~~
- ~~(3) The Committee shall consist of seven Members with four Members to be the quorum.~~

~~(4) The President will be the Chair of the Committee and the Committee will elect another Member of the Committee to be the Deputy Chair.~~

23.09 Privileges Committee

~~(1) At the commencement of each Parliament the Council will appoint a Privileges Committee to consider any matter regarding the privileges of the House referred to it by the Council.~~

~~(2) The Committee shall consist of seven Members with four Members to be the quorum.~~

~~(3) The Committee will elect one of its Members to be the Chair of the Committee and one of its Members to be the Deputy Chair.~~

~~(4) The Chair of the Committee has a deliberative vote only.~~

Select Committees

23.10 Appointment of select committees

~~(1) The Council may appoint a select committee to consider matters referred by the House.~~

~~(2) A motion for the appointment of a select committee will state the object of such committee.~~

23.11 Appointment of Members

~~(1) A select committee will consist of not less than five nor, without leave of the Council, more than 10 Members.~~

~~(2) 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.~~

~~(3) Members may be discharged from attending a select committee, and other Members added, after notice has been given.~~

23.12 Quorum

~~The quorum of every select committee will be fixed at the time of appointing such committee.~~

23.13 Election of Chair and Deputy Chair

~~(1) 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.~~

~~(2) 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.~~

23.14 ~~Sub-committees~~

- ~~(1) A select committee may appoint a sub-committee of two or more of its Members to inquire into and report to the committee on 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) A sub-committee will report to the select committee as soon as practicable on each matter referred to that sub-committee.~~

General Provisions Relating to Committees**~~23.15 Application of provisions~~**

~~These general provisions relating to the operation of committees apply to all committees and sub-committees established by these Standing Orders, except where otherwise stated.~~

23.126 Meetings

- (1) A committee **must** not sit while the Council is actually sitting unless specifically empowered to do so by the Council.
- (2) Committee deliberative meetings will always be conducted in private.
- ~~(32) A committee may adjourn until a time and place of its choosing from time to time and from place to place.~~
- ~~(43) If a quorum of members is not present within half an hour after the time fixed for the meeting of any committee, the meeting will lapse and the next meeting of the committee will be called by the Chair.~~
- ~~(54) If at any time during the sitting of a committee the quorum of members fixed by the Council is not present, the Committee Manager Secretary 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.~~
- ~~(65) A committee may use Aan audio link or audio visual link may be used by members of a committee in order to attend and to allow a Member to participate in a meetings of the committee, be counted for the purposes of quorum, and vote on any question before the committee, provided the committee is satisfied that the quality of the audio link or audio visual link will enable Members who are physically present at the meeting to verify the identity of that Member. A Member attending by audio link or audio visual link may be counted for the purposes of a quorum.~~
- (7) A member seeking to attend a meeting by audio link or audio visual link must give reasonable notice to the Chair and secretariat of the committee so as to allow sufficient time for arrangements to be put in place to facilitate the link.

(8) Members must be satisfied that the audio link or audio visual link is of sufficient quality to —

- (a) verify the identify of the member attending via the link; and
- (b) enable participation in the meeting by that member.

~~23.17~~ **Record of proceedings of committee**

~~Minutes of proceedings must be taken of each meeting of a 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.~~

23.138 Questions Voting

- (1) Unless otherwise provided in these Standing Orders, a question arising at a committee meeting must be determined by a majority of votes of members present.
- (2) The Chair of a standing committee, in addition to exercising a deliberative vote, when votes on a question are equally divided, shall have a casting vote.
- (3) The Chair of the Procedure Committee has a deliberative vote only.
- (4) The Chair of the Privileges Committee has a deliberative vote only.
- (5) Unless otherwise provided, the Chair of a select committee, in addition to exercising a deliberative vote, when votes on a question are equally divided, shall have a casting vote.
- ~~(1) In a standing committee, in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as Chair, shall have a casting vote.~~
- ~~(2) In a select committee all questions will be decided by a majority of Members present.~~
- ~~(3) In a select committee the Chair can vote only when there is an equality of votes.~~

23.147 Minutes Record of proceedings of committee

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

- (a) the names of the mMembers 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 mMembers voting for each side on a question.

~~23.19 Power to send for persons, documents and other things~~~~A committee may send for persons, documents and other things.~~~~23.20 Deliberative meetings~~~~Committee deliberative meetings will always be conducted in private.~~~~23.1521 Terms of reference and submissions~~ Advertising of terms of reference

Each committee must publicise ~~(on the Parliament of Victoria website at a minimum)~~ the terms of reference for an inquiry and may call for submissions, ~~and~~ all such submissions received by the committee will be treated as public documents unless the committee otherwise orders.

23.1622 Evidence

- ~~(1) A committee may send for persons, documents and other things.~~
- ~~(2)~~ (1) Unless otherwise determined by the 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 committee will be shown in the transcript of evidence.~~
- (3) Unless the Council or a committee otherwise determines, all evidence will be taken in public and may be published immediately (public hearing).
- (4) A committee may take evidence in private which will remain confidential unless authorised for disclosure under Standing Order 23.17 (in camera hearing).
- (5) A committee may take evidence in private but use it as public evidence and it may be published immediately. The committee must inform the person giving the evidence that it is received by the committee on the basis that it will be made public (closed hearing).
- (6) A committee may take evidence in any manner that the committee considers appropriate including by means of audio link, audio visual link or any other electronic means.
- ~~(7) A committee must determine what weight or value to give to evidence received by different means in accordance with Standing Order 23.22(6).~~
- ~~(7)~~ (8) Without limiting or affecting the generality of section 19A of the *Constitution Act 1975*, evidence given before a committee in accordance with Standing Order 23.1622(6) must, if the committee so requires, be given on oath or affirmation.
- ~~(8)~~ (9) An oath to be sworn or affirmation to be made by a witness who is to give evidence by audio link or audio visual link may be administered either —

- (a) by means of the audio link or audio visual link, in as nearly as practicable the same way as if the witness were to give evidence at the place at which the committee is sitting; or
- (b) at the direction of, and on behalf of, the committee at the place where the witness is located by a person authorised by the committee.

23.1723 Disclosure of submissions, evidence and other documents

- (1) A committee may authorise the publication of any documents, papers and submissions presented to it.
- (2) 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.

23.1824 Unreported evidence

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

~~23.25 Interim reports~~

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

23.1926 Chair to prepare draft report

- (1) The Chair of every a committee will prepare ~~the any~~ draft report for consideration by the committee.
- (2) A draft report or a report adopted by a committee is strictly confidential to the committee until it reports to the Council.

23.207 ~~Proceedings on C~~considering of a draft report

- (1) ~~The A~~ draft report will be ~~printed and~~ circulated to members of a committee.
- (2) ~~The A~~ report will be considered paragraph by paragraph or groups of paragraphs and a question put "That the paragraph/s (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 (as amended), be the report of the Committee".
- (5) Any division on a question relating to the adoption of ~~the a~~ draft report must be included in the committee's report to the Council.

23.218 Minority report

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

23.229 Report presented by Chair

- (1) After a report of a committee is adopted by the committee, the Chair must —
- (a) cause the report to be tabled in the House; or
- (b) if the House is not sitting within 21 days of the adoption of the report and the committee unanimously agrees, give the report to the Clerk.
- (2) If a report is received by the Clerk under Standing Order 23.22(1)(b), the Clerk must —
- (a) as soon as practicable after the report is received, give a copy of the report to each member of the Council; and
- (b) present the report to the Council on the next sitting day of the Council.
- (3) A report tabled by the Chair under Standing Order 23.22(1)(a) may be ordered to be published by the Council.
- (4) A report that is given to the Clerk under Standing Order 23.22(1)(b) is taken to have been published by authority of the Legislative Council.

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

23.230 Government responses

- (1) If a committee's report to the Council recommends that the Government take a particular action with respect to a matter, within six months of the report being laid before the Council the appropriate responsible Minister must —
- (a) provide the Council with a Government response to the committee's recommendations; or
- (b) if the Council is not sitting, lodge the response with the Clerk.
- (2) On receipt of a Government response under Standing Order 23.230(1)(b) the Clerk must —
- (a) as soon as practicable, give a copy notify each member of the Council of the response ~~and that it is available upon request to each member of the Council~~; and
- (b) cause present the response to ~~be laid before~~ the Council on the next sitting day of the Council.
- (3) A Government response that is given to the Clerk under Standing Order 23.230(1)(b) is taken to be published by ~~order, or under the~~ authority, of the Legislative Council.

(4) The President will report to the House every six months on all Government responses that were due to be provided but were not provided in the preceding 12 months.

23.2431 Resources

Each committee shall be provided with all necessary staff, facilities and resources and shall be empowered to appoint persons with specialist knowledge for the purposes of the committee, with the approval of the President.

~~23.32 List of Members~~

~~A list of Members serving on committees must be published in the Notice Paper.~~

CHAPTER 24

OPERATION AND SUSPENSION OF STANDING ORDERS

24.01 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.

24.02 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.

24.03 Standing Orders may be suspended

Any or all of the Standing, Sessional or other 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.

24.04 Urgency — how decided

- (1) When the question of urgency arises in relation to the application of Standing Orders 1.10 or 24.03, 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 their opinion the case could not reasonably be regarded as one of urgency.

