

# **LEGISLATIVE COUNCIL OF VICTORIA**

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## **STANDING ORDERS**

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

**2019**

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# STANDING ORDERS

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## CHAPTER 1

### OPENING OF PARLIAMENT AND ADDRESS IN REPLY

#### 1.01 Opening of a new Parliament

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

- (1) Members meet at the appointed time and place.
- (2) The Clerk reads the Proclamation convening Parliament.
- (3) The Usher of the Black Rod will then introduce to the Council Chamber a Commissioner from the Governor appointed to open Parliament.
- (4) The Clerk reads the Commission appointing the Commissioner to open Parliament
- (5) The Commissioner will then inform Members that the Governor will at a future time outline the reasons for calling Parliament together, and request Members to proceed to the election of their President.
- (6) The Clerk will read the Commission for swearing Members, issued by the Governor to the Commissioner.
- (7) After the Commission has been read the Clerk will read the returns to the Writ for the election of Members to the Council.
- (8) Members elected pursuant to such Writ will then be sworn or affirmed as prescribed by the *Constitution Act 1975*.
- (9) The Commissioner will then retire 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 himself or herself to the Governor.
- (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 take the Chair and the Council awaits the arrival of the Governor.

#### 1.03 Governor announced by Usher

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

#### **1.04 Assembly summoned**

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

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

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

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

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

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

#### **1.08 Suspension of sitting**

The sitting will then be suspended for an appropriate time.

#### **1.09 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 Speech of the Governor 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 Speech of the Governor 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) At the conclusion of debate on the motion for an Address in Reply to the Speech of the Governor, a motion will then be made that the Address be presented to the Governor by the President and such Members who may wish to accompany him or her.
- (4) The President will report to the Council the Governor's reply to their Address.

## **CHAPTER 2**

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

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

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

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

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

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

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

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

- (1) If there is a tie for the smallest number of votes, and the combined total of the tied votes is less than the number of votes cast for the



next lowest candidate, the candidates with the smallest number of votes will be eliminated.

- (2) If Standing Order 2.04(1) does not apply, two open votes may be held and if two candidates remain tied for the smallest number of votes, the Clerk will determine by lot which of those candidates will be eliminated from any further vote.

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

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

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

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

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

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

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

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

#### **2.09 Deputy President**

- (1) 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. The Deputy President will take the Chair whenever requested to do so by the President during a sitting of the Council, without any formal communication to the Council.

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

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

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

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

## **2.12 Acting Presidents**

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

## **2.13 Absence of President**

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

## **2.14 Absence of Clerk**

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

## **CHAPTER 3**

### **ATTENDANCE OF MEMBERS**

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

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

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

- (1) Notice will be given of a motion for giving leave of absence to any Member, stating the cause and period of absence.
- (2) Any Member having leave of absence shall forfeit it by attending the Council before the leave expires.
- (3) Members without leave of absence who, when ordered, do not attend sittings of the Council may be dealt with as the Council 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 2.00 p.m.
  - (b) Wednesday at 9.30 a.m.
  - (c) Thursday at 9.30 a.m.
  - (d) Friday at 9.30 a.m.
- (2) At any time when no question is before the Chair a Minister may move without leave a motion to set the day and time of the next meeting.

#### 4.02 President takes Chair when quorum present

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

#### 4.03 Lack of quorum

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

#### 4.04 Special meeting of the Council

- (1) If during any adjournment of the Council any emergency arises which in the opinion of the President renders it desirable that the Members of the Council should meet for the consideration of any matter before the time previously fixed for meeting, the President will appoint a day and hour for a special meeting to deal with such matter and to summon Members to such special meeting.

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

- (2) The 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 p.m. on Tuesday and Thursday;
  - (b) at 6.30 p.m. on Wednesday;
  - (c) at 5.30 p.m. on Wednesday if a joint sitting has been scheduled for 6.15 p.m. on that day;
  - (d) at 4.00 p.m. 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 his or her 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 —
  - (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) 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 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 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 proposed by the President or moved by a Minister, Members may raise matters for consideration by Ministers.
- (2) 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 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 “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 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.
- (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.
- (3) 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 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 noon** Questions
  - Answers to Questions on Notice
  - General Business (continues)
  - At 5.00 p.m.** Statements on reports and papers (60 minutes)
  - Government Business (maximum 30 minutes)
  - At 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 noon** Questions
  - Answers to Questions on Notice
  - General Business (continues)
  - At 4.30 p.m.** Statements on reports and papers (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 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 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                    |

#### ***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 |

#### ***General Business (Standing Order 5.07)***

|                              |            |
|------------------------------|------------|
| Mover/Sponsor                | 60 minutes |
| Main Government lead speaker | 60 minutes |
| Other lead speakers          | 45 minutes |
| Remaining speakers           | 15 minutes |

**Condolences (Standing Order 5.12)**

*In relation to current Member, past or present Governor, Premier,  
Presiding Officer, Minister or party leader in either House —*

Total time No limit

*In relation to a former Member of the Council —*

Total time 60 minutes

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

Total time No limit (Maximum 15 Members)

Each Member 90 seconds

**Ministerial Statements (Standing Order 5.14)**

Total time 2 hours

Minister 20 minutes

Lead speaker on motion to take note 20 minutes

Other speakers 15 minutes

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

Total time Maximum 15 minutes

**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

**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 1 minute

Minister's answer 4 minutes

**Supplementary questions (Standing Order 8.05)**

Each Member 1 minute

Minister's answer 1 minute

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

Mover of motion to take note 5 minutes

Member of committee 2 minutes each

By leave, two other Members 2 minutes each

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

Total time 60 minutes

Each Member 5 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

**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 |

**Inaugural speeches**

|             |            |
|-------------|------------|
| Each Member | 30 minutes |
|-------------|------------|

**Explanation of reasons for granting leave (Standing Order 5.10)**

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

**5.04 Formal business defined**

Formal business is deemed to include the presentation of petitions, the introduction and first reading of Bills, the presentation of papers, 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 Bill or matter which the Council has ordered to be taken into consideration on a particular day.

