

The inclusion of sessional orders and ongoing resolutions in the standing orders

Inquiry | Interim report

November 2023

Committee membership



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Ellen Sandell Melbourne



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Hon Mary-Anne Thomas Leader of the House



Hon Peter Walsh Leader of the Nationals



Belinda Wilson Deputy Government Whip

About the Committee

Functions

The role of the Committee is to review the standing orders (procedural rules) of the Legislative Assembly and make recommendations for change.

Secretariat

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Recommendation

RECOMMENDATION: The Committee recommends that the House amends the standing and sessional orders as detailed in Appendix A.

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The inclusion of sessional orders and ongoing resolutions in the standing orders

- 1. On 7 February 2023, the Legislative Assembly referred a matter to the Standing Orders Committee, that subject to the sessional orders proposed in Government Business notice of motion No 1 being agreed, the following issues be referred to the Standing Orders Committee for consideration, inquiry and report:
 - (1) the possible inclusion of the sessional orders and ongoing resolutions in the standing orders; and
 - (2) any other identified improvements to the standing orders.
- 2. On 17 August 2023, the Committee formed a subcommittee to investigate and report to the Committee on which current sessional orders should be included in the standing orders, and which required further consideration by the Committee.
- The subcommittee reported back to the Committee on 2 November 2023. The subcommittee recommended that sessional orders Nos 4, 6, 8, 10, 13, 15, 16 and 18 be included in the standing orders with consequential changes to the sessional orders. The Committee agreed to the recommendation and resolved to produce this report.
- 4. The Committee will continue to work on the terms of reference and will report to the House as it resolves to make further recommendations for changes to standing and sessional orders.

Answers to questions on notice

- 5. Sessional order 4 requires that a reply to a question on notice must be provided to the Clerk within 30 days. This sessional order was first adopted in February 2015 for the 58th Parliament, in February 2019 for the 59th Parliament, and was adopted again in February 2023 for the current Parliament.
- 6. The Committee believes the sessional order has worked effectively and the 30 day time frame is appropriate. The Committee therefore recommends this sessional order be incorporated into standing orders.

Supplementary questions without notice

- 7. Sessional order 6 allows a member asking a question during oral questions without notice to ask the minister a supplementary question, provided that the supplementary question relates to the original question or the minister's answer. This sessional order was first adopted in February 2015 for the 58th Parliament, in February 2019 for the 59th Parliament, and was adopted again in February 2023 for the current Parliament.
- 8. The Committee believes this sessional order should be incorporated into standing orders.

Constituency questions

- 9. Sessional order 8 provides for five government and five non-government members to ask an oral question relating to matters relevant to their constituency. The answering minister must provide a written response to the Clerk within 30 days, and the Clerk must give the response to the member who asked the question, and publish the response. This sessional order was first adopted in February 2015 for the 58th Parliament, in February 2019 for the 59th Parliament, and was adopted again in February 2023 for the current Parliament.
- 10. The Committee believes this sessional order has worked effectively and recommends that it be incorporated into the standing orders. In doing so, the Committee also recommends that the time for constituency questions be distinguished from question time in the standing orders.
- 11. Currently, sessional order 9 defines question time to include questions without notice and supplementary questions, ministers' statements, and constituency questions.

 Sessional order 12 provides for members to serve 'question time' suspensions during oral questions without notice and ministers' statements only.
- 12. The Committee has not made a decision about whether sessional order 12 should be incorporated into standing orders. However, the Committee believes there is an opportunity to make the standing orders easier to understand should sessional order 12, or a similar rule, be incorporated into standing orders in future, by making the distinction between 'question time' and constituency questions clearer.

Time limits on answers and questions

- 13. Sessional order 10 provides that the time limit for oral questions, supplementary questions and constituency questions is one minute, that an answer to an oral question is three minutes, and an answer to a supplementary question is one minute.
- 14. The Committee believes that these time limits are appropriate and, noting that the Committee has recommended supplementary questions without notice and constituency questions be incorporated into standing orders, also recommends that these time limits be incorporated into standing orders.

