



**LEGISLATIVE ASSEMBLY OF VICTORIA
STANDING ORDERS COMMITTEE**

**Report on the Modernisation
of Standing Orders**

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Legislative Assembly of Victoria
Standing Orders Committee

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STANDING ORDERS COMMITTEE

Members

Mrs Judy Maddigan, MP, Speaker of the Legislative Assembly (Chair)

Mr Peter Loney, MP, Deputy Speaker of the Legislative Assembly

Hon Christine Campbell, MP

Mr Martin Dixon, MP

Mr Joe Helper, MP

Mr Victor Perton, MP

Mrs Jeanette Powell, MP

Committee staff

Mr Ray Purdey, Clerk of the Legislative Assembly (Principal Adviser to the Committee)

Mr Geoff Westcott/Mrs Liz Choat, Clerk of Committees (Secretary)

APPOINTMENT OF THE STANDING ORDERS COMMITTEE

Extract from the Votes and Proceedings of the Legislative Assembly

Tuesday 25 March 2003

6 APPOINTMENT OF COMMITTEES

...

- (4) That a select committee be appointed to consider and report upon the **Standing Orders** of the House; such Committee to consist of the Speaker, Ms Campbell, Mr Dixon, Mr Helper, Mr Loney, Mr Perton and Mrs Powell and that the committee has leave to sit on days on which the House does not meet; four to be the quorum.

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CHAIR'S INTRODUCTION

I have pleasure in presenting to Parliament proposed new standing orders.

I thank the members of the Standing Orders Committee for their co-operation and willing participation to the process. I also thank them for attending the many meetings we have had since May.

The standing orders proposed will I believe allow Parliament to operate more efficiently, and make its processes more easily understood by the general public. We believe that these changes will make Parliament more open and accountable.

A number of issues were raised which require considerable research, so we have determined to consider them separately and it is the Committee's intention to present a further report/s later in the 55th Parliament.

I look forward to the introduction of the new standing orders following debate in the Autumn session of Parliament.

Judy Maddigan

LIST OF RECOMMENDATIONS

Recommendation 1

The Committee recommends that:

- The report is debated during the Autumn Sitting 2004.
- The operation of the current standing orders, rules of practice and sessional orders (except Sessional Order 1) is suspended.
- A trial of the proposed standing orders as set out in this report is conducted for the balance of 2004.
- The Standing Orders Committee conducts a review of the trial and seeks feedback from members.

Recommendation 2

That prior to the conclusion of the trial and, following a further report from the Standing Orders Committee, the House should decide whether to retain the trial standing orders and, if they are to be generally retained, what changes will be made.

Recommendation 3

That an appropriation is interpreted as any expenditure from the consolidated fund but not a reduction in revenue flowing to the fund.

REPORT

The Committee has the honour to report as follows:

- 1 The last complete review of the standing orders and practices of the House was completed in March 1992. The then committee tabled a final report on 19 March 1992 which included revised standing orders as agreed by the committee. Those standing orders, however, had not been adopted at the time of the later dissolution of the Legislative Assembly in August 1992.
- 2 The current standing orders in use still include some which have existed since 1857, having been derived directly from those of the House of Commons. They do not reflect all the current practices of the Assembly, many now being contained in sessional orders.
- 3 In the 54th Parliament the Standing Orders Committee started a comprehensive review of the standing orders and practices of the House. That review had not been completed at the time of dissolution of the Legislative Assembly in November 2002.
- 4 In this Parliament the present Committee recommenced the review on the basis of:
 - A comprehensive examination of existing standing orders.
 - A reconsideration of the 1992 proposals.
 - Incorporation of procedural changes introduced since 1992, particularly in relation to current sessional orders.
 - The streamlining of procedures.
 - The identification and deletion of obsolete standing orders.
 - The need for gender neutral language.
 - The use of plain English.
 - The importance of making Parliament as accessible as possible to the public by having procedures and terminology which can readily be understood.
- 5 The Committee has considered all standing orders, sessional orders, rules of practice and other current practices, including those governed by resolutions.
- 6 The revised standing orders as agreed to by the Committee are attached in Appendix 1. As a result of the incorporation of sessional orders, rules of practice and other procedures, a complete review of the grouping of standing orders has

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been undertaken. For clarity, new chapters have been proposed, each dealing thematically with the standing orders as now recommended.