**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;
  - (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;
- (g) 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) for the remainder of the sitting in respect of a Member of the current Parliament; or
  - (b) 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**

- (1) From the conclusion of formal business on Tuesday, Wednesday and Thursday, up to 15 Members may make statements on any topic of concern.
- (2) Each Member will be entitled to make only one such statement in each sitting week.
- (3) A Member may assign his or her single entitlement to another Member provided that no individual Member may be called more than once each day.

### **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 his or her intention to make the statement.
- (4) At the conclusion of the Ministerial Statement, a motion may be moved without notice, "That the Council take note of the Ministerial Statement".
- (5) The time limits for debate on the motion are prescribed by Standing Order 5.03.
- (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.
- (3) A Member may not give two notices of motion consecutively if any other Member has any notice to submit.
- (4) A Member, with the consent of another Member who is not present, may give notice for that Member by putting the name of such Member on the notice of motion.
- (5) A notice of motion will be printed on the Notice Paper. Any notice of motion or part of a notice of motion which, in the opinion of the President, contains material not in conformity with the Standing Orders may be omitted from the Notice Paper by order of the President.

#### **6.02 Moving of notices**

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

#### **6.03 Postponement of notices**

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

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

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

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

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

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

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

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

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

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

- (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, he or she 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 to him or her at least two hours before the time fixed for taking the Chair, he or she may waive that requirement.
- (4) Discussion upon a matter approved by the President pursuant to this Standing Order will occur prior to Questions without Notice; a motion being made, without notice, "That the Council take note of [subject]".
- (5) A motion under this Standing Order may not be amended and the debate may not be adjourned.
- (6) Not more than one motion under this Standing Order will be moved during any sitting of the Council.
- (7) In the case of two or more subject-matters being proposed to the President for discussion at a sitting, the President will decide, having regard to their relative urgency, which (if any) of those matters will be the subject of a motion.
- (8) No debate will be permitted as to the exercise of discretion by the President under this Standing Order, except by motion to dissent from his or her ruling.



## **6.10 Rules relating to 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 in reasonable time by other means.
- (2) If the President approves of a subject-matter being brought on for discussion he or she will cause —
  - (a) the Member who submitted the proposal to be notified that the discussion may proceed 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 he or she will —
  - (a) notify the Member who submitted the proposal accordingly, giving the reasons for rejecting the request; and
  - (b) report to the Council that he or she had received representations for a subject-matter to be debated, giving reasons why he or she decided that it should not proceed.

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

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

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

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

## 6.13 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 postponement of an Order of the Day pursuant to Standing Order 6.12;
- (e) a motion for the discharge of an Order of the Day pursuant to Standing Order 6.14;
- (f) a motion for the revival of a dropped motion or Order of the Day pursuant to Standing Order 6.16;
- (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 taken into consideration pursuant to Standing Order 9.07;
- (k) a motion that a Member "be now heard" pursuant to Standing Order 12.05;
- (l) a motion that the debate be now adjourned pursuant to Standing Order 12.10;
- (m) a motion to incorporate into *Hansard* a second reading speech for a Bill that has originated in the Council pursuant to Standing Order 14.07(1);
- (n) a motion to refer a Bill in Government Business to a Council committee or any other parliamentary committee pursuant to Standing Order 14.11(a);
- (o) a motion to defer Committee of the whole to a later time pursuant to Standing Order 14.11(c);
- (p) a motion for the adoption of the report from the Committee of the whole pursuant to Standing Order 14.16;
- (q) a motion to reconsider a Bill in Committee of the whole pursuant to Standing Order 14.17;
- (r) a motion to declare a Bill urgent pursuant to Standing Order 14.34;
- (s) a motion that a Bill ruled to be a Private Bill be dealt with as a Public Bill pursuant to Standing Order 14.36;
- (t) a motion that the Deputy President report progress and ask leave to sit again pursuant to Standing Order 15.05(5);

- (u) a motion providing an instruction to a Committee of the whole pursuant to Standing Order 15.07(3).

**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.

**6.16 Revival of dropped motions and Orders**

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

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

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

## CHAPTER 7

### QUESTIONS AND AMENDMENTS

#### 7.01 Putting the question

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

#### 7.02 Question may be divided

The Council may order a complicated question to be divided.

#### 7.03 Previous question

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

#### 7.04 Superseding of question

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

#### 7.05 Determination of previous question

- (1) If the previous question is agreed to and the original question and any amendment to it are superseded, the motion or Bill under discussion drops off the Notice Paper and the Council will proceed to the next business.
- (2) If the previous question is negatived the original question and any amendment to it will be put forthwith, without any amendment or debate.