Time limit for lead speakers

- 15. Sessional order 13 provides that when a party has advised the Speaker that it is in a coalition agreement with another party, additional time for the lead speaker of that party does not apply. This sessional order was adopted in June 2011 for the 57th Parliament, and has been adopted in each parliament subsequent to that.
- 16. The Committee recommends this sessional order be incorporated into standing orders, as this practice is long-standing and established.

Procedure for a division

17. Sessional order 15 provides that the bells will ring for four minutes for a division. This sessional order was introduced in the 58th Parliament when the Parliament House annexe was opened, to allow members more time to reach the Chamber on the ringing of the bells. The Committee recommends this sessional order be incorporated into standing orders.

Redactions

- 18. A procedure to empower the Standing Orders Committee to redact certain documents on safety or security grounds was adopted into sessional orders in November 2019, following a recommendation from the Standing Orders Committee of the 59th Parliament. While the procedure has not been used to date, the Committee believes that is it appropriate for the House to retain this procedure should it be required.
- 19. The Committee therefore recommends that sessional order 16 be incorporated into standing orders.

Motion to disallow a pandemic orders and requirement for a joint sitting

- 20. A procedure to require a minister to move a motion to hold a joint sitting after a member has given notice of a motion to disallow in whole or in part a pandemic order or instrument in accordance with s 165AU of the *Public Health and Wellbeing Act 2008* was first adopted into sessional orders in February 2022. This procedure was introduced in response to changes to the Act following the COVID-19 pandemic.
- 21. While there is no pandemic declaration in effect, the Committee believes it is appropriate for this procedure to be incorporated into standing orders to ensure there is an established mechanism to deal with the requirement of the Act if needed in the future. The Committee notes that the Assembly proposed a joint sessional order to the Legislative Council in the 59th Parliament regarding the conduct of joint sittings under the Act, but the Parliament expired before the joint sessional order could be considered and agreed by both Houses.

22. The Committee therefore recommends that sessional order 18 be incorporated into standing orders.

RECOMMENDATION: The Committee recommends that the House amends the standing and sessional orders as detailed in Appendix A.

Adopted by the Legislative Assembly Standing Orders Committee Parliament of Victoria, East Melbourne 16 November 2023

Appendix A

Proposed amendments to standing and sessional orders

Proposed amendments to standing orders

5 Resumption of business after the suspension

The order of business after the suspension will be:

- (1) Question time and constituency questions.
- (2) Formal business, to re-assert and maintain the right of the House to deal with its own business before the Governor's business.
- (3) The Speaker will report the Governor's speech to the House.
- (4) An address-in-reply to the Governor's speech is moved after the speech is reported. The motion is seconded.
- (5) Any other business.

34 Precedence of government business

Government business takes precedence over all other business except:

- (1) Motions of no confidence in the government; and
- (2) In relation to:
 - (a) the election of Speaker (SO 6);
 - (b) the election of Deputy Speaker (SO 18);
 - (c) the election of an Acting Deputy Speaker (SO 22);
 - (d) other business during MPI time (SO 37);
 - (e) the grievance debate (SO 38);
 - (f) matters of public importance (SO 39);
 - (g) statements by members (SO 40);
 - (h) statements on parliamentary committee reports (SO 41);
 - (i) condolences (SO 42);
 - (j) question time (SO 55) and constituency questions (SO 55A);
 - (k) disallowance motions (SO 151).

36 Order of business

Unless a matter concerning the privileges of the House arises, or an election of a Speaker is held under SO 6, the order of business will be:

Tuesdays

Question time and constituency questions

Formal business

Statements by members (SO 40)

Government business

General business

Wednesdays

Formal business

Disallowance motions (SO 151)

Statements by members (SO 40)

Matter of public importance (SO 39) or grievance debate (SO 38)

Statements on parliamentary committee reports (SO 41)

Government business

Question time and constituency questions (at 2.00 pm)

Government business continued

General business

Thursdays (and Fridays)

Formal business

Statements by members (SO 40)

Government business

Question time and constituency questions (at 2.00 pm)

Government business continued

General business

54 Questions on notice

- (1) A member must give a question on notice to the Clerk in sufficient time, in the opinion of the Speaker, to enable it to be published in that sitting day's questions on notice.
- (2) The question must be in writing and signed by the member.
- (3) The reply to a question on notice must be given by delivering it to the Clerk within 30 days. The Clerk must give the response to the member who asked the question and electronically publish the response.