24.05 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.

Appendix B

Proposed new Standing Orders

B

LEGISLATIVE COUNCIL OF VICTORIA

STANDING ORDERS

together with
JOINT STANDING ORDERS and
JOINT RULES OF PRACTICE
of the
PARLIAMENT OF VICTORIA
and
RESOLUTION OF CONTINUING EFFECT

STANDING ORDERS

CHAPTER 1**OPENING OF PARLIAMENT AND ADDRESS IN REPLY****B****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 specified in the Governor's proclamation.
- (2) The Clerk reads the proclamation convening Parliament.
- (3) The Usher of the Black Rod announces a Commissioner from the Governor appointed to open Parliament.
- (4) The Clerk reads the Commission appointing the Commissioner to open Parliament.
- (5) The Clerk reads the Commission for swearing members, issued by the Governor to the Commissioner.
- (6) The Clerk reads the returns to the writ for the election of members to the Council.
- (7) Members elected pursuant to such writ will be sworn or affirmed as prescribed by the *Constitution Act 1975*.
- (8) The Commissioner informs members that the Governor will at a future time outline the reasons for calling Parliament together, and requests that members proceed to the election of their President.
- (9) The Commissioner withdraws from the Council Chamber.
- (10) The Council proceeds to the election of a President, following which the President takes the Chair and reads the Lord's Prayer.
- (11) The Council then elects a Deputy President.
- (12) The President informs the Council of the time that the President will present to the Governor accompanied by other members who may wish to attend.
- (13) The sitting will then be suspended.

1.02 Governor's arrival

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

1.03 Governor announced by Usher

The Usher of the Black Rod announces the arrival of the Governor at the Council Chamber and conducts the Governor to the Chair. The President leaves the Chair and takes one to the right of the Governor.

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 will be provided on the floor of the Chamber for the Speaker and such other members of the Assembly as determined by the President. Accommodation will be provided for remaining members of the Assembly in the lower galleries of the Chamber.

1.05 Governor's speech

When the Speaker and members of the Assembly have come to the Council Chamber, the Governor will make the Governor's speech.

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 given a copy of the speech 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 specified in the Governor's proclamation.
- (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 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 Business after the suspension of the sitting

When the Council meets after the suspension of the sitting the following business will be conducted —

- (1) Questions.
- (2) Formal business to re-assert and maintain the rights of the Council.
- (3) The President reports the Governor's speech to the Council.
- (4) A motion for the address in reply to the Governor's speech pursuant to Standing Order 1.10.
- (5) Any other business.

1.10 Address in reply to Governor's speech

- (1) When the Governor's speech has been reported by the President, a motion for an address in reply to the speech will be made and seconded. The Council will resolve to agree to the address with or without amendment.
- (2) Unless otherwise ordered, the debate on the address in reply will take precedence over all other business except questions, formal business, special business, and urgent bills.
- (3) When the address in reply has been agreed to, a motion will be moved that the address be presented to the Governor by the President accompanied by such members who may wish to attend.
- (4) The President will report to the Council the Governor's response to the Council's address in reply.

CHAPTER 2

PRESIDENT, DEPUTY PRESIDENT AND ACTING PRESIDENTS

2.01 Election of President

- (1) Members must elect a President at the opening of every Parliament immediately after they have been sworn or affirmed.
- (2) If the office of President becomes vacant at any other time, no business may be transacted until a new President is elected. A minimum one-hour notice period is required of a President's intention to vacate the position, where applicable.

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 their place and conducted 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 and conducted 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) Further 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 and conducted 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 and independent members, may suspend the sitting for up to one hour, for that or any other reason that the Clerk 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 as Deputy President.

2.08 President takes the Chair

Having been conducted to the Chair, the member elected will return acknowledgements to the Council for the honour conferred upon them and will take the Chair.

2.09 Deputy President

- (1) The election of a Deputy President is governed by Standing Orders 2.03 to 2.06, except that the President presides over the election.
- (2) 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.

- (3) The Deputy President will continue to act in that position until the next election of members of the Council or until they vacate the position. 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

- (1) At an opening of a new Parliament, before proceeding to any other business, the President, with such members of the Council who wish to attend, will present to the Governor as the choice of the Council.
- (2) At any other time during a Session, the President will present to the Governor as the choice of the Council as soon as practicable following the President's election.

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 the Clerk's 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 their 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 sees 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 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 12.00 noon
 - (b) Wednesday at 9.30 am
 - (c) Thursday at 9.30 am
 - (d) Friday at 9.30 am
- (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.
- (3) Unless otherwise ordered, the Council will suspend for a meal break on Tuesday and Thursday at 6.30 pm for 60 minutes. A member may move without leave to suspend or alter the duration of the meal break. The Chair will put the question forthwith without debate.

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.
 - (a) Following the report of a division where it becomes clear that a quorum of members is not present no decision will be considered to have been reached by that division.
- (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.

* 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*]

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 set 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 President must give a minimum of two calendar days' notice of a special meeting.

4.05 Regional sittings of the Council

The Council may meet from time to time at regional places fixed by the Governor in accordance with section 8 of the *Constitution Act 1975*. At these sittings —

- (1) 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 the President, or a local religious leader, will read the Lord's Prayer.
- (2) The Clerk will read the proclamation or other authorisation from the Governor varying and altering the place for the despatch of business of the Legislative Council.
- (3) The President may invite the local Mayor to address the House.
- (4) The order of business thereafter will be in accordance with Standing Order 5.02 unless otherwise ordered by the Council.

4.06 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.

4.07 Interruption of debate

- (1) Unless a motion to adjourn has already been moved by a Minister pursuant to Standing Order 4.06, the President will interrupt the business before the House —
 - (a) at 10.00 pm on Tuesday and Thursday;
 - (b) at 7.00 pm on Wednesday;
 - (c) at 5.30 pm on Wednesday if a joint sitting has been scheduled for 6.15 pm on that day;
 - (d) at 4.00 pm on Friday.
- (2) If the House is in Committee of the whole the Deputy President will report progress and the President will then interrupt such business.
- (3) 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.

- (4) 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.
- (5) The President will not be required to call the next speaker if a speaker completes their speech within three minutes prior to the time fixed for such interruption.
- (6) Providing no further debate is proposed, the remaining questions in relation to any business subject to interruption may be put.
- (7) Before proposing that the House do now adjourn pursuant to Standing Order 4.09 the President will read any Messages from the Assembly.
- (8) Any bills transmitted from the Assembly will be read a first time and their second reading made an order of the day for the next day of meeting unless the Council grants leave for the second reading to be proposed forthwith.

4.08 Extension of sitting

- (1) Upon any interruption of business pursuant to Standing Order 4.07 and before a motion for the adjournment of the Council under Standing Order 4.09 is proposed by the President, a Minister may, on a Tuesday, Thursday, or Friday —
 - (a) move that the sitting be extended. The motion will be put forthwith without amendment or debate; or
 - (b) declare, without debate, that the sitting be extended by up to one hour; and —
 - (i) at the conclusion of an extension of time declared under Standing Order 4.08(1)(b), a Minister may declare, without debate, that the sitting be extended by up to one further hour; and
 - (ii) at the conclusion of an extension of time declared under Standing Order 4.08(1)(b)(i), a Minister may move that the sitting be extended. The motion will be put forthwith without amendment or debate.
- (2) A declared extension in accordance with Standing Order 4.08(1)(b) may be made by the Minister at the Table during Committee of the whole.
- (3) If the Council is extended in accordance with Standing Order 4.08(1), proceedings will resume at the point at which they had been interrupted.

4.09 Adjournment proposed by President

Unless the sitting is extended under Standing Order 4.08, the President will propose the question “That the House do now adjourn”. Such question may not be amended.

4.10 Business under consideration at time of adjournment

Any business under consideration 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.

4.11 Adjournment debate

- (1) On the question for the adjournment of the House proposed by the President or moved by a Minister, members may raise matters for consideration by Ministers.
- (2) The number of members (other than Ministers) that may speak on the question for the adjournment or maximum length of the debate is prescribed by Standing Order 5.02.
- (3) Members may speak once only on the question on each day.
- (4) At the conclusion of the debate, the President will adjourn the House until the next sitting day without putting any question.

4.12 Rules relating to the adjournment debate

- (1) In speaking to the question for adjournment a member must only raise matters which are within the administrative competence of the Victorian Government.
- (2) A member speaking to the question for adjournment should —
 - (a) (i) make a complaint; or
 - (ii) make a request; or
 - (iii) pose a query; and
 - (b) suggest the action sought.
- (3) A member may only raise a matter with 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.

4.13 Responses to matters raised on the adjournment debate

- (1) The Minister the matter was directed to may dispose of the matter verbally at the end of the adjournment debate.
- (2) Any matter that is not disposed of verbally at the time the matter was raised must be responded to in writing within 30 days.
- (3) The Minister must lodge a written response with the Clerk. The Clerk must publish the response and give the response to the member who raised the matter.

4.14 Procedure when responses to adjournment debate matters not provided

- (1) If a response is not provided within 30 days of the matter being raised and the relevant Minister does not, within that period, provide to the member who raised the matter an explanation satisfactory to the member as to why a response has not been provided —
- (a) at the conclusion of the adjournment debate the member may ask the 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) If a Minister does not provide an explanation, notice may forthwith be given of a motion to take note of the Minister’s failure to provide either a response or an explanation.