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

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

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

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

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

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

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

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

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

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

### **7.11 Putting of amendments**

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

### **7.12 Proposed amendment withdrawn**

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

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

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

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

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

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

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

**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 and placed on the Notice Paper for written reply.

#### 8.02 Rules relating to questions

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

### **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) 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.
- (4) 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 the Clerk in writing within 14 days of the question being asked.
- (5) 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 lodge a question on notice by delivering or causing to be delivered to the Table Office a copy of the question in writing or electronically.
- (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.

## **8.12 Answers to questions on notice**

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

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

- (1) If a Minister does not furnish an answer to a question on notice within 30 days of the asking of that question and does not, within that period, provide to the Member who asked the question an

explanation satisfactory to that Member as to why an answer has not been provided —

- (a) at the conclusion of the normal time for answering questions on notice, 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 reports and papers”, provided that at least one day's notice of intention to make such statement is given by a Member.

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

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

the Minister or his or her office of that intention the day before failure to supply an answer is to be raised in the Council.

**8.15 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 the Clerk

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

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

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

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

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

#### 9.05 Papers presented under Acts of Parliament

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

#### 9.06 Proclamations fixing operative dates

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

#### 9.07 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 papers**

- (1) At the time prescribed by Standing Order 5.02, any Member may make a statement on any report or paper which has been tabled in the Council during the Session. A Member must give 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) giving notice of a report or paper previously discussed; or
  - (b) giving notice of a motion to take note of a report or paper for consideration during General Business.
- (3) Subject to the provisions of Standing Order 8.13, a Member may also make a statement regarding the failure of a Minister to provide either an answer or an explanation to a question.

## CHAPTER 10

### PETITIONS

#### **10.01 Petitions may be presented by Members**

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

#### **10.02 Content of petitions**

A petition will —

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

#### **10.03 Forgery of signatures**

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

#### **10.04 Restrictions on petitions**

A petition will not —

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

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

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

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

- (1) Every Member presenting a petition will acquaint himself or herself with its contents, and lodge it with the Clerk.

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

#### **10.07 Questions on presentation**

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

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

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

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

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

#### **10.10 E-Petitions**

- (1) Standing Orders 10.01 to 10.09 apply except in relation to the requirement for a petitioner’s signature.
- (2) A principal petitioner may lodge an e-petition with the Clerk for publication on the Parliament’s website.
- (3) The Clerk will decline to publish an e-petition not in conformity with Standing Orders.
- (4)
  - (a) The posted period for an e-petition 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 extend the posted period up to a maximum of six months on request to the Clerk.
  - (c) The principal petitioner may close the posted period of an e-petition prior to the nominated conclusion date on request to the Clerk.
  - (d) 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.
- (7) For the duration of the posted period of an e-petition, signatories may be progressively presented as a petition to the House.
- (8) Upon progressive presentation of signatories to the House, the publicly displayed number of persons who have joined that e-petition will re-set to zero.
- (9) For 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 11

### PRODUCTION OF DOCUMENTS

#### 11.01 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.

#### 11.02 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 11.01 will be delivered to the Clerk of the Council.
- (2) Upon receipt, such documents will be 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, 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 11.01(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 Council.
- (5) Documents lodged under Standing Order 11.02(4) must be laid on the Table by the Clerk on the next sitting day of the Council.

#### 11.03 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.

**11.04 Appointment of independent legal arbiter**

An independent legal arbiter required in accordance with Standing Order 11.03(2) is to be appointed by the President and must be a Queen's Counsel, a Senior Counsel or a retired Supreme Court Judge.

**11.05 Report of independent legal arbiter**

A report from an independent legal arbiter appointed under Standing Order 11.04 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.

**11.06 Clerk to maintain register**

The Clerk will maintain a register showing the name of any person examining documents tabled under this Standing Order.

## 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.

#### **12.03 President to be heard**

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

#### **12.04 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.

#### **12.05 President calls Member first observed**

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

#### **12.06 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.

#### **12.07 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 12.08;
  - (b) in reply pursuant to Standing Order 12.09;
  - (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.

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

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

### **12.09 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.

### **12.10 Member moving adjournment of debate**

- (1) A Member, unless he or she has 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 he or she has not discussed that question in moving the motion for adjournment.

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

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

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

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

### **12.13 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.

### **12.14 Personal explanation**

When there is no question before the Chair and with the consent of the President, a Member may explain how he or she has been misrepresented or explain another matter of a personal nature. A personal explanation will not be debated.

### **12.15 Relevance**

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

### **12.16 Irrelevance or tedious repetition**

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

### **12.17 Incorporation of material in *Hansard***

- (1) A Member may be granted leave to incorporate into *Hansard* material such as statistical tables, graphs and charts, to which a Member has referred in debate, that are not suitable for presentation in the ordinary course of a speech.
- (2) A Member desiring to incorporate material in *Hansard* must submit such material to the President for perusal prior to raising the matter in the Council.
- (3) In considering any request for incorporation the President must be satisfied that —
  - (a) the material is strictly relevant to the debate; and
  - (b) no matter is included which otherwise would be inadmissible in debate; and
  - (c) the source of the material is identified; and
  - (d) the information is not readily accessible elsewhere; and
  - (e) it is technically feasible to reproduce the material in *Hansard*.
- (4) If the President is satisfied that the pre-conditions for incorporation have been met —
  - (a) the Member will, at the appropriate stage of the debate, request the leave of the Council for the material to be incorporated; and
  - (b) the President will confirm to the Council that he or she has been consulted, and that the pre-conditions have been met.
- (5) The leave of the Council may then be determined and, if given, the Member will, at that time, provide copies for the benefit of subsequent speakers.
- (6) If the President is not satisfied that the pre-conditions have been met, the President will advise the Council 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.