55 Question time

- (1) Members may ask oral questions without notice (question time):
 - (a) on a sitting Tuesday immediately following the Prayer, except where precedence is given to condolences under SO 42 when question time will follow immediately afterwards; and
 - (b) at 2.00 pm on every other sitting day.
- (1A) At the conclusion of each answer to an oral question without notice, the questioning member may ask the responding minister a supplementary question to elucidate or clarify the answer. Supplementary questions must actually and accurately relate to the original question, must relate to, or arise from, the answer and must not be a separate question on the same topic.
- (1B) The following time limits apply:

Oral question	1 minute
Answer to oral question	3 minutes
Supplementary question	.1 minute
Answer to supplementary question	. 1 minute

- (2) Question time will last for 30 minutes or until 10 questions have been answered, whichever is the longer provided that:
 - (i) where a question is ruled out of order it is, for the purposes of this Standing Order, deemed to have been answered; and
 - (ii) only one question time is permitted each sitting day.
- (3) When question time occurs under paragraph (1)(b):
 - (a) at 2.00 pm, unless a division is taking place, the Speaker interrupts the business before the House and the bells are then rung for one minute;
 - (b) if a division is taking place at 2.00 pm:
 - (i) it will be completed without interruption and the result announced;
 - (ii) if the division is on a closure motion, and the motion is agreed to, the question or questions then required to be put to close the issue before the House will also be dealt with;
 - (iii) business is then interrupted following the procedure in sub-paragraph (a).
 - (c) any business under discussion and not completed at the interruption will be resumed immediately at the end of question time and any member speaking at the time of the interruption may then continue his or her speech.

55A Constituency questions

- (1) At the conclusion question time, five government members and five non-government members may ask one oral question each to ministers relating to constituency matters.
- (2) The time limit for each constituency question is one minute.
- (3) Replies to constituency questions must be given in writing within 30 days by delivering a reply to the Clerk. The Clerk must give the response to the member who asked the question and electronically publish the response.

131 Time limit of speeches

A member may speak for the specified period in the following debates:

Appropriation bills — second readingMoverunlimitedLead speaker in response from oppositionunlimitedLead speaker in response from any other party, each1 hourAny other member15 minutes
Government bills (excluding appropriation bills) — second reading Mover
Lead speaker in response from any other party, each
*Plus, where the minister speaks for more than 30 minutes, an additional time equivalent to the minister's time in excess of 30 minutes. If a minister incorporates a second reading speech, the Speaker may grant additional time if he or she believes the second reading speech would have taken more than 30 minutes to read aloud.
Private members' bills — second reading
Mover
All bills — consideration in detail Mover unlimited (in time and how often a mover may speak to a question) Any other member twice on each question, 5 minutes each time

Motions other than procedural motions

Mover	unlimited
Lead speakers in response from government and/or opposition, each \ldots	30 minutes
Lead speaker in response from any other party, each	20 minutes
Any other member	. 10 minutes

Procedural motions

These time limits apply to procedural motions, dilatory motions¹ and debate on the question that remaining business be postponed.

Motion to take note of the budget papers

No-confidence motions

Mover	ınlimited
Lead speaker in response from opposition	unlimited
Lead speaker in response from any other party, each	1 hour
Any other member	minutes

Address-in-reply

Mover and seconder, each	. 20 minutes
Any other member	. 15 minutes

Subject to any agreement to the contrary, the additional time provided for the lead speaker of any other party does not apply where such a party has advised the Speaker that it is in a coalition arrangement with another party.

151A Motion to disallow a pandemic order and requirement for a joint sitting

- (1) After a member has given notice of a motion to disallow in whole or in part a pandemic order or instrument in accordance with s 165AU of the *Public Health* and *Wellbeing Act 2008*, a minister must move a motion to hold a joint sitting to consider the disallowance motion.² The minister must move the motion by the end of the next sitting day after notice of the disallowance motion is given.
- (2) A motion to hold a joint sitting can be moved without notice or leave at any break in business.
- (3) Debate on a motion to hold a joint sitting will last for a maximum of 30 minutes or until six members have spoken, whichever is the shorter.