- 7 A complete schedule of changes to the standing orders has been attached at Appendix 2. This also includes information in relation to rules of practice, current sessional orders, ongoing resolutions and new standing orders proposed.
- 8 Whilst the standing orders agreed do contain some new procedures, in the main the changes are to bring them up to date with present practice and to improve the terminology. During the course of its deliberations, the Committee identified a number of other procedural issues, such as the ability to petition online, that it proposes to consider in more detail and report on subsequently. These are outlined in Appendix 3.
- 9 Following completion of the Committee's consideration and agreement of the revised standing orders, the Members for Doncaster, Nepean and Shepparton raised additional matters of concern and proposed that the following issues be considered:
 - a **Adjournment debate provisions.** Inclusion of the following: 'That if a member gives four hours notice of the subject of his or her adjournment debate request for action to the responsible minister, the minister shall attend the adjournment debate to respond orally to the matter raised. In the event that the minister is unable to attend at the time allotted for ministerial responses, or if time runs out, the minister shall give an oral response at the next available opportunity'.
 - b **Content of answers.** Add an additional subsection to proposed SO 58: 'The Speaker shall require that the question asked be answered'.
 - c **Questions on notice.** Add a requirement equivalent to that in the Council relating to time, 'Immediately it will be apparent to a minister that it will be difficult to provide an answer to a question within 30 days, he or she shall advise the member accordingly'.

The issues of the adjournment debate and operation of questions had already been identified for future consideration and are listed in Appendix 3. The Committee has acknowledged the specific points raised and has agreed they should form part of future reviews to be undertaken.

Main changes proposed

- 10 **Election of Speaker.** Under the present standing orders, the Clerk calls for nominations for Speaker and chairs the House until a Speaker is elected. The Committee recommends the system used in the House of Commons is adopted, where the longest serving member chairs the election of the Speaker.
- 11 **Consideration in detail.** The present practice of a bill being considered in the Committee of the Whole creates an artificial process and is confusing, both as a

procedure and in terminology. There seems no reason why it is necessary for the House to stop considering a bill, to create a Committee of the Whole stage with the Speaker leaving the Chair, and then to require the Chair of Committees to formally report back to the Speaker.

The Committee proposes the procedure should be replaced with a ‘consideration in detail’ stage. From a practical point of view, amendments can still be circulated and moved in the same way, and the same rights to speak will exist. However, the procedure will be simplified as it will take place in the House, without any requirement to commit the bill, or report afterwards.

The Chair of Committees will be known as the Deputy Speaker and it is proposed that he or she would normally chair the consideration in detail stage. For convenience in liaising with the Deputy Clerk over complicated amendments, it is envisaged that the Deputy Speaker will continue to sit at the table, rather than in the Speaker’s chair.

This simplified procedure will be much more understandable, particularly to anyone from outside parliament, and will streamline the process for considering bills.

- 12 **Opening day.** The procedures for the opening day of a new Parliament or session are currently contained in the rules of practice and have not been updated since 1857. They are difficult to follow and not are not comprehensive. The Committee has agreed to the procedures being incorporated into standing orders and set out in full. The approach taken in the standing orders recommended is to specify the order of business for an opening day as being separate from the business described from other sitting days. The practical effect, therefore, is that if an opening day takes place on a Wednesday, then business specified for sitting Wednesdays (such as an MPI) does not apply to the opening day. This approach recognises the important formalities and ceremonies which must be followed on an opening day and ensures that the business scheduled is practical. In addition, condolences will not take place on an opening day but provision has been made for them, at the government’s discretion, to take place on any other day during the first sitting week of a new Parliament/session.
- 13 **Reference to other jurisdictions.** The current standing orders provide for reference to be made to the practice of the House of Commons, if no provision is made for a particular procedure in the Assembly. The Committee proposes that this is broadened to allow the Speaker to determine the issue by reference to the practices of any parliaments operating under the Westminster system. In particular, this provides the ability to look formally at practices in other Australian jurisdictions.
- 14 **Disallowance of statutory rules.** As was recommended in 1992, the Committee has proposed a formal process for consideration of a disallowance motion where there has been an adverse report from the Scrutiny of Acts and Regulations Committee.