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 1.10.

5.02 Order of business

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

- (1) On Tuesday —
 - Messages
 - Questions
 - Formal business
 - Members' statements (up to 15 members)
 - Government business
 - At 10.00 pm** Adjournment (up to 20 members)
- (2) On Wednesday —
 - Messages
 - Formal business
 - Members' statements (up to 15 members)
 - General business
 - At 12.00 noon** Questions
 - General business (continues)
 - At 5.00 pm** Statements on tabled papers and petitions (60 minutes)
 - Petitions (qualifying for debate) (30 minutes)
 - Government business (30 minutes)
 - At 7.00 pm** Adjournment (up to 20 members)
- (3) On Wednesday, if a joint sitting has been scheduled for 6.15 pm on that day —
 - Messages
 - Formal business
 - Members' statements (up to 15 members)
 - General business
 - At 12.00 noon** Questions
 - General business (continues)
 - At 4.30 pm** Statements on tabled papers and petitions (60 minutes)
 - At 5.30 pm** Adjournment (up to 20 members)

- (4) On Thursday —
 Messages
 Formal business
 Members' statements (up to 15 members)
 Government business
At 12.00 noon Questions
 Government business (continues)
At 10.00 pm Adjournment (up to 20 members)
- (5) On Friday —
 Messages
 Formal business
 Government business
At 12.00 noon Questions
 Government business (continues)
At 4.00 pm Adjournment (maximum 30 minutes)

5.03 Time limits

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

Address in reply (Standing Order 1.10)

Total time	No limit
Main Government lead speaker	60 minutes
Main Opposition lead speaker	60 minutes
Other lead speakers	45 minutes
Remaining speakers	15 minutes

Adjournment debate (Standing Order 4.11)

Each member	3 minutes
<i>Tuesday, Wednesday and Thursday —</i>	
Total time	No limit (maximum 20 members)
<i>Friday —</i>	
Total time	30 minutes

Budget debate

Total time	No limit
Main Government lead speaker	60 minutes
Main Opposition lead speaker	60 minutes
Other lead speakers	45 minutes
Remaining speakers	15 minutes

Condolences (Standing Order 5.12)

<i>In relation to current member, past or present Governor, Premier, Presiding Officer, Minister or party leader in either House —</i>	
Total time	No limit
<i>In relation to a former member of the Council —</i>	
Total time	60 minutes

Constituency questions (Standing Order 8.08)

Total time	No limit (maximum 15 members)
Each member	1 minute

Explanation of reasons for granting leave (Standing Order 5.10)

Total time	4 minutes
Lead speakers	1 minute

General business (Standing Order 5.07)

Total time	No limit
Mover/Sponsor	60 minutes
Main Government lead speaker	60 minutes
Other lead speakers	45 minutes
Remaining speakers	15 minutes

Government bills — second reading debate

Total time	No limit
Main Government lead speaker	60 minutes
Main Opposition lead speaker	60 minutes
Other lead speakers	45 minutes
Remaining speakers	15 minutes

Government business (Standing Order 5.06)

Total time	No limit
Main Government lead speaker	60 minutes
Main Opposition lead speaker	60 minutes
Other lead speakers	45 minutes
Remaining speakers	15 minutes

Members' statements (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

Motions of urgent public importance (Standing Order 6.09)

Total time	No limit
Main Government lead speaker	60 minutes
Main Opposition lead speaker	60 minutes
Other lead speakers	45 minutes
Remaining speakers	15 minutes

Notices of motion (Standing Order 6.01)

Total time	Maximum 15 minutes
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Petitions (qualifying for debate) (Standing Order 11.03(10))

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

Presentation of Committee reports (Standing Order 9.09)

Mover of motion to take note	5 minutes
Member of committee	2 minutes each
By leave, two other members	2 minutes each

Procedural motions (Standing Order 6.13)

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

Questions without notice (Standing Order 8.04)

Question	1 minute
Answer	3 minutes

Statements on tabled papers and petitions (Standing Order 9.10)

Total time	60 minutes
Each member	5 minutes

Supplementary questions (Standing Order 8.05)

Supplementary question	1 minute
Answer	1 minute

5.04 Formal business defined

Formal business includes:

- (a) the presentation of petitions;
- (b) the introduction and first reading of bills;
- (c) the presentation of papers; and
- (d) giving notices of motion.

5.05 Order of the day defined

An order of the day is a:

- (a) bill;
- (b) matter which the Council has ordered to be taken into consideration on a particular day; or
- (c) motion that has been moved in the Council that has not been resolved.

5.06 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 1.10; and
 - (b) special business pursuant to Standing Order 5.08.

5.07 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.

5.08 Special business

Precedence will be given to —

- (a) a motion relating to a matter of privilege pursuant to Standing Order 21.01;
- (b) a motion of urgent public importance pursuant to Standing Order 6.09;
- (c) a motion for a vote of thanks of the Council;
- (d) a motion for leave of absence to a member;
- (e) a motion relating to the qualification of a member;
- (f) an order of the day for the consideration of a report of the Procedure 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.

5.09 Points of order or privilege

Subject to the provisions of Standing Order 21.01, 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.

5.10 Explanation of reasons for granting leave

In any situation where the leave of the Council under Standing Order 24.05 is granted to allow business to be transacted, the leaders of parties other than the party of the member who is seeking leave, and any independent members, may give a brief explanation of their reasons for granting leave in accordance with the time limits prescribed by Standing Order 5.03.

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; or
 - (c) former members of the Council, subject to the agreement of the party leaders.
- (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) 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.
 - (4) Unless otherwise ordered, the Council will —
 - (a) adjourn for the remainder of the sitting in respect of a member of the current Parliament; or
 - (b) suspend its proceedings for one hour, in respect of all other persons referred to in Standing Order 5.12(1)(b).
 - (5) The President will announce the death of former members of the Council not referred to in Standing Order 5.12(1), and members will rise in their places for one minute's silence as a mark of respect.

5.13 Members' statements

- (1) Members may make statements on any topic of concern at the time prescribed by Standing Order 5.02.
- (2) Each member will be entitled to make only one statement in each sitting week.
- (3) A member may assign their entitlement to another member provided that no individual member may be called more than once each day.

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 and independent members of their 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 5.03.
- (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.
- (2) Every member giving notice of a motion will read it aloud stating the day proposed for moving such motion and provide a copy to the Clerk.
- (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 published 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 over orders of the day.
- (2) A member may move a motion on behalf of another member, with their consent.
- (3) 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, unless the motion has been discharged pursuant to Standing Order 6.08.

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 another member, with their consent.

6.04 Alteration of notices

After a notice of motion has been given, the motion may be altered by the member, on providing 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, except as provided in Standing Orders.

6.07 Seconding of motions

Except as provided for in Standing Orders 1.10 and 2.02, no motion will require a seconder.

6.08 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 or an item standing in a Minister's name, will be discharged from the Notice Paper after it has been listed for 20 consecutive sitting days.
- (2) After a motion has been moved, but before debate has been adjourned or the question put, it may be withdrawn with leave of the Council by its mover.
- (3) After an order of the day has been read, the member in charge of the order may move, without notice, that the order be discharged.
- (4) A motion withdrawn by leave of the Council or an order of the day which has been discharged may be moved again during the same Session.

6.09 Motions of urgent public importance

- (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.
- (2) If the President is satisfied that the matter is of such importance as to warrant urgent consideration, the President will permit the motion to be moved.
- (3) Where the President is satisfied that unusual and extreme circumstances did not permit a matter being submitted at least two hours before the time fixed for taking the Chair, the President may waive that requirement.
- (4) Discussion of a matter approved by the President pursuant to this Standing Order will occur prior to questions without notice where a motion will be made, without notice, "That the Council take note of [subject]".
- (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 their ruling.

6.10 Rules relating to motions of urgent public importance

- (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 Council in reasonable time by other means.
- (2) If the President approves of a subject matter being brought on for discussion they will cause —
 - (a) the member who submitted the proposal to be notified that the discussion may proceed as soon as practicable after having reached that decision; and
 - (b) all other members to be advised of the subject matter of the motion, and not less than one hour, where reasonably possible, before the matter is debated.
- (3) If the President is not satisfied that a subject matter should proceed to debate they will —
 - (a) notify the member who submitted the proposal accordingly, giving the reasons for rejecting the request; and
 - (b) report to the Council that they had received representations for a subject matter to be debated, giving reasons for the decision 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 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 unless the order of the day has been discharged pursuant to Standing Order 6.08.