### **12.20 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.

### **12.21 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.

### **12.22 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 judiciary.
- (2) No Member will make an accusation of improper motives or a personal reflection on any other Member of either House.
- (3) If the President is of the opinion that words used in debate offend against this Standing Order, he or she may order the words to be withdrawn and may also require an apology.

### **12.23 Objection to words**

If a Member objects to words used in debate pursuant to Standing Order 12.22 —

- (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.

### **12.24 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 12.25.

### **12.25 Closure of debate**

- (1) After any question has been proposed either in the Council or in Committee of the whole a Member may move without notice at any time "That the question be now put".
- (2) If six other Members rise in their places to support the motion, the question will be put forthwith and decided without amendment or debate.
- (3) During Committee of the whole when the Chair is satisfied that the debate on a clause or amendment is repetitious or frivolous, the Chair may accept a motion without notice from a Minister "That the question be now put".
- (4) The question on such motion will be put forthwith and decided without amendment or debate.

- (5) No other motion will be made or question of order raised until the disposal of any motion pursuant to this Standing Order.

**12.26 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.

**12.27 Member called to order**

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

## CHAPTER 13

### CONDUCT OF MEMBERS

#### 13.01 Intervention of President

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

#### 13.02 Disorderly conduct – Member ordered to withdraw

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

#### 13.03 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 13.02.
- (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.

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

- (1) If any Member is named by the President under Standing Order 13.03 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.

#### **13.05 Consequences of suspension**

- (1) A Member who is ordered to withdraw pursuant to Standing Order 13.02 or who is suspended pursuant to Standing Order 13.04 will not enter the Council Chamber or all 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.

#### **13.06 Discharge of suspension**

The Council may on motion without notice and determined without amendment or debate discharge an order of suspension under Standing Order 13.04 if the Member makes a satisfactory apology in writing to the Council.

#### **13.07 Contempt by Members**

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

#### **13.08 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 by a motion moved without notice to introduce a Bill, specifying its intended 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

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

- (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 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.
- (3) When debate on the reasoned amendment is concluded, the question “That the reasoned amendment moved by [Member] be agreed to” will be put.
- (4) If the question in sub-clause (3) is negated, the question “That the Bill be now read a second time” will be put immediately.
- (5) If the question in sub-clause (3) 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.
- (2) The announcement and request to circulate will not require leave, may not be made when another Member is speaking and may not be debated.
- (3) Following circulation, the Member may discuss the principles of the amendments during the second reading debate.

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

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

- (a) refers the Bill to a Council committee or any other parliamentary committee; or

- (b) gives leave for the Bill to proceed immediately to the third reading; or
- (c) defers Committee of the whole until a later time.

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

- (1) Each Bill must be considered in the following order —
  - (a) clauses separately and in numerical order;
  - (b) proposed new clauses 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 XXXXX and/to XXXXX stand part of the Bill”.
- (5) Following consideration and, if necessary, amendment of the preamble, the question must be put “That the preamble (as amended) stand part of the Bill”.

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

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

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

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

#### **14.15 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 14.12, 14.13 and 14.14 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 14.15(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 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.

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

- (1) When the Bill has been fully considered in Committee of the whole, the Deputy President will report the Bill (or the Bill as amended) to the Council without any question being put.
- (2) Every report from a Committee of the whole will be brought up without any question being put.
- (3) When a Bill is reported from Committee of the whole, the Council may —
  - (a) adopt the report immediately, or at a future day fixed for that purpose;
  - (b) postpone the further consideration of the report; or

- (c) recommit the Bill to the Committee.
- (4) If the Committee has not completed its consideration of a Bill, the Deputy President will be directed to report progress and ask leave to sit again.

#### **14.17 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.

#### **14.18 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.

#### **14.19 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.

#### **14.20 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.

#### **14.21 Bill passed**

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

#### **14.22 Bill rejected**

When a Bill which originated in the Assembly is rejected by the Council a Message will be sent to the Assembly informing them accordingly.

#### **14.23 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.

#### **14.24 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.

#### **14.25 Assembly amendments**

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

#### **14.26 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.

#### **14.27 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.

#### **14.28 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 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.

#### **14.29 Amendment proposed by Governor**

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

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

When the Council has agreed to any amendment proposed by the Governor pursuant to Standing Order 14.29, that amendment will be transmitted by Message to the Assembly for their agreement.

#### **14.31 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.

#### **14.32 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.

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

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

#### **14.34 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.



### **14.35 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 pursuant to Standing Order 14.06 (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 14.35(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 14.35(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.

### **14.36 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.

### **14.37 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 14.39 or until the expiration of time for objections pursuant to Standing Order 14.38.

