

**LEGISLATIVE COUNCIL  
STANDING ORDERS COMMITTEE**

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*Report upon*

**THE MANNER OF RAISING  
MATTERS OF PRIVILEGE**

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PARLIAMENT OF VICTORIA  
1985

**LEGISLATIVE COUNCIL  
STANDING ORDERS COMMITTEE**

**REPORT**

**upon**

**THE MANNER OF RAISING  
MATTERS OF PRIVILEGE**

**Ordered to be printed**

**EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS  
OF THE LEGISLATIVE COUNCIL**

**WEDNESDAY, 3 APRIL 1985**

- 18 **STANDING ORDERS COMMITTEE** - The Honourable Evan Walker moved, by leave, That the Honourables the President, W.R. Baxter, G.A.S. Butler, B.A. Chamberlain, B.P. Dunn, D.E.Kent, W.A. Landeryou and Haddon Storey be members of the Select Committee on the Standing Orders of the House; three to be the quorum.

Question - put and resolved in the affirmative.

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**TUESDAY, 16 JULY 1985**

- 26 **STANDING ORDERS COMMITTEE** - The Honourable Evan Walker moved, by leave, That the Honourables W.R. Baxter, C.J. Kennedy and B.T. Pullen be members of the Standing Orders Committee.

Question - put and resolved in the affirmative.

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**TUESDAY, 17 SEPTEMBER 1985**

- 14 **PRIVILEGE** - The Honourable A.J. Hunt moved, by leave, That the question of the manner in which issues of privilege may be raised be referred to the Standing Orders Committee for examination and report.

Question - put and resolved in the affirmative.

## REPORT

The Select Committee of the Legislative Council on Standing Orders, appointed pursuant to resolution of the Council on 3 April 1985, has the honour to report as follows:

1. On 17 September 1985 the House resolved that the question of the manner in which issues of privilege may be raised be referred to the Standing Orders Committee for examination and report. During the course of its examination the Committee has considered the practice of the United Kingdom House of Commons and of some other Australian Houses of Parliament.
2. Subject to one qualification, the Committee is satisfied that the present procedure of the House of Commons which has operated since 6 February 1978 could be adopted with advantage by the Legislative Council, principally because it would allow for the initial filtering of complaints by the President outside the public arena of the House. This system could prevent abuse of the right to raise a privilege complaint and generally ensure that only those privilege matters deserving of the intervention of the House are brought before it. In considering the Commons procedure the Committee was mindful, however, that there could be occasions on which matters of privilege "suddenly arising" in the House should be raised on the floor immediately. The Committee is of opinion that the Commons procedure should be adapted to provide for these instances.
3. The Committee believes that, initially, the new procedure should be introduced by way of Sessional Order and that relevant changes to the Standing Orders be considered after the Sessional Order has operated for sufficient time to enable an assessment to be made of its adequacy and effectiveness. Accordingly, the Committee recommends adoption of the following Sessional Order:

That until the end of the Session, Standing Orders nos. 85, 94 and 126 be suspended insofar as they relate to the raising of matters of privilege, and that the procedure to be followed in raising matters of privilege shall be as follows:

Upon any matter of privilege arising -

- (a) a Member shall, 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;
- (b) if the matter arises from a statement published in a newspaper, book or other publication, the Member shall provide the President with a copy of that newspaper, book or publication;
- (c) the President thereupon will determine as soon as practicable whether the matter merits precedence over other business;
- (d) if, in the opinion of the President, the matter merits precedence, he will inform the House of his decision, and the Member who raised the matter may forthwith move a motion without notice in relation to the matter;
- (e) if, in the opinion of the President, the matter does not merit precedence, he will inform the Member, in writing, accordingly and may also inform the House of his decision; and
- (f) a decision by the President not to allow precedence shall not prevent a Member from proceeding with the matter by motion after notice.

President's Suite  
14 November 1985