6.13 Procedural motions

The time limit for procedural motions is prescribed by Standing Order 5.03. A procedural motion is defined as —

- (a) a motion to set the day and time of the next meeting of the Council pursuant to Standing Order 4.01(2);
- (b) a motion to take note of a Minister's explanation as to why a response to an adjournment matter has not been provided pursuant to Standing Order 4.14(1)(b);
- (c) a motion for the postponement of notices of motion pursuant to Standing Order 6.03;
- (d) a motion for the discharge of an order of the day pursuant to Standing Order 6.08(3);
- (e) a motion for the postponement of an order of the day pursuant to Standing Order 6.12;
- (f) a motion for the revival of a dropped motion or order of the day pursuant to Standing Order 6.14;
- (g) a motion "That this question be not now put" pursuant to Standing Order 7.03;
- (h) a motion to read and rescind a resolution of the Council pursuant to Standing Order 7.07;
- (i) a motion that an answer to a question or supplementary question without notice be taken into consideration pursuant to Standing Order 8.06;
- (j) a motion that a paper be published and/or taken into consideration pursuant to Standing Order 9.07;
- (k) a motion that a member "be now heard" pursuant to Standing Order 12.03;
- (l) a motion that the debate be now adjourned pursuant to Standing Order 12.08;
- (m) a motion to incorporate in Hansard a second reading speech for a bill that has originated in the Council pursuant to Standing Order 14.06;
- (n) a motion providing an instruction to a Committee of the whole pursuant to Standing Order 14.11;
- (o) a motion to refer a bill in government business to a parliamentary committee pursuant to Standing Order 14.12(b);

- (p) a motion to defer Committee of the whole to a later time pursuant to Standing Order 14.12(d);
- (q) a motion for the adoption of the report from the Committee of the whole pursuant to Standing Order 14.17;
- (r) a motion setting the time for a bill to be further considered in Committee of the whole pursuant to Standing Order 14.17(5);
- (s) a motion to reconsider a bill in Committee of the whole pursuant to Standing Order 14.18;
- (t) a motion to declare a bill urgent pursuant to Standing Order 14.35;
- (u) a motion that a bill ruled to be a private bill be dealt with as a public bill pursuant to Standing Order 14.37;
- (v) a motion that the Deputy President report progress and ask leave to sit again pursuant to Standing Order 15.05(5).

6.14 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 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, and if required seconded, and the debate has concluded, the President will propose "That the motion be agreed to".
- (2) A question will be agreed to or negated by the majority of voices "Aye" or "No".
- (3) The President will state, whether in their opinion, the "Ayes" or the "Noes" have it and, if challenged, the question will be determined by a division.

7.02 Question may be split

The Council may order a complicated question to be split.

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 negated 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 provided 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 or group of amendments the President will put the question “That the amendment/s 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 relating to public affairs for which the Minister is directly connected, or has responsibility when representing a Minister from the Assembly, 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 (questions without notice) or lodged with the Clerk for written reply (questions on notice).

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/or 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; or
 - (b) legal opinion.
- (3) Questions cannot refer to confidential 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 during the previous six months of the same Session —
 - (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

- (1) Questions without notice may be asked at the time prescribed by Standing Order 5.02 when any business before the Council will be interrupted.
- (2) Only non-Government members may ask oral questions without notice.
- (3) After every second oral question without notice a Minister may seek the call to make a statement of up to two minutes.
- (4) The time allocated for questions without notice will be until eight oral questions have been answered and four Ministers' statements have been made.

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 Content of answers

- (1) All answers to questions without notice must be direct, factual, succinct and relevant.
- (2) The President may determine that an answer to an oral question without notice or supplementary question is not responsive to the question, and may accordingly direct the Minister to provide a written response to the question and lodge it with the Clerk.
- (3) The President may review a written response to a question provided under this Standing Order and determine that it does not appropriately answer the question and may direct the Minister to provide another written response and lodge it with the Clerk.
- (4) Upon receipt of a written response, the Clerk must give the response to the member who asked the question and publish the response.
- (5) Written responses to questions directed to a Council Minister's portfolio will be required to be lodged within one business day —
 - (a) at least 15 minutes prior to the time scheduled for Questions if they are due on a sitting day; or
 - (b) 12.00 noon if they are due on a day when the Council is not sitting.
- (6) Written responses to questions directed to a Minister representing a Minister from the Assembly will be required to be lodged within two business days —

- (a) at least 15 minutes prior to the time scheduled for Questions if they are due on a sitting day; or
- (b) 12.00 noon if they are due on a day when the Council is not sitting.

8.08 Constituency questions

- (1) At the conclusion of questions without notice up to 15 members may ask Ministers an oral question relating to a constituency matter.
- (2) A constituency question must —
 - (a) be within state jurisdiction;
 - (b) ask a question seeking information; and
 - (c) relate to a specific matter within the members' constituency.
- (3) The time limit for each member asking a constituency question is one minute.
- (4) Answers to constituency questions must be lodged with the Clerk in writing within 14 days of the question being asked.
- (5) Upon receipt of an answer, the Clerk must give the response to the member who asked the question and publish the response..

8.09 Questions on notice

- (1) A member must lodge a question on notice with the Clerk with sufficient time, in the opinion of the President, to enable it to be published in that sitting day's questions on notice.
- (2) 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 prior to the question being published.
- (3) Before placing a question on notice a member should consider whether the information to be sought is readily available in known documents.

8.10 Answers to questions on notice

- (1) Answers to questions on notice must be lodged with the Clerk in writing within 30 days of the question being asked.
- (2) Upon receipt of an answer, the Clerk must give the response to the member who asked the question and publish the response.

8.11 Procedure when answers to questions on notice not provided

- (1) If a Minister does not provide 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) prior to the asking of constituency questions, a non-government member on a Wednesday, and a government member on a Thursday, 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 within the time allocated for statements on tabled papers and petitions.

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, they 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 they 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) 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.
- (7) 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 their office of that intention the day before failure to supply an answer is to be raised in the Council.

8.13 Reinstatement of questions on notice

The President may direct that a question or part of a question on notice which has been answered be reinstated, if following a request of the member asking the question, the President is of the opinion that the question has not been fully answered.

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 lodged with the Clerk

Any paper to be presented to the Council will be lodged with the Clerk.

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

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 Publication and consideration of papers

On motion without notice the Council may order that any paper which has been tabled —

- (a) be published;
- (b) be 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 published with the documents accompanying it.

- (2) A member of the committee 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 tabled papers and petitions

- (1) At the time prescribed by Standing Order 5.02, any member may make a statement on any report, paper or petition which has been tabled in the Council during the Session.
- (2) Nothing in this Standing Order will preclude a member from —
 - (a) making a statement on a report, paper or petition previously discussed; or
 - (b) giving notice of a motion to take note of a report, paper or petition 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 on notice.

CHAPTER 10

PRODUCTION OF DOCUMENTS

10.01 Order for the production of documents

- (1) The Council may order documents to be tabled in the Council.
- (2) The Clerk is to communicate to the Secretary, Department of Premier and Cabinet, all orders for documents made by the Council.
- (3) An order for the production of documents must specify the date by when the documents must be provided.

10.02 Tabling of documents provided in accordance with an order for the production of documents

- (1) Documents provided in response to an order under Standing Order 10.01 will be delivered to the Clerk.
- (2) Upon receipt, such documents will be presented to the Council by the Clerk at the earliest opportunity.
- (3) A return under this Standing Order is to include an indexed list of all documents identified, showing the date of creation of the document, a description of the document and the author of the document.
- (4) If the Council is not sitting on the date specified in the resolution of the Council under Standing Order 10.01(3), the documents may be lodged with the Clerk, and unless Executive privilege is claimed, are deemed to have been presented to the Council and published by authority of the Legislative Council.
- (5) Documents lodged under Standing Order 10.02(4) must be presented to the Council by the Clerk on the next sitting day of the Council.

10.03 Documents claiming Executive privilege

- (1) Where a document is claimed to be covered by Executive privilege —
 - (a) a return is to be prepared showing the date of creation of the document, a description of the document, the author of the document and reasons for the claim of Executive privilege; and
 - (b) the documents are to be delivered to the Clerk by the date and time required in the resolution of the Council and —
 - (i) made available only to the mover of the motion for the order; and
 - (ii) must not be published or copied without an order of the Council.

- (2) The mover of the motion for the order may notify the Clerk, in writing, disputing the validity of the claim of Executive privilege in relation to a particular document or documents. On receipt of such notification, the Clerk is authorised to release the disputed document or documents to an independent legal arbiter, for evaluation and report within seven calendar days as to the validity of the claim.

10.04 Appointment of independent legal arbiter

An independent legal arbiter required in accordance with Standing Order 10.03(2) is to be appointed by the President and must be a Queen’s Counsel, a Senior Counsel or a retired Supreme Court Judge.

10.05 Report of independent legal arbiter

A report from an independent legal arbiter appointed under Standing Order 10.04 is to be lodged with the Clerk and —

- (a) made available only to members of the Council; and
- (b) must not be published or copied without an order of the Council.

10.06 Clerk to maintain register

The Clerk will maintain a register showing the name of any person examining documents provided under Standing Orders 10.03 and 10.05.

CHAPTER 11

PETITIONS

11.01 Content of petitions

- (1) A petition must —
 - (a) be addressed to the Legislative Council of Victoria;
 - (b) be in English or accompanied by an English translation certified to be true and correct by the member who presents it;
 - (c) seek an action or remedy that is either —
 - (i) within the state’s administrative responsibilities; or
 - (ii) relates to the procedures of the Legislative Council;
 - (d) be legible and clear;
 - (e) be respectful and moderate in its language;
 - (f) state the action sought from the Council on the top of every sheet;
 - (g) if from a corporation, be made under its common seal.
- (2) A petition must not —
 - (a) contain irrelevant statements;
 - (b) have alterations or amendments made to the text;
 - (c) have other documents attached to it;
 - (d) make an application for or request a direct grant of public money to be paid to an individual.
- (3) A petition should avoid unnecessarily naming individuals or otherwise contain information that could lead to the identification of any individual. This excludes elected representatives and public figures.