### **14.38 Objection to Private Bill**

- (1) A person or body who considers that a provision in the Bill has a direct and adverse effect on him or her may within 21 days after

the publication of the statement pursuant to Standing Order 14.37, 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.

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

- (1) If a written objection is made to the Clerk pursuant to Standing Order 14.38, 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.

#### **14.40 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.

#### **14.41 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 14.36 to 14.40.

## CHAPTER 15

### COMMITTEE OF THE WHOLE COUNCIL

#### 15.01 Appointment of Committee

When the Council resolves itself into Committee of the whole the President will leave the Chair without putting any question and the Deputy President will preside over the Committee.

#### 15.02 Quorum of Committee of the whole

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

#### 15.03 Committee to consider only matters referred

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

#### 15.04 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.
- (3) 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 in charge of the Bill may, subject to leave being granted, request that the Member be allowed to answer a question or questions on the Bill and participate in debate at the Table.

#### 15.05 Proceedings in Committee

- (1) Except as provided by these Standing Orders, the same rules as to the conduct of Members, or of debate, procedure or general

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

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 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**

- (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.

#### **15.08 Disorder arising in Committee**

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

- (a) using objectionable words in Committee of the whole and not explaining or retracting the same; or
- (b) behaving offensively to the Committee or any Member and not making an apology to the satisfaction of the Committee when required —

will have his or her conduct reported to the Council by the Deputy President, who will suspend the proceedings of the Committee.

## CHAPTER 16

### DIVISIONS

#### 16.01 Resolving a question

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

#### 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. When successive divisions are taken, and there is no intervening debate, the bells for the ensuing divisions will be rung for one minute only.
- (2) At the expiration of 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.
- (3) Every Member present in the Chamber when the question is put with the doors locked will be required to vote.
- (4) When the doors have been locked and all the Members are in their places the President will put the question, and will —
  - (a) direct the “Ayes” to the right side of the Chamber, and the “Noes” to the left side of the Chamber; and
  - (b) appoint two Tellers for the “Ayes” and two Tellers for the “Noes”.
- (5) The Clerk or other Table Officer will report the numbers to the President, who will declare the result to the Council.

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

**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*.

**16.06 Correction of errors in divisions**

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

**16.07 Pecuniary interest**

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

**16.08 Point of order when dividing**

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

## CHAPTER 17

### WITNESSES

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

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

#### **17.02 Attendance of a Member before a Council committee**

- (1) If a Council committee requires the attendance of a Member as a witness, the Chair will in writing request him or her to attend.
- (2) If any Member of the Council refuses to give evidence as a witness to a 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**

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.

#### **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 as his or her attendance is required and the President may issue his or her 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.

#### **17.07 Neglect or refusal to attend**

A witness not attending pursuant to an order of the Council or of a committee having power to summon witnesses, or pursuant to a



warrant of the President, may be censured or declared guilty of contempt by the Council.

#### **17.08 Examination before the Council**

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

#### **17.09 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.

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

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

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

If it appears that any person has —

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

such person may be declared guilty of contempt.

## CHAPTER 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.
- (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

### BROADCASTING, RECORDING AND PHOTOGRAPHY OF PROCEEDINGS

#### 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.

#### 20.02 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 in a newspaper, book or other publication, the Member will provide the President with a copy of that newspaper, book or publication.
- (3) The President thereupon will determine as soon as practicable whether the matter merits precedence over other business.
- (4) If in the opinion of the President the matter merits precedence, he or she will inform the Council of this decision, and the Member who raised the matter may forthwith move a motion without notice in relation to the matter.
- (5) If in the opinion of the President the matter does not merit precedence, he or she will inform the Member in writing accordingly, and may also inform the Council of this decision.
- (6) A decision by the President not to allow precedence will not prevent a Member from proceeding with the matter by motion and after notice.

#### 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 he or she be permitted to incorporate an appropriate response in the parliamentary record.
- (2) In the submission the applicant must claim that he or she has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that his or her privacy has been unreasonably invaded by reason of that reference.

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

**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 himself or herself or does not withdraw when strangers are directed to withdraw;
  - (c) wilfully interrupts the business of the Council;
  - (d) obstructs the approaches to the Chamber; or
  - (e) creates a disturbance within the precincts of the Chamber.
- (2) Persons taken into custody under this Standing Order will not be released without the authority of the President.

#### 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 of the Council Chamber; but every Member will have the privilege of admitting strangers to the gallery 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 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 Council Chamber by order of the President.



## **22.07 Seat for Speaker within the Chamber**

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

## CHAPTER 23

### COUNCIL COMMITTEES

#### Standing Committees

##### **23.01 Appointment of Standing Committees**

At the commencement of each Parliament subsequently, legislative and reference standing committees shall be appointed as follows:

- (1) Economy and Infrastructure —  
Legislation Committee  
References Committee
- (2) Environment and Planning —  
Legislation Committee  
References Committee
- (3) Legal and Social Issues —  
Legislation Committee  
References Committee

##### **23.02 Functions**

- (1) The Standing Committee on the Economy and Infrastructure 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 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 will inquire into and report on any proposal, matter or thing concerned with community services, education, gaming, health, and law and justice.
- (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.
- (5) 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.

### **23.03 Appointment of Members**

- (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.

### **23.04 Quorum**

- (1) Five Members of each committee will constitute a quorum of the committee.
- (2) Each committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy.