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- 15 **Adjournment debate.** Under present practice, when an adjournment debate takes place after a 10.00 pm interruption under sessional orders, the Chair does not put the question 'that the House now adjourns' at the end of the debate, but simply adjourns the House. Standing orders have been rewritten to enable this procedure to also apply when the adjournment debate takes place at other times, ie following remaining business being postponed and a minister moving the motion to adjourn.
- 16 **Removal of need for questions to be put.** To streamline procedures in the House, in several instances the standing orders have provided for steps automatically to take place after a specific decision of the House. For example, when a bill has been passed, it will be automatically sent to the Council for agreement, without the question being put for the House to agree to. Similarly, on the introduction of a bill, the standing order proposed provides for it to be printed, without the need for the Chair to put a question.
- 17 **Electronic delivery.** Changes have been made to the standing orders which relate to the delivery to the Clerk of notices of motion, questions on notice and amendments. The requirement for these to be 'fairly written' has been removed, enabling electronic delivery.
- 18 **Seconding.** The practice of seconding motions has been confusing as not all motions require seconding. To simplify procedures the Committee has agreed that seconding will only be required in relation to motions for the address-in-reply and nominations for the Speaker/Deputy Speaker.
- 19 **Select committees.** Confusion has arisen because the procedures for select committees have differed from those laid down under the *Parliamentary Committees Act 1968* for joint investigatory committees. Changes have been made to relevant standing orders to bring the procedures into line, for example by allowing subcommittees and minority reports. In addition, the Committee proposes that select committees should normally be able to meet at any time other when the House is actually sitting. However, in line with the usual resolution agreed to in each Parliament, an exception is made for the Standing Orders and Privileges Committees to meet within the Parliament building when the House is actually sitting.
- 20 **Petitions.** Progress was made in Autumn 2003 in simplifying the wording required for petitions. However, at that stage the term 'Prayer' had to be retained as it is specifically referred to in standing orders. The phrase perplexes members of the public. It has been omitted in the redraft of standing orders, which now simply includes the requirement to 'state the action or remedy sought'.
- 21 **Notices.** As was suggested in 1992, the proposed standing orders include a provision to allow a member to move another member's motion. In addition, in an effort to regulate the number of notices accumulating over many months on the notice paper, the Committee has included a standing order providing for a notice to be removed if it has remained on the notice paper for more than 30 sitting days without being moved. An announcement would be made by the

Speaker the day before this period expires and a member can notify the Clerk if he or she wishes it to remain.

- 22 **Introducing a bill.** The Committee sees no reason to continue the practice that more than one member is needed to obtain leave to introduce a bill. The procedure included in the proposed standing orders has been changed to allow introduction by one member. Current sessional orders enable ministers to introduce bills without having given previous notice; the Committee has agreed that this should now be extended to bills being introduced by any member.
- 23 **Other business during MPI time.** Current Sessional Order 14 gives the government discretion to allow general business to be called on during MPI time. The Committee has agreed to an alternative procedure which enables any member, by prior agreement with all parties, to propose that any item/s of business on the notice paper should be called on in total or partial substitution of a matter of public importance.
- 24 **Moving for an unopposed return.** This phrase, often referred to as seeking leave to table a 'return', is obscure and not widely understood. For clarity the redraft now refers to seeking 'leave to table a document'.
- 25 **Dropped motions and orders.** This terminology too is difficult to understand. The Committee has agreed not to use such phraseology but, instead, to describe the situation referred to, ie when a date has not been set for the further consideration of a motion or an order of the day.
- 26 **Questions superseded.** This concept is unclear, not frequently required and little understood. Complications have arisen in the past when a procedural question such as 'the House now adjourns' has been negatived. It cannot be moved again unless certain intermediate proceedings have occurred, such as the Clerk reading all the orders of the day. Rather than have an artificial procedure requiring the question to be superseded, the Committee proposes a streamlined and clearer process of restricting, for 15 minutes, the moving of specified motions again.
- 27 **Presentation of addresses to the Governor.** In the 54th Parliament a number of addresses were presented to the Governor, for example in relation to the resolution of sympathy to be forwarded to the President of the United States after the attacks on 11 September 2001. Technically the current standing orders require formal presentation of all addresses by the Speaker and members. The Committee proposes a more practical approach of retaining that practice for the address-in-reply but, for other situations, enabling either the Speaker or the Clerk to present the address, unless the House orders otherwise.

Trial

- 28 The proposed standing orders are presented with the agreement of all members of the Committee. The Committee suggests that a trial be conducted in 2004 and that, during that period, feedback is sought from members. In addition, prior to

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the trial period, briefings should be held to provide further practical information about the changes.