11.02 Signing a petition

- (1) Only Victorian residents may sign a petition or be the principal petitioner.
- (2) A person cannot sign or join the same petition more than once.
- (3) Petitions must contain at least one signature.
- (4) Persons may become signatories to (join) a petition by —
 - (a) writing their name, original signature and address on a paper petition; or
 - (b) electronically providing their name, address and signifying their intention to join an e-petition.
- (5) Signatures must not be pasted or in any other way transferred or attached to the petition.

- (6) Only a petitioner incapable of signing may get someone else to sign on their behalf.
- (7) Any person forging the name of any other person on any petition or adding any fictitious name may be declared guilty of contempt.

11.03 Presenting a petition

- (1) Petitions can only be presented to the Council by a member.
- (2) A member must not present a petition to the Council that they have started or signed.
- (3) A petition may only be presented during formal business.
- (4) Every member presenting a petition will become familiar with its contents, and lodge it with the Clerk.
- (5) A member is not obliged to present a petition and presentation of a petition does not signify agreement with the terms of the petition.
- (6) The Clerk must certify that every petition when presented is in conformity with the Standing Orders and practices of the Council.
- (7) A member presenting a petition will read the number of signatures and the action sought and will sign the front sheet. The terms of the petition will be published in Hansard.
- (8) If requested by the member presenting the petition, the full text of a petition may be read to the Council by the Clerk.
- (9) No debate is allowed at the time a petition is presented. 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, and if notice is not given pursuant to Standing Order 11.03(10), “That the petition be taken into consideration [on a future day to be named]”, which will be decided without amendment or debate.
- (10) Where a member has presented a petition that has received —
 - (i) 10,000 signatures or more in the case of an e-petition or combined e-petition and paper petition; or
 - (ii) 2,000 signatures or more in the case of a paper petition;
 that member may give notice of their intention to move “That the petition be taken into consideration”.
 - (a) The order of the day shall take place on the Wednesday of the next sitting week at the time prescribed by Standing Order 5.02 for ‘Petitions (qualifying for debate)’.
 - (b) Any further notices of intention to take a petition into consideration received before the first order of the day is disposed of shall be set down on succeeding Wednesdays in the order in which they are presented.
 - (c) If a member does not seek the call when the order of the day is read the order of the day will lapse.

11.04 Process following the presentation of a petition

- (1) 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 or to the Leader of the Government in the Council for matters relating to the procedures of the Legislative Council.
- (2) A Minister must provide a response to every petition tabled in the Council within 30 days of the petition being presented by lodging it with the Clerk.
- (3) Any response lodged with the Clerk will be published at the time it is received and will be presented to the Council by the Clerk on the next sitting day.

11.05 E-Petitions

- (1) A principal petitioner may lodge an e-petition with the Clerk for publication on the Parliament's website.
- (2) The Clerk will decline to publish an e-petition not in conformity with Standing Orders.
- (3) E-petitions the same in substance cannot be open for signing at any one time.
- (4) The posted period for an e-petition —
 - (a) is to be nominated by the principal petitioner and is to be a minimum of one week and a maximum of six months from the date of publication;
 - (b) may be extended at the conclusion of the initial posted period for up to six months upon the principal petitioner making a request to the Clerk;
 - (c) may be closed prior to the nominated closing date upon the principal petitioner making a request to the Clerk; and
 - (d) may be determined by the Clerk in the event that the Council is due to expire pursuant to section 28(2) of the *Constitution Act 1975* within six months from the date of publication of an e-petition.
- (5) For the duration of the posted period of an e-petition, signatories may be progressively presented as a petition to the House, and —
 - (a) upon progressive presentation of the signatories to the House, the publicly displayed number of persons who have joined that e-petition will re-set to zero; and
 - (b) for the purposes of the records of the House, each progressive presentation of an e-petition will be recorded as a separate petition.

CHAPTER 12

DEBATE

12.01 President to be heard

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

12.02 Members unable to stand

A member unable to stand may be permitted by the President to speak while sitting.

12.03 President calls member first observed

When two or more members rise to speak the President will call the member first observed, but a motion may be made without leave, That any member who has risen “be now heard”.

12.04 Allocation of speaking rights

When allocating speaking rights the President should have regard to the proportionality of the political representation of the whole number of members of the Council.

12.05 Members’ speaking rights

- (1) A member may speak once to a question or an amendment to a question before the Council except —
 - (a) in giving an explanation pursuant to Standing Order 12.06;
 - (b) in reply pursuant to Standing Order 12.07;
 - (c) at the Committee of the whole stage.
- (2) The President may participate in debate and speak from a place allocated on the floor of the Chamber.
- (3) When the President rises to speak in debate, the Deputy President will take the Chair.

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 their speech which has been misquoted or misunderstood, 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 or a procedural motion.

12.08 Member moving adjournment of debate

- (1) A member, unless they have already made a substantial contribution to the debate, 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 they have 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 the President 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

- (1) When there is no question before the Chair and with the consent of the President, a member may explain how they have been misrepresented or explain another matter of a personal nature.
- (2) A proposed personal explanation must be provided in writing to the President prior to consent being granted.
- (3) 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 Chair may direct such member to discontinue their speech.

12.15 Incorporation of material in Hansard

- (1) A member may be granted leave to incorporate in 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 review 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 or proceedings, request the leave of the Council or Committee of the whole for the material to be incorporated; and
 - (b) the Chair will confirm to the Council or Committee of the whole that the President has been consulted, and that the pre-conditions have been met.
- (5) The leave of the Council or Committee of the whole may then be determined and, if given, the member will, at that time, provide copies for the benefit of subsequent speakers.
- (6) If the President is not satisfied that the pre-conditions have been met, the Chair will advise the Council or Committee of the whole and the matter will not proceed any further.

12.16 Reference to deliberations of the Dispute Resolution Committee

Notwithstanding anything to the contrary contained in these Standing Orders, a Council member of the Dispute Resolution Committee may report to the Council on deliberations of the Committee.

12.17 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.

12.18 Unparliamentary expressions

- (1) No member will use offensive words against either House of Parliament, any member of either House, the Sovereign, the Governor or a judicial officer.
- (2) No member will make an accusation of improper motives or a personal reflection on any member of either House, other than by substantive motion.
- (3) If the President is of the opinion that words used in debate offend against this Standing Order, they may order the words to be withdrawn and may also require an apology.

12.19 Objection to words

If a member objects to words used in debate pursuant to Standing Order 12.18 —

- (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) A withdrawal and an apology must be made without explanation or qualification.

12.20 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 12.21.

12.21 Closure of debate

- (1) After any question has been proposed 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 point of order raised until the disposal of any motion pursuant to this Standing Order.

12.22 Cognate debate

- (1) Leave may be given for subjects which are related to be debated cognately.
- (2) At the conclusion of the cognate debate, the questions will be put separately, unless the Council determines that a single question be put by the Chair.
- (3) At the conclusion of the cognate second reading debate on bills, the question “That the bill be now read a second time” will be put separately for each bill unless the Council determines that a single question be put.
- (4) The Committee of the whole and third reading stages of cognate bills will be taken separately, unless the Council determines otherwise.

12.23 Member called to order

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

CHAPTER 13

CONDUCT OF MEMBERS

13.01 Acknowledgement of Chair

All members when entering or leaving the Chamber or passing in front of the Chair will acknowledge the Chair.

13.02 Order maintained by President

Order will be maintained in the House by the President.

13.03 Disorderly conduct — member ordered to withdraw

- (1) If the President considers the conduct of a member to be disorderly, the President may order the member to withdraw from the Chamber for up to 30 minutes. That order is not open to debate or dissent.
- (2) The member may, whilst suspended, return to the Chamber for the purpose of voting in a division.
- (3) If a member is ordered to withdraw under this Standing Order and the Council adjourns before the end of the suspension period, the member will not return to the Chamber (except to vote in a division) on the next sitting day until the remaining time has expired. This is 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 this Standing Order, the President may name the member pursuant to Standing Order 13.04.

13.04 Disorderly conduct — member named

- (1) A member's conduct will be considered disorderly 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 13.03.
- (2) The President may require any member offending under this Standing Order to make an explanation or apology.
- (3) The President may name any member for disorderly conduct under this Standing Order.

13.05 Procedure after naming

- (1) If any member is named by the President under Standing Order 13.04 the President will put the question “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.
- (3) Any member suspended under this Standing Order will immediately withdraw from the Chamber.

13.06 Consequences of suspension

- (1) A member who is ordered to withdraw pursuant to Standing Order 13.03 or who is suspended pursuant to Standing Order 13.05 will not enter the Council Chamber or any of its galleries during the period of the suspension.
- (2) This Standing Order does not deprive the Council of any other powers it may have to proceed against a member.

13.07 Discharge of suspension

The Council may, on motion without notice and determined without amendment or debate, discharge an order of suspension under Standing Order 13.05 if the member makes a satisfactory apology in writing to the Council.

13.08 Contempt by members

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

13.09 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

A bill must be introduced by a member specifying its intended long title.