### **23.05 Substitute Members**

- (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.

#### **23.06 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.
- (3) A sub-committee will report to the committee as soon as practicable on each matter referred to that sub-committee.

#### **23.07 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.
- (2) 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.

### **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.

### **23.16 Meetings**

- (1) A committee may not sit while the Council is actually sitting unless specifically empowered to do so by the Council.
- (2) A committee may adjourn from time to time and from place to place.
- (3) If a quorum of Members is not present within half an hour after the time fixed for the meeting of any committee, the meeting will lapse and the next meeting of the committee will be called by the Chair.
- (4) If at any time during the sitting of a committee the quorum of Members fixed by the Council is not present, the 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.
- (5) A committee may use an audio link or audio visual link to allow a Member to participate in a meeting of 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.

### **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.

### **23.18 Questions**

- (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.

### **23.19 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.

### **23.21 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 call for submissions and all such submissions received by the committee will be treated as public documents unless the committee otherwise orders.

### **23.22 Evidence**

- (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 (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).
- (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 23.22(6) must, if the committee so requires, be given on oath or affirmation.
- (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.

### **23.23 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.

### **23.24 Unreported evidence**

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

### **23.25 Interim reports**

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

### **23.26 Chair to prepare draft report**

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

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

- (1) The draft report will be printed and circulated to Members of a committee.
- (2) The 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 draft report must be included in the committee's report to the Council.

### **23.28 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.



### **23.29 Report presented by Chair**

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.

### **23.30 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 23.30(1)(b) the Clerk must —
  - (a) as soon as practicable, notify each member of the Council of the response and that it is available upon request; and
  - (b) cause 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 23.30(1)(b) is taken to be published by order, or under the authority, of the Legislative Council.

### **23.31 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 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 his or her 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.

## JOINT STANDING ORDERS

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### **1 Communications between Houses**

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

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

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

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

### **3 Long title**

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

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

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

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

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

### **6 Errors in Bills**

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

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

### **7 Consequential renumbering of Bills**

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

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

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

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

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

## **10 Presentation for Royal Assent**

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

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

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

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

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

## **13 Custody of original Acts**

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

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

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

## **15 Joint Committees**

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

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

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

30 years and, in the opinion of the Presiding Officers, disclosure is appropriate.

**17 Presentation of Joint Address**

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

**18 Changes to Joint Standing Orders**

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

**19 Appointment of Chair of joint sitting**

- (1) For joint sittings held under the *Constitution Act 1975* s 27A or s 65G —
  - (a) A Member addressing the Clerk, acting as Chair, may propose a Member to be the Chair of the joint sitting and any such proposal must be seconded. When a Member is proposed, the proposer must state that such Member is willing to accept nomination.
  - (b) If only one Member is proposed and seconded, the Clerk declares that Member appointed and such Member will take the Chair.
  - (c) If more than one Member is proposed and seconded a ballot must be held. After the ballot and the declaration of the Member elected, he or she will take the Chair.
- (2) For all other joint sittings the Chair will alternate between the Speaker and the President.

**20 Clerks of a joint sitting**

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

**21 Ballot during a joint sitting**

- (1) When a ballot is required to be held, the Chair will announce the names of the candidates and every Member present at the joint sitting will be given a ballot paper initialled by the Clerk of each House. Each Member must write on the ballot paper the name of the candidate or candidates that he or she wishes to be elected and place the ballot paper in the ballot box provided for the purpose. If any ballot paper contains more than the appropriate number of names, it will be rejected.
- (2) The Chair, or Clerk when acting as Chair under JSO 19, will ask the proposer of each candidate to name a Member present to be

a scrutineer. The scrutineers, with one of the Clerks, will count the votes.

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

## 22 General procedure for joint sittings

### Scope

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

### Application of Standing Orders

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

### Relief of Chair

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

### Time limit on speeches

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

### Entitlement to vote

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

### Sitting and adjournment

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

### Voting on questions

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

### Divisions

- (10)
  - (a) Whenever the Chair states, on putting a question, that the 'ayes' or 'noes' (as the case may be) have it, the Chair's opinion may be challenged by a Member calling for a division.
  - (b) When a division is requested, the Clerk will ring the bells for three minutes as indicated by the timer.
  - (c) When the bells have stopped ringing, the Chair calls for the doors to be locked. After that a Member must not leave the Chamber until after the division has been completed.
  - (d) When successive divisions are taken without any intervening debate, the Chair will direct that the bells be rung for one minute.
  - (e) After the doors are locked the Chair restates the question and directs the ayes to the right side of the Chamber and the



noes to the left side of the Chamber. The Chair appoints two or more tellers for each side.

- (f) Votes may only be cast by Members present in the Chamber and every Member present must vote.
- (g) If two tellers cannot be found for one side of the question, the Chair must immediately declare the resolution of the joint sitting.
- (h) The tellers count the votes and record the Members' names. On receiving a report from the tellers, the Chair announces the result to the joint sitting.

#### **Records of proceedings**

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

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

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

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

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

- (4) After the ballot, the Chair will declare the Member or Members elected to the Foundation and will advise the responsible minister of the result of the election.