For example, motions such as 'That the debate be now adjourned' and 'That the question be now put'.

² Under s 165AU of the *Public Health and Wellbeing Act 2008*, a joint sitting must be held within three months of a member giving notice of a disallowance motion.

164 Procedure for a division

- (1) When a division is requested, the Clerk will ring the bells for three four minutes as indicated by the timer.
- (2) When the bells have stopped ringing, the Chair calls for the doors to be locked. After that a member must not leave the Chamber until after the division has been completed.
- (3) When successive divisions are taken without any intervening debate, the Chair may direct that the bells be rung for one minute.

Chapter 28 — Redactions on safety or security grounds

235 Procedure for reductions

The Standing Orders Committee (the Committee) is empowered to authorise redactions from a document published by the House, Assembly Hansard, official broadcast footage of the Assembly Chamber or an Assembly Committee, a petition, or a document tabled under SO 171 on safety or security grounds using the following process:

- (1) A person, including a member of Parliament, may write to the Clerk and request the redaction including details of the nature of the safety or security risk and how redaction would reduce or remove this risk. The Clerk will then forward that request to the Committee as soon as practicable.
- (2) If the Committee is satisfied there is a safety or security risk and the redaction is warranted, the Committee may approve the request. All members present at the meeting must unanimously agree for the Committee's decision to be effective.
- (3) The Clerk will inform the person who made the request of the Committee's decision. Where the Committee unanimously approves the redaction, the Clerk must take all necessary steps to give effect to the Committee's decision.
- (4) A redaction does not affect the protections provided by ss 73, 74 or 74AA of the *Constitution Act 1975*.
- (5) The Clerk must include a statement of the number of redactions made and the type of document they were redacted from, excluding any identifying information, in the annual report of the Department of the Legislative Assembly.
- (6) The Committee may issue guidelines on the operation of this standing order.

Proposed amendments to sessional orders

1 Days and times of meeting

Unless otherwise ordered, the House will meet each Tuesday at 12.00 pm, and each Wednesday and Thursday at 9.30 am.

2 Interruption of business for adjournment

Standing Order 32 be suspended and the following to apply:

- (1) Subject to paragraphs (2) and (3), the Speaker will interrupt the business before the House at:
 - (a) 7.00 pm each sitting Tuesday and Wednesday;
 - (b) 5.00 pm on any other sitting day.
- (2) If a division is taking place when the time for the interruption arises, the division will be completed and the result announced. If the division is on a closure motion, and the motion is agreed to, the question or questions then required to be put to close the issue before the House will also be dealt with. The Speaker will then interrupt business.
- (3) If the time for the interruption arises:
 - (a) at the same time as the completion time set by the government business program; or
 - (b) after the interruption for the completion time of the government business program, but before all business on the program has been dealt with —

all business on the government business program will be completed first. The Speaker will then interrupt business for the adjournment.

- (4) After the interruption:
 - (a) before a motion for the adjournment is proposed by the Speaker, a minister may move that the sitting be continued. That motion must be put immediately without amendment or debate. If it is agreed to, the House will resume debate at the point at which it had been interrupted; or
 - (b) if a motion is not moved, the Speaker will immediately propose the question 'That the House now adjourns'. Any business under discussion and any other business not concluded at the time of the adjournment will be listed on the notice paper for the next sitting day. Any member speaking at the time of the interruption may, when debate resumes, continue his or her speech.

3 Order of business

(1) So much of SOs 36, 38, 39, 41 and 55 be suspended so as to enable the following order of business on:

Tuesdays

Formal business

Statements by members

Government business

Question time and constituency questions (2.00 pm)

Government business continued

General business

Wednesdays

Formal business

Disallowance motions

Statements by members

Statements on parliamentary committee reports

Government business

Question time and constituency questions (2.00 pm)

Government business continued

Matter of public importance or grievance debate (4.00 pm)