Recommendation 1

The Committee recommends that:

- **The report is debated during the Autumn Sitting 2004.**
- **The operation of the current standing orders, rules of practice and sessional orders (except Sessional Order 1) is suspended.**
- **A trial of the proposed standing orders as set out in this report is conducted for the balance of 2004.**
- **The Standing Orders Committee conducts a review of the trial and seeks feedback from members.**

Recommendation 2

That prior to the conclusion of the trial and, following a further report from the Standing Orders Committee, the House should decide whether to retain the trial standing orders and, if they are to be generally retained, what changes will be made.

Appropriation messages

29 Although impacting on the interpretation, rather than the wording of standing orders, the Committee has also considered the circumstances in which appropriation messages are being requested. A survey was conducted of the practices of other Australian Parliaments and the New Zealand Parliament. This revealed a wide-ranging approach to the interpretation of an appropriation.

The Committee feels that a simplified and more comprehensible approach could be adopted by the Legislative Assembly and proposes that, in the future, an appropriation should be interpreted as Parliament assigning money for a particular use and authorising its withdrawal from the consolidated fund. The practical effect of that approach would be to require appropriation messages where there is any expenditure from the fund, but not where there is a reduction in revenue flowing to the fund.

As is currently the case, the analysis of when an appropriation message is required applies both to bills introduced and to amendments seeking to increase an appropriation from that stated in a bill.

Recommendation 3

That an appropriation is interpreted as any expenditure from the consolidated fund but not a reduction in revenue flowing to the fund.

**Committee Room
30 October 2003**

STANDING ORDERS
of the
LEGISLATIVE ASSEMBLY

October 2003

Prepared by the
Standing Orders Committee

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Note: the number of the original standing order, sessional order or rule of practice appears in square brackets after each draft standing order.

CHAPTER 1 — GENERAL RULE

1 Relationship with other orders and practices

In all cases that are not provided for in these standing orders or by sessional or other orders, or by the practice of the House, the Speaker will determine the matter and reference may be made to the rules, forms and practices of parliaments operating under the Westminster system. **[3]**

CHAPTER 2 ³/₄ OPENING OF PARLIAMENT

2 Opening of a new Parliament

On the first day of a new Parliament the proceedings will be:

- (1) Members meet at the time and place specified in the Governor's proclamation.
- (2) The Clerk reads the proclamation.
- (3) The House waits for a message from the Commissioners appointed by the Governor for opening Parliament. The Serjeant-at-Arms announces the messenger and escorts him or her to the table to deliver the message.
- (4) Members attend the Council Chamber to hear the commission read and then return to the Assembly Chamber.
- (5) The Commissioner appointed by the Governor for swearing members is announced and the Clerk reads the Commission.
- (6) The Clerk reads the general election writ, which lists the members elected.
- (7) Members then make and subscribe the oath or affirmation of allegiance in accordance with the *Constitution Act*.
- (8) The House elects a Speaker.
- (9) The House elects a Deputy Speaker.
- (10) The Premier informs the House of the time at which the Governor will be advised of the Speaker's election and the sitting is suspended until a time after that presentation. Other members may accompany the Speaker to the presentation.

- (11) The Speaker reports the presentation to the House and the House awaits a message from the Governor. **[ROPs 1–8]**

3 Opening of a new session

On the first day of a new session, not following a dissolution:

- (1) Members meet at the time and place specified in the Governor's proclamation.
- (2) The Clerk reads the proclamation.
- (3) The House awaits a message from the Governor. **[ROP 9 and new]**

4 Governor's speech

- (1) The Serjeant-at-Arms announces the Governor's messenger and escorts him or her to the table to deliver the message summoning members to hear the Governor's speech.
- (2) The Speaker and members attend the Council Chamber to hear the speech and then return to the Assembly Chamber.
- (3) The sitting is suspended for an appropriate time. **[ROPs 10, 12]**

5 Resumption of business after the suspension

The order of business after the suspension will be:

- (1) Question time.
- (2) Formal business.
- (3) A bill is read a first time to re-assert and maintain the right of the House to deal with its own business before the Governor's business.
- (4) The Speaker will report the Governor's speech to the House.

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- (5) An address-in-reply to the Governor's speech is moved after the speech is reported. The motion is seconded.
- (6) Any other business. **[ROPs 11–13 and new]**

CHAPTER 3 ³/₄ SPEAKER, DEPUTY SPEAKER AND ACTING SPEAKERS

6 When Speaker to be elected

- (1) Immediately after they have been sworn in, the members present at the opening of the first session of a Parliament must elect a Speaker.¹ If the Office of Speaker becomes vacant at any other time, no business may be transacted until a new Speaker is elected.
- (2) The election of a Speaker takes precedence over any