## JOINT RULES OF PRACTICE 1

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### JOINT SITTINGS HELD UNDER THE *CONSTITUTION ACT 1975 s 65G*

#### **Application of Standing Orders**

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

#### **Hours of sitting**

- (2) Unless otherwise ordered, the hours of sitting each day will be —  
9.30 a.m. to 1.00 p.m.  
2.00 p.m. to 6.30 p.m.  
8.00 p.m. to 10.00 p.m.

#### **Interruption at 10.00 p.m.**

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

#### **Relief of Chair**

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

#### **Questions on Disputed Bill**

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

#### **Time limit on speeches**

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

#### **Closure**

- (7) (a) Until the expiration of four hours consideration of, or 12 speakers have spoken on, the question 'That the third reading [of the Disputed Bill] be agreed to with or without amendments' (whichever is the later event), no motion may be moved by any Member 'That the question be now put'. Such motion may not be moved by any Member who

has already spoken on the question and the Member so moving will not interrupt any other Member who is addressing the Chair. The motion will be put immediately and decided without amendment or debate.

- (b) On any other question a motion may be moved at any time by any Member, but not so as to interrupt a Member who is addressing the Chair on the motion 'That the question be now put'. The Chair must put such motion immediately without amendment or debate unless he or she believes that it is a denial of the rights of the minority.

### **Entitlement to vote**

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

### **Sitting and adjournment**

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

### **Voting on questions**

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

### **Divisions**

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

**Certification of Bill passed**

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

**Records of proceedings**

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



## JOINT RULES OF PRACTICE 2

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### JOINT SITTINGS HELD UNDER THE *CONSTITUTION ACT 1975 s 27A*

#### **Application of Standing Orders**

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

#### **Relief of Chair**

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

#### **Time limit on speeches**

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

#### **Nominations**

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

#### **Questions to be proposed**

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

#### **Entitlement to vote**

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

#### **Sitting and adjournment**

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

### **Voting on questions**

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

### **Divisions**

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

### **Records of proceedings**

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



## RESOLUTION OF CONTINUING EFFECT

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### PARLIAMENTARY INTEGRITY ADVISER

*Resolution adopted 30 April 2019*

This House establishes the position of Parliamentary Integrity Adviser in accordance with the following terms:

(1) **Provision of advice**

- (a) The Parliamentary Integrity Adviser is to advise any Member of Parliament, including former Members of Parliament, when asked to do so by that Member, on ethical issues and integrity matters concerning the exercise of his or her role as a Member of Parliament.
- (b) The Parliamentary Integrity Adviser's advice may be sought on a range of parliamentary matters including, but not limited to, the application of any legislation or other guidelines adopted by Parliament that are relevant to Members in their capacity as Members of Parliament, the use of Members' entitlements and declaration of potential conflicts of interests.
- (c) Any advice given by the Parliamentary Integrity Adviser should be consistent with legislation, regulations and any other rules or guidelines adopted by Parliament, but must not constitute legal advice.

(2) **Education and training**

- (a) The Parliamentary Integrity Adviser is to provide periodic education and training to Members of Parliament about ethical issues and integrity matters concerning, but not limited to, the functions, roles, powers, and responsibilities of Members of Parliament.
- (b) The Parliamentary Adviser must provide —
  - (i) training to new Members of Parliament at the start of each Parliament;
  - (ii) training to new Members of Parliament who are elected at a by-election or appointed to fill a casual vacancy; and
  - (iii) training on any amendments or changes to the parliamentary standards and integrity system.

(3) **Records**

- (a) The Parliamentary Integrity Adviser is required to keep, for the duration of his or her tenure, a record of all advice given, including any supporting material and information upon which the advice is based.

- (b) Subject to (3)(e)(ii), the Parliamentary Integrity Adviser must not divulge, to any person or entity other than the person who requested the advice —
  - (i) any information provided to him or her in the course of his or her duties under this Resolution;
  - (ii) the content or details of any advice given in accordance with this Resolution;
 — unless the person who requested the advice has given express permission for such information and/or advice to be made public.
- (c) The Parliamentary Integrity Adviser must not comply with any order for the production of records relating to advice given by the Parliamentary Integrity Adviser unless the person who requested the advice —
  - (i) is a Member or former Member of the House that made the order; and
  - (ii) in the case of advice given under (1)(a)–(c), has sought to rely on the advice for any reason; and
  - (iii) has given express permission for the records to be released to the relevant House.
- (d) If the Parliamentary Integrity Adviser considers that the confidential advice provided to a Member or former Member has been publicly misrepresented, the Parliamentary Integrity Adviser may release a statement to correct the misrepresentation.
- (e) In releasing a statement under (3)(d), the Parliamentary Integrity Adviser —
  - (i) must not publicise the advice provided unless the person who requested the advice has given express permission for it to be made public; or
  - (ii) if the person who requested the advice refuses permission for it to be made public, may release the advice to the Privileges Committee of the relevant House if that Committee makes a request as part of a related inquiry connected to that person.