Government business continued

General business

- (2) So much of SOs 38 and 39 be suspended so as to enable:
 - (a) at 4.00 pm on Wednesday, unless a division is taking place, the Chair interrupts the business before the House and the bells are then rung for one minute;
 - (b) if a division is taking place at 4.00 pm:
 - (i) it will be completed without interruption and result announced;
 - (ii) if the division is on a closure motion, and the motion is agreed to, the question or questions then required to be put to close the issue before the House will also be dealt with;
 - (iii) business is then interrupted following the procedure in sub paragraph (a);
 - (c) the Chair announces the grievance debate or matter of public importance, whichever the case may be;
 - (d) any business under discussion and not completed at the interruption will be resumed immediately at the end of the grievance debate or matter of public importance, whichever the case may be, and any member speaking at the time of the interruption may then continue his or her speech.
- (3) In SO 39(9) for 'statements on parliamentary committee reports under SO 41' read 'government business'.

4 Answers to questions on notice

A reply to a question on notice delivered to the Clerk under SO 54(3) must be submitted within 30 days.

5 Who may ask oral questions without notice

Only non-government members may ask questions without notice under SO 55.

6 Supplementary questions without notice

- (1) At the conclusion of each answer to an oral question without notice, the questioning member may ask the responding minister a supplementary question to elucidate or clarify the answer.
- (2) Supplementary questions must actually and accurately relate to the original question, must relate to or arise from the answer and must not be a separate question on the same topic.

7 Ministers' statements

After each oral question without notice and any related supplementary questions, any minister may seek the call to make a statement of up to two minutes.

8 Constituency questions

- (1) At the conclusion of oral questions without notice and ministers' statements, five government members and five non-government members may ask one oral question each to ministers relating to constituency matters.
- (2) Replies to constituency questions must be given in writing within 30 days by delivering a reply to the Clerk. The Clerk must give the response to the member who asked the question and electronically publish the response.

9 Duration of question time

Standing Order 55(2) is suspended and the following to apply:

Question time will last until five oral questions and related supplementary questions have been answered, and up to five ministers' statements have been made and up to ten constituency questions have been asked and where a question is ruled out of order it is, for the purposes of this sessional order, deemed to have been answered.

10 Time limits on answers and questions

- (1) The time limit for each oral question, supplementary question and constituency question is one minute.
- (2) The time limit for the answer to each oral question is three minutes, and for the answer to each supplementary question is one minute.

11 Content of answers

Standing Order 58(1)(a) is suspended and all answers to questions must be direct, factual, succinct and relevant.

12 Chair ordering member to withdraw — application during oral questions without notice and ministers' statements

Where:

- (1) a member is ordered to withdraw from the House under SO 124 during oral questions without notice or ministers' statements question time; and
- (2) question time the time for oral questions without notice and ministers' statements ends before the end of the suspension period —

the member may return to the Chamber after the time for oral questions without notice and ministers' statements question time but must serve the remainder of their suspension during the next question time, subject to SO 124(2).

13 Time limit for lead speakers

For the purposes of SO 131, and subject to any agreement to the contrary, additional-time provided for the lead speaker of any other party does not apply where such a party has advised the Speaker that it is in a coalition arrangement with another party.

14 Notices of motion

Standing Orders 140(1) and 141 are suspended and the following to apply:

- (1) A member may only move a motion to discuss a subject if he or she has given notice of that motion on a previous sitting day.
- (2) Copies of all verbal notices must be provided to the Clerks at the table before notices are called on by the Speaker.
- (3) Copies of all written notices must be provided to the Clerks at the table before the conclusion of formal business.
- (4) All notices given by ministers must be verbal.
- (5) Verbal notices must be read to the House. They can only be given before the House proceeds to the business of the day as set out in the notice paper.

- (6) All notices, except notices given under paragraph (7) given by members who are not ministers, must be given in writing. Members may give notice by lodging a copy with the Clerks in accordance with paragraph (3).
- (7) A motion by a member expressing no confidence in the Premier and ministers, in the terms set out in s 8A of the *Constitution Act 1975*, may only be given verbally.
- (8) The Clerk must notify the Speaker of a notice of a motion by a member to disallow a statutory rule to which SO 151 applies, and the Speaker will report details to the House at the first convenient opportunity.

15 Procedure for a division

Standing Order 164(1) is suspended and the following to apply:

When a division is requested, the Clerk will ring the bells for four minutes as indicated by the timer.