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 of a bill initiated in Council

- (1) When the order of the day is read for the second reading of a bill initiated in the Council, or if the second reading proceeds forthwith by leave immediately after the first reading, a Minister or member in charge of the bill —
 - (a) may state if and why the bill is a bill requiring an absolute or special majority on the third reading;
 - (b) may make any statement pursuant to section 85 of the *Constitution Act 1975* in relation to the jurisdiction of the Supreme Court;
 - (c) will lay on the Table the statement of compatibility with the *Charter of Human Rights and Responsibilities Act 2006*, if required;
 - (d) will move "That the bill be now read a second time";
 - (e) will —
 - (i) give the second reading speech; or
 - (ii) move a motion, by leave, for the incorporation of the second reading speech in Hansard.

- (2) The question “That the bill be now read a second time” will then be proposed.

14.07 Second reading of a bill received from Assembly

- (1) When the order of the day is read for the second reading of a bill transmitted from the Assembly, or if the second reading proceeds forthwith by leave immediately after the first reading, a Minister or member in charge of the bill —
- (a) may state if and how the bill was amended in the Assembly;
 - (b) may state if and why the bill is a bill requiring an absolute or special majority on the third reading;
 - (c) may make any statement pursuant to section 85 of the *Constitution Act 1975* in relation to the jurisdiction of the Supreme Court;
 - (d) will lay on the Table the statement of compatibility with the *Charter of Human Rights and Responsibilities Act 2006*, if required;
 - (e) will move “That the bill be now read a second time”;
 - (f) will —
 - (i) move a motion, without leave, which may not be amended or debated, for the incorporation of the second reading speech in Hansard; or
 - (ii) give the second reading speech.
- (2) The question “That the bill be now read a second time” will then be proposed.

14.08 Adjournment of second reading

After the second reading speech has been given or incorporated in Hansard, debate on the question “That the bill be now read a second time” will then be adjourned and made an order of the day for a future day, unless leave is granted to the contrary.

14.09 Reasoned 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;
 - (d) must not anticipate an amendment which may be moved during Committee of the whole; and

- (e) will be in the form “this bill be withdrawn” if the intention is to reject the bill.
- (3) The House may consider more than one reasoned amendment, but a member may only move one reasoned amendment.
- (4) When debate on the second reading has concluded, the question/s “That the reasoned amendment moved by [member] be agreed to” will be put.
- (5) If the question/s in sub-clause (4) is negatived, the question “That the bill be now read a second time” will be put immediately.
- (6) If the question/s in sub-clause (4) is agreed to, the bill will be regarded as having been rejected unless the reasoned amendment seeks to delay the passage of the bill.

14.10 Circulation of amendments

- (1) During the debate on the question “That the bill be now read a second time” a member may announce amendments to that bill to be proposed during Committee of the whole and ask that they be circulated. Following circulation, members may discuss the principles of the amendments during the second reading debate.
- (2) When the Council resolves into considering a bill in Committee of the whole, at the commencement of the consideration of clause 1, a member may circulate amendments to the bill to be proposed during Committee of the whole.
- (3) The announcement and request to circulate amendments pursuant to this Standing Order will not require leave, may be made by another member on the member’s behalf, may not be made when another member is speaking and may not be debated.

14.11 Instruction to Committee of the whole

- (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 and that notice may be given, pursuant to Standing Order 6.01(1) on the day the motion is moved.
- (4) An instruction motion 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.

14.12 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) considers an instruction motion, if any; or

- (b) refers by motion without leave the bill to a parliamentary committee; or
- (c) gives leave for the bill to proceed immediately to the third reading; or
- (d) defers by motion without leave Committee of the whole until a later time.

14.13 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 where they occur in the sequence of 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 (as amended) stand part of the bill”.
- (4) Clauses may be considered together, with the question being put “That clauses [number] and/to [number] stand part of the bill”.
- (5) Following consideration and, if necessary, amendment of the preamble, the question must be put “That the preamble (as amended) stand part of the bill”.

14.14 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 lodged in writing with 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) When an amendment (or amendments) has been proposed to the bill the question must be put “That the amendment/s be agreed to”.
- (5) 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”.

14.15 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”.

14.16 Suggested amendments subject to section 64(2) of the *Constitution Act 1975* during Committee of the whole

- (1) When considering a bill and/or proposed amendments during Committee of the whole that are subject to section 64(2) of the *Constitution Act 1975*, Standing Orders 14.13, 14.14 and 14.15 will apply to the consideration of the bill and/or amendments to the extent that they are not inconsistent with this Standing Order.
- (2) Any clause (or other provision) of a bill that is subject to section 64(2) of the *Constitution Act 1975* and to which no form of amendment is proposed may be considered in Committee of the whole, but no question will be put.
- (3) If an amendment (including any amendment to the amendment) is agreed to it will be a ‘suggested’ amendment to the Assembly and the relevant clause (or other provision) of the bill will stand postponed.
- (4) If a member proposes to omit the clause (or other provision), the question will be put “That the clause [or other provision] be agreed to”.
- (5) If a question put in accordance with Standing Order 14.16(4) is negatived, any previous amendments to that clause (or other provision) already agreed to will be superseded and the clause (or other provision) will stand postponed.
- (6) When consideration on all clauses and other provisions of a bill, including amendments made by the Council, is completed, if any suggested amendments (including to omit a clause or other provision) have been agreed to, the Deputy President will report progress and a Message will be sent to the Assembly suggesting that they make the amendments agreed to by the Council.

14.17 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 of the whole.
- (4) If the Committee of the whole has not completed its consideration of a bill, the Deputy President will be directed to report progress and ask leave to sit again.
- (5) Whenever the Deputy President reports progress, the Chair will put the question “That the Committee of the whole sit again at [a future time]”, as advised by a Minister or member in charge of the bill. Such question may be amended and debated.

14.18 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.

14.19 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.

14.20 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.

14.21 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.

14.22 Bill passed

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

14.23 Bill rejected

When a bill which originated in the Assembly is rejected by the Council or lapses pursuant to Standing Orders 14.27(1)(c) or 14.29(2)(c) a Message will be sent to the Assembly informing them accordingly.

14.24 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.

14.25 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.

14.26 Assembly amendments

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

14.27 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 informing them accordingly, without a question being put.

14.28 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 informing 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.

14.29 Assembly's consideration of Council amendments

- (1) Where a bill is returned from the Assembly with a Message disagreeing with the amendments made by the Council, agreeing to the amendments with further amendments or making new amendments on the amendments, the amendments will be circulated and a time fixed for taking the Message into consideration.
- (2) When the Council considers the Message from the Assembly it will —
 - (a) insist or not insist on its amendments;
 - (b) agree or not agree with any further amendments made by the Assembly; or
 - (c) defer further consideration of the bill indefinitely, in which case the bill lapses.

14.30 Amendment proposed by Governor

Whenever the Governor proposes any amendment to be made in a bill originated in the Council and presented to the Governor 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.

14.31 Governor's amendment sent to Assembly

When the Council has agreed to any amendment proposed by the Governor pursuant to Standing Order 14.30, that amendment will be transmitted by Message to the Assembly for their agreement.

14.32 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.

14.33 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.

14.34 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 were corrected.

14.35 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 without leave.
- (4) A member may move to adjourn debate or do any other thing normally permitted to be done to a bill, notwithstanding that the bill has been declared urgent.

14.36 Identical bills

- (1) A Minister or member in charge of a bill transmitted from the Assembly pursuant to Standing Order 14.03 may make a statement to the House that the bill is identical in substance to a bill already in the Council.
- (2) Such a statement may only be made —
 - (a) after the corresponding Council bill has been read a second time and the Committee of the whole stage (if any) has been completed within the previous six months; and
 - (b) after the statement of compatibility with the *Charter of Human Rights and Responsibilities Act 2006* has been tabled and the second reading speech has been given or incorporated pursuant to Standing Order 14.07 for the identical bill transmitted from the Assembly.
- (3) If the President is of the same opinion in relation to a statement made under Standing Order 14.36(1), the President will declare the bill transmitted from the Assembly to be an identical bill.
- (4) When a bill is declared to be identical by the President under Standing Order 14.36(3) any further debate on the question “That the bill be now read a second time” will be dispensed with and the question will be put immediately without amendment. No other question may then be proposed except “That the bill be now read a third time and do pass” which will be put without amendment or debate.
- (5) Standing Order 7.06 does not apply to bills dealt with under this Standing Order.

14.37 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.

14.38 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 14.40 or until the expiration of time for objections pursuant to Standing Order 14.39.

14.39 Objection to private bill

- (1) A person or body who considers that a provision in the bill has a direct and adverse effect on them may within 21 days after the publication of the statement pursuant to Standing Order 14.38, 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.

14.40 Appointment of panel to consider objections to private bills

- (1) If a written objection is made to the Clerk pursuant to Standing Order 14.39, 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.

14.41 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.

14.42 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 14.37 to 14.41.

CHAPTER 15

COMMITTEE OF THE WHOLE COUNCIL

15.01 Appointment of Committee of the whole

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 a member draws attention to the lack of a quorum of members during Committee of the whole the bells will be rung as for a division, and after the bells have been rung count the members present in the Chamber. If, after the members have been counted and a quorum of members is not present, the Deputy President will leave the Chair and the President will resume the Chair.
 - (a) If, on the report of 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. No decision will be considered to have been reached by that division.
- (3) When the President has resumed the Chair under Standing Order 15.02(2), the President will count the members present in the Chamber and —
 - (a) if a quorum of members is present, the Council will again resolve itself into Committee of the whole without any question being put; and
 - (b) if a quorum of members is not present, the President will adjourn the Council in accordance with Standing Order 4.03.
- (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.