(4) **Reporting**

- (a) At least once every 12 months, the Parliamentary Integrity Adviser will meet jointly with the Privileges Committees of the Assembly and the Council to discuss matters relevant to and issues arising from the operation and application of the parliamentary standards framework.
- (b) The Parliamentary Integrity Adviser must, every 12 months, report to the Parliament on —
  - (i) advisory functions including —
    - (A) the number of ethical matters raised during the reporting period;

- (B) the number of Members and former Members who sought advice during the reporting period;
  - (C) the number of times advice was given during the reporting period; and
  - (D) the amount of time spent in the course of performing duties under the terms of this Resolution during the reporting period; and
- (ii) education functions including —
  - (A) the number of training sessions provided during the reporting period, and the number of members who attended each training session; and
  - (B) a brief description of the content of training sessions and any other training provided during the reporting period.
- (d) The Parliamentary Integrity Adviser may, at his or her discretion, report to the Parliament from time to time on —
  - (i) any issues with the parliamentary standards framework arising from requests for ethics or integrity advice, including suggested proposals to address such issues;
  - (ii) the provision of guidance to Members of Parliament on particular issues, including publication of de-identified case studies in order to educate Members on their obligations;
  - (iii) any other matter the Parliamentary Integrity Adviser considers appropriate.
- (e) A report of the Parliamentary Integrity Adviser under (4)(c) or (4)(d) —
  - (i) will be tabled in each House; and
  - (ii) must not divulge or cause to be divulged the identity of any person who has requested advice in accordance with this Resolution.
- (f) A House or committee of the Parliament cannot —
  - (i) refer a matter to the Parliamentary Integrity Adviser;
  - (ii) require the Parliamentary Integrity Adviser to report on the conduct of a specific Member or former Member, or a specified group of Members and/or former Members, of Parliament; or
  - (iii) require the Parliamentary Integrity Adviser to investigate any allegations of misconduct.

(5) **Appointment, resignation and removal**

- (a) A person will be appointed by resolution of the Council and the Assembly, on the joint recommendation of the Privileges Committees of the Council and the Assembly in accordance with (5)(c), as Parliamentary Integrity Adviser.

- (b) An appointment under (5)(a) must —
  - (i) subject to (5)(b)(iii), be made whenever the position becomes vacant; and
  - (ii) be for a period that terminates on the day that is 4 months after the general election that is held immediately following the Parliament during which the appointment is made; and
  - (iii) in the case of the first appointment of the Parliamentary Integrity Adviser, be made within 4 months after this Resolution has been agreed to by both Houses.
- (c) Prior to a resolution under (5)(a), a joint report of the Privileges Committees of the Council and the Assembly will be tabled in each House specifying —
  - (i) a person recommended for appointment as Parliamentary Integrity Adviser; and
  - (ii) the terms and conditions of appointment of the Parliamentary Integrity Adviser, including any remuneration, as agreed in consultation with the Speaker and the President.
- (d) If, within three months of the position becoming vacant, the Privileges Committees of the Council and the Assembly fail to report under (5)(c), a joint sitting of Parliament in accordance with JSO 22 will be held to appoint a person as Parliamentary Integrity Adviser on the terms and conditions, including any remuneration, agreed by the Speaker and the President.
- (e) The Parliamentary Integrity Adviser may engage in any outside employment that does not conflict with his or her role as Parliamentary Integrity Adviser.
- (f) The Parliamentary Integrity Adviser may resign in writing to the President and the Speaker.
- (g) The Parliamentary Integrity Adviser may be removed from office by resolution of the Council and the Assembly for —
  - (i) insolvency; or
  - (ii) proven misbehaviour; or
  - (iii) mental incapacity.
- (h) Prior to a resolution under (5)(g), the Privileges Committees of the Council and the Assembly must meet and confer jointly on the alleged grounds for removal and, if the grounds are found to be valid, make a joint recommendation to Parliament that the Parliamentary Integrity Adviser be removed from office.
- (i) A joint recommendation under (5)(h) will —
  - (i) be tabled in each House; and
  - (ii) include the reasons for the recommendation unless the Privileges Committees agree that it would be contrary to the public interest to do so.

- (j) The Parliamentary Integrity Adviser may be suspended from office whilst any alleged grounds for removal from office are dealt with under the terms of this Resolution.

(6) **Review**

The Privileges Committees of the Council and the Assembly must, in the final year of each Parliament —

- (a) cause a joint review to be made of the operation of this Resolution; and
- (b) table a report of the review in each House before the expiration of the Assembly under section 38 of the *Constitution Act 1975*.

(7) **Privileges Committee**

- (a) The Privileges Committee of this House is authorised and required to meet and confer jointly with the Privileges Committee of the other House for the purposes of exercising its role, functions and powers in accordance with the terms of this Resolution.
- (b) The provisions relating to the role, functions and powers of the Privileges Committee under the terms of this Resolution constitute a standing reference to the Committee for the Parliament during which its Members are appointed until the dissolution or other lawful determination of the Assembly.
- (c) For the purposes of joint meetings of the Privileges Committees of the Council and the Assembly under the terms of this Resolution —
  - (i) the Chair of the Assembly Privileges Committee and the Chair of the Council Privileges Committee are joint chairs; and
  - (ii) meetings shall be chaired by the joint chairs on an alternating basis; and
  - (iii) a joint chair shall take the Chair whenever the other joint chair is not present; and
  - (iv) every Member shall have a deliberative vote only; and
  - (v) the Standing Orders of the Assembly shall otherwise apply insofar as they are not inconsistent with the terms of this Resolution.

This Resolution shall continue in force unless and until it is amended or rescinded by a resolution of the Council and the Assembly in this or a subsequent Parliament.



# INDEX

## INDEX

The following abbreviations apply in this Index:

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

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