16 Redactions

The Standing Orders Committee (the Committee) is empowered to authorise-redactions from a document published by the House, Assembly Hansard, official-broadcast footage of the Assembly Chamber or an Assembly Committee, a petition, or a document tabled under SO 171 on safety or security grounds using the following process:

- (1) A person, including a member of Parliament, may write to the Clerk and request the redaction including details of the nature of the safety or security risk and how redaction would reduce or remove this risk. The Clerk will then forward that request to the Committee as soon as practicable.
- (2) If the Committee is satisfied there is a safety or security risk and the redaction iswarranted, the Committee may approve the request. All members present at the meeting must unanimously agree for the Committee's decision to be effective.
- (3) The Clerk will inform the person who made the request of the Committee's decision. Where the Committee unanimously approves the redaction, the Clerk must take all necessary steps to give effect to the Committee's decision.
- (4) A redaction does not affect the protections provided by ss 73, 74 or 74AA of the *Constitution Act 1975.*
- (5) The Clerk must include a statement of the number of redactions made and the type of document they were redacted from, excluding any identifying information, in the annual report of the Department of the Legislative Assembly.
- (6) The Committee may issue guidelines on the operation of this sessional order.

17 Electronic petitions

- (1) A person (the sponsoring petitioner) may lodge a request to start an electronic petition (e-petition) with the Clerk for publication on the Parliament's website.
- (2) Standing Orders 45 to 52 apply except in relation to the requirement for a petitioner's signature.
- (3) The sponsoring petitioner must provide the following information to the Clerk:
 - (a) the issue (maximum 200 words) and action requested (maximum 120 words);
 - (b) their full name and address; and
 - (c) the name of the member sponsoring the e-petition.
- (4) Before the e-petition is published, the Clerk will review the wording of the e-petition to ensure it conforms with standing orders and confirm that the sponsoring member has agreed to sponsor the e-petition.
- (5) The sponsoring member must nominate a period (the posted period) that the e-petition will be available to sign on the Parliament's website and:
 - (a) the posted period must be a minimum of one week and a maximum of six months from the date of publication;
 - (b) if the Assembly is due to expire under s 28(2) of the *Constitution Act 1975* within six months from the date of publication of an e-petition, the Clerk will determine the maximum posted period;
 - (c) the sponsoring member may request the Clerk to change the posted period before it ends, provided the maximum period is not exceeded.
- (6) A member must not sign an e-petition they have sponsored.
- (7) Once published, an e-petition cannot be altered but the sponsoring member may request the Clerk withdraw it.
- (8) Residents of Victoria may become signatories to an e-petition by electronically providing their name, address and signifying their intention to join the e-petition.
- (9) The Clerk will table the e-petition on the next sitting day after the posted period has ended.
- (10) E-petitions about the same issue and requesting the same action are not allowed simultaneously. However, once an e-petition has been tabled, a new e-petition can be started.

18 Motion to disallow a pandemic order and requirement for a joint sitting

- (1) After a member has given notice of a motion to disallow in whole or in part a pandemic order or instrument in accordance with s 165AU of the *Public Health and Wellbeing Act 2008*, a minister must move a motion to hold a joint sitting to consider the disallowance motion. The minister must move the motion by the end of the next sitting day after notice of the disallowance motion is given.
- (2) A motion to hold a joint sitting can be moved without notice or leave at any break in business.
- (3) Debate on a motion to hold a joint sitting will last for a maximum of 30 minutes or until six members have spoken, whichever is the shorter.

Extracts of proceedings

The Committee divided on the following questions during consideration of this report. Questions agreed to without division are not recorded in these extracts.

Committee meeting – 16 November 2023

Question - That paragraphs 20 to 22 inclusive stand part of the report - put.

The Committee divided

Ayes	Noes
Ben Carroll	James Newbury
Matt Fregon	Peter Walsh
Pauline Richards	
Mary-Anne Thomas	
Belinda Wilson	

Question agreed to.

Question – That the draft report, together with the correction of any typographical errors, be the report of the Committee – put.

The Committee divided

Ayes	Noes
Ben Carroll	James Newbury
Matt Fregon	Peter Walsh
Pauline Richards	
Mary-Anne Thomas	
Belinda Wilson	

Question agreed to.