15.03 Committee of the whole to consider only matters referred

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

* 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*]

15.04 Member may assist at the Table during Committee of the whole

- (1) During Committee of the whole a member may sit at the Table to assist the Minister or member in charge of the bill.
- (2) The Minister or member in charge of the bill may, subject to leave being granted, request that a member assisting at the Table under Standing Order 15.04(1) be allowed to answer a question or questions on the bill and participate in debate at the Table.

15.05 Proceedings in Committee of the whole

- (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.
- (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 of the whole whether they vote with the “Ayes” or “Noes”.
- (5) A motion may be proposed during Committee of the whole “That the Deputy President 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.

15.06 Rules of debate in Committee of the whole

- (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 parliamentary committee on a bill until the proceedings have been reported.

15.07 Disorder arising in Committee of the whole

- (1) Disorder in a Committee of the whole 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 their conduct reported to the Council by the Deputy President, who will suspend the proceedings of the Committee of the whole.

15.08 Report from Committee of the whole — chairing arrangements

When making a report from Committee of the whole (including a report of progress), the Deputy or Acting President, upon leaving the Committee of the whole, may take the President's Chair and report directly to the Council.

CHAPTER 16

DIVISIONS

16.01 Resolving a question

When a question is proposed to the Council by the President, the President will state whether in their 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.

16.02 Procedure for a division

- (1) Immediately a division has been demanded, the Clerk will ring the bells for four minutes and the doors will not be closed until that time has expired.
- (2) When successive divisions occur without any intervening debate, the Chair may direct that the bells for the ensuing divisions be rung for one minute only.
- (3) At the expiration of four minutes the doors will be closed and locked. No member will enter or leave the Chamber until after the result of the division has been declared.
- (4) Every member present in the Chamber when the question is put with the doors locked will be required to vote.
- (5) 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”.
- (6) The Clerk or other Table Officer will report the numbers to the President, who will declare the result to the Council.
- (7) An entry of the Division Lists will be made by the Clerk in the *Minutes of the Proceedings*.

16.03 Voting by President

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

16.04 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 their 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 their desire to have the division recorded in the normal way, the President will direct a Table Officer to act as second teller for the minority, and the division will be permitted to proceed.

16.05 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.

16.06 Pecuniary interest

No member will be entitled to vote upon any question in which they have 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.

16.07 Point of order when dividing

While the Council is dividing a member can only raise or speak to a point of order by permission of the President.

CHAPTER 17

WITNESSES

17.01 Attendance of a Council member before the Council

- (1) If the Council or a Committee of the whole requires the attendance of a member of the Council as a witness, they will be ordered to attend in their place.
- (2) A member of the Council will be examined in their place.

17.02 Attendance of a Council member before a Council committee

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

17.03 Attendance of Assembly member or officer

If the Council or a Council 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.

17.04 Summoning a witness

- (1) Witnesses will be summoned in order to be examined at the Bar of the Council or a Council committee, by orders of the Council, signed by the Clerk.
- (2) A Council committee may summon witnesses by its own order, signed by the Chair or Committee Manager.
- (3) If any witness does not attend pursuant to the order of a committee their absence will be reported, and the Council may order that they attend the Council. Such order may be discharged if the witness attends the committee before the time appointed for attending the Council.

17.05 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 their attendance is required and the President may issue their warrant accordingly.

17.06 Failure or refusal to attend

If a witness fails or refuses to attend pursuant to an order of the Council or of a committee, or pursuant to a warrant of the President, the Council may censure the witness or declare them guilty of contempt.

17.07 Examination before the Council

- (1) A witness appearing before the Council will be examined by the President only. Other members may put any question to the witness 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 matters arise, the witness will withdraw from the Chamber while the matter is under discussion.

17.08 Witnesses entitled to protection

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

17.09 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 committee of the Council, without the Council's special leave.

17.10 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 18

MESSAGES FROM AND ADDRESSES TO THE GOVERNOR

18.01 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.

18.02 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.

18.03 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 19

RECORDS OF THE COUNCIL

19.01 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.

19.02 Minutes of the Proceedings

- (1) All proceedings of the Council will be recorded by the Clerks, 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 published under the authority of the Legislative Council, Parliament of Victoria.
- (3) The record of the Committee of the whole Council will be published 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.

19.03 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 published as parliamentary papers.

19.04 Disclosure of documents and evidence not tabled

- (1) Where documents or evidence have been presented to a Council committee 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 19.04(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 19.04(3) must be included in the annual report of the Department of the Legislative Council.

19.05 Clerk to keep record of members' addresses

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

CHAPTER 20

BROADCAST OF PROCEEDINGS

20.01 Definitions

- (1) Broadcast is transmission of proceedings, by any medium, including but not limited to television, radio, internet and still photography, and including any rebroadcasting.
- (2) Council proceedings are official business conducted in the Legislative Council Chamber that are presided over by the Chair.
- (3) Committee proceedings are official business conducted by the Legislative Council committees that are presided over by the Chair and the official business of any joint committees administered by the Legislative Council.

20.02 Filming, photography and broadcasting of proceedings

The Council authorises, on such terms and conditions as may be determined by the President —

- (a) the filming and photography of its proceedings and the public proceedings of its committees; and
- (b) the broadcasting of such proceedings or excerpts of proceedings in any form;

and such terms and conditions must not be inconsistent with any relevant statutory provisions applying to the Council or committees.

20.03 Proceedings that may be broadcast

- (1) Filming, photography and broadcasting may only occur when the Chair is presiding over the House or Committee.
- (2) The broadcast may only include activities related to the Council or committee proceedings.
- (3) Filming, photography and broadcast of the public gallery must not occur, unless an exception has been granted by the President.
- (4) Broadcast material must ensure that excerpts of proceedings are placed in context.

20.04 Use of the broadcast

- (1) Broadcast material shall only be used for the purposes of providing —
 - (a) a fair and accurate report of proceedings; and
 - (b) a reasonable balanced presentation of views.

- (2) Broadcast material must not be used —
 - (a) for political party advertising or election campaigns;
 - (b) for commercial sponsorship or commercial advertising; and
 - (c) in a way that is misleading.

CHAPTER 21

PRIVILEGE AND RIGHT OF REPLY

21.01 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 published statement the member will provide the President with a copy of the publication.
- (3) The President 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, they 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, they 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.

21.02 Right of reply

- (1) A person or organisation 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 they be permitted to incorporate an appropriate response in the parliamentary record.
- (2) In the submission the applicant must claim that they have 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 their privacy has been unreasonably invaded by reason of that reference.

21.03 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 they may determine —
 - (a) that no further action be taken in relation to the submission; or
 - (b) that a response by the person or organisation who made the submission be published by the Council and incorporated in Hansard.
- (2) The President will inform the Council of their decision.

21.04 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 or organisation 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.

21.05 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 or organisation.

CHAPTER 22

STRANGERS

22.01 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 themselves 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.

22.02 Strangers not admitted within the Bar

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

22.03 Admission of strangers

The President only will have the privilege of admitting strangers to the floor of the Chamber, but every member will have the privilege of admitting strangers to the galleries of the Chamber.

22.04 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, without notice, at any time “That strangers be ordered to withdraw”. Such motion must be put immediately without amendment or debate.

22.05 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.

22.06 Admission of Assembly members

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

22.07 Seat for Speaker within the Chamber

A place may be provided for the Speaker of the Assembly on the floor of the Council Chamber.

CHAPTER 23

COUNCIL COMMITTEES

23.01 Application of provisions

Provisions relating to the operation of committees apply to the standing, procedure, privileges and select committees and sub-committees established by these Standing Orders, except where otherwise stated or resolved by the Council.

23.02 Appointment of committees

- (1) At the commencement of each Parliament the following standing committees will be appointed:
 - (a) Economy and Infrastructure Standing Committee;
 - (b) Environment and Planning Standing Committee; and
 - (c) Legal and Social Issues Standing Committee.
- (2) At the commencement of each Parliament a Procedure Committee will be appointed to consider any matter relating to the practices and procedures of the House referred to it by the Council or the President.
- (3) At the commencement of each Parliament a Privileges Committee will be appointed to consider any matter relating to the privileges of the House referred to it by the Council.
- (4) The Council may appoint select committees to consider matters referred by the House. A motion for the appointment of a select committee will state the purposes of such committee.

23.03 Functions of standing committees

- (1) The Economy and Infrastructure Standing Committee will inquire into and report on any proposal, matter or thing concerned with agriculture, commerce, infrastructure, industry, major projects, public sector finances and transport.
- (2) The Environment and Planning Standing Committee will inquire into and report on any proposal, matter or thing concerned with the arts, coordination of government, environment, and planning the use, development and protection of land.
- (3) The Legal and Social Issues Standing Committee will inquire into and report on any proposal, matter or thing concerned with community services, education, gaming, health, and law and justice.
- (4) References concerning departments and agencies shall be allocated to the committees in accordance with a resolution of the Council allocating departments and agencies to the committees.

23.04 Referrals to standing committees

- (1) A standing committee must inquire into, consider and report to the House on any proposal, matter or thing that is relevant to its functions and has been referred to the committee by resolution of the Council.
- (2) A resolution of the Council may specify a period of time within which the standing committee must make a final report to the House on the proposal, matter or thing.
- (3) A standing committee may resolve to inquire into, consider and report to the House on any matter, including bills or draft bills, annual reports, estimates of expenditure or other documents laid before the Legislative Council in accordance with an Act or Standing Order, provided these are relevant to their functions.
- (4) In carrying out its functions, a standing committee must comply with any limitation of time specified in Standing Order 23.04(2).
- (5) A list of current inquiries being considered by each standing committee must be listed on the Notice Paper.

23.05 Membership

- (1) A committee will normally consist of eight members unless otherwise ordered by the Council.
- (2) Committee membership will have regard to the proportionality of parties and independents in the Council.
- (3) Members and participating members will be appointed to committees by resolution of the Council.
- (4) A member ceases to be a member of a committee if —
 - (a) the member's seat becomes vacant; or
 - (b) the member resigns in writing to the President; or
 - (c) the member is discharged by the Council.
- (5) A list of members serving on committees must be listed on the Notice Paper.

23.06 Quorum

- (1) Unless otherwise provided by the House, the majority of the members appointed to the committee will constitute a quorum of the committee.
- (2) A committee may proceed to the despatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy.

23.07 Participating members of standing committees

- (1) Participating members may participate in hearings and meetings, and have all the rights of members of committees, but may not vote on any questions before the committees.
- (2) A participating member must not be counted for the purpose of forming a quorum.

23.08 Substitute members of standing committees

- (1) Participating members may be further appointed as substitutes for other members on the standing committees in respect of nominated meetings, a defined period of time or inquiry of the committee.
- (2) Substitute members are to be appointed by either the member of the committee intending to substitute off or the leader of that member's party, writing to the Chair of the committee appointing a participating member to act as the member's substitute on the committee for nominated meetings, a defined period of time or an inquiry.
- (3) Substitute members have all the rights of members of committees and shall be taken to be a member of a committee for the purpose of forming a quorum.
- (4) A member who has been substituted off a committee must not participate in any proceedings of the committee for the nominated meetings, defined period of time or inquiry that they have been substituted off for, as specified in Standing Order 23.08(2).

23.09 Sub-committees

- (1) A standing committee, the Procedure Committee and a select committee established pursuant to Standing Order 23.02 may appoint sub-committees consisting of three or more of its members, and refer to any such sub-committee any of the matters which the committee is empowered to consider.
- (2) The committee, when establishing a sub-committee, must appoint one of its members as Chair of the sub-committee.
- (3) A sub-committee will report to the committee as soon as practicable on each matter referred to that sub-committee.

23.10 Election of Chair and Deputy Chair

- (1) Each committee shall elect one of its members to be Chair.
- (2) The President will be the Chair of the Procedure Committee.
- (3) Each committee must elect a Deputy Chair and, in the absence of the Chair, any powers and duties of the Chair may be exercised by the Deputy Chair.
- (4) If a committee cannot resolve the election of its Chair and/or Deputy Chair, either position may be determined by the Council.

23.11 Absence of Chair and Deputy Chair

If the Chair and Deputy Chair are absent from any meeting or hearing the members present may appoint another member of the committee to act as Chair for that meeting or hearing.

23.12 Meetings

- (1) A committee must not sit while the Council is actually sitting unless specifically empowered to do so by the Council.
- (2) Committee deliberative meetings will always be conducted in private.
- (3) A committee may adjourn until a time and place of its choosing.
- (4) If a quorum of members is not present within half an hour after the time fixed for the meeting of any committee, the meeting will lapse and the next meeting of the committee will be called by the Chair.
- (5) If at any time during the sitting of a committee the quorum of members is not present, the Committee Manager 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.
- (6) An audio link or audio visual link may be used by members of a committee in order to attend and participate in meetings of the committee, be counted for the purposes of quorum, and vote on any question before the committee.
- (7) A member seeking to attend a meeting by audio link or audio visual link must give reasonable notice to the Chair and secretariat of the committee so as to allow sufficient time for arrangements to be put in place to facilitate the link.
- (8) Members must be satisfied that the audio link or audio visual link is of sufficient quality to —
 - (a) verify the identify of the member attending via the link; and
 - (b) enable participation in the meeting by that member.

23.13 Voting

- (1) Unless otherwise provided in these Standing Orders, a question arising at a committee meeting must be determined by a majority of votes of members present.
- (2) The Chair of a standing committee, in addition to exercising a deliberative vote, when votes on a question are equally divided, shall have a casting vote.
- (3) The Chair of the Procedure Committee has a deliberative vote only.
- (4) The Chair of the Privileges Committee has a deliberative vote only.

- (5) Unless otherwise provided, the Chair of a select committee, in addition to exercising a deliberative vote, when votes on a question are equally divided, shall have a casting vote.

23.14 Minutes of proceedings

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

- (a) the names of the members who attended;
- (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.

23.15 Terms of reference and submissions

Each committee must publicise the terms of reference for an inquiry and may call for submissions. All submissions received by the committee will be treated as public documents unless the committee otherwise orders.

23.16 Evidence

- (1) A committee may send for persons, documents and other things.
- (2) Unless otherwise determined by the committee, a transcript will be taken of all formal evidence.
- (3) Unless the Council or a committee otherwise determines, all evidence will be taken in public and may be published immediately (public hearing).
- (4) A committee may take evidence in private which will remain confidential unless authorised for disclosure under Standing Order 23.17 (in camera hearing).
- (5) A committee may take evidence in private but use it as public evidence and it may be published immediately. The committee must inform the person giving the evidence that it is received by the committee on the basis that it will be made public (closed hearing).
- (6) A committee may take evidence in any manner that the committee considers appropriate including by means of audio link, audio visual link or any other electronic means.
- (7) Without limiting or affecting the generality of section 19A of the *Constitution Act 1975*, evidence given before a committee in accordance with Standing Order 23.16(6) must, if the committee so requires, be given on oath or affirmation.
- (8) An oath to be sworn or affirmation to be made by a witness who is to give evidence by audio link or audio visual link may be administered either —

- (a) by means of the audio link or audio visual link, in as nearly as practicable the same way as if the witness were to give evidence at the place at which the committee is sitting; or
- (b) at the direction of, and on behalf of, the committee at the place where the witness is located by a person authorised by the committee.

23.17 Disclosure of submissions, evidence and other documents

- (1) A committee may authorise the publication of any documents, papers and submissions presented to it.
- (2) 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.

23.18 Unreported evidence

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

23.19 Chair to prepare draft report

- (1) The Chair of a committee will prepare any draft report for consideration by the committee.
- (2) A draft report or a report adopted by a committee is strictly confidential to the committee until it reports to the Council.

23.20 Considering a draft report

- (1) A draft report will be circulated to members of a committee.
- (2) A report will be considered paragraph by paragraph or groups of paragraphs and a question put “That the paragraph/s (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 (as amended), be the report of the Committee”.
- (5) Any division on a question relating to the adoption of a draft report must be included in the committee’s report to the Council.

23.21 Minority report

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

23.22 Report presented by Chair

- (1) After a report of a committee is adopted by the committee, the Chair must —
 - (a) cause the report to be tabled in the House; or
 - (b) if the House is not sitting within 21 days of the adoption of the report and the committee unanimously agrees, give the report to the Clerk.
- (2) If a report is received by the Clerk under Standing Order 23.22(1)(b), the Clerk must —
 - (a) as soon as practicable after the report is received, give a copy of the report to each member of the Council; and
 - (b) present the report to the Council on the next sitting day of the Council.
- (3) A report tabled by the Chair under Standing Order 23.22(1)(a) may be ordered to be published by the Council.
- (4) A report that is given to the Clerk under Standing Order 23.22(1)(b) is taken to have been published by authority of the Legislative Council.

23.23 Government responses

- (1) If a committee's report to the Council recommends that the Government take a particular action with respect to a matter, within six months of the report being laid before the Council the appropriate responsible Minister must —
 - (a) provide the Council with a Government response to the committee's recommendations; or
 - (b) if the Council is not sitting, lodge the response with the Clerk.
- (2) On receipt of a Government response under Standing Order 23.23(1)(b) the Clerk must —
 - (a) as soon as practicable, give a copy of the response to each member of the Council; and
 - (b) present the response to the Council on the next sitting day of the Council.
- (3) A Government response that is given to the Clerk under Standing Order 23.23(1)(b) is taken to be published by authority of the Legislative Council.
- (4) The President will report to the House every six months on all Government responses that were due to be provided but were not provided in the preceding 12 months.

23.24 Resources

Each committee shall be provided with all necessary staff, facilities and resources and shall be empowered to appoint persons with specialist knowledge for the purposes of the committee, with the approval of the President.

CHAPTER 24

OPERATION AND SUSPENSION OF STANDING ORDERS

24.01 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.

24.02 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.

24.03 Standing Orders may be suspended

Any or all of the Standing, Sessional or other 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.

24.04 Urgency — how decided

- (1) When the question of urgency arises in relation to the application of Standing Orders 1.10 or 24.03, 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 their opinion the case could not reasonably be regarded as one of urgency.

24.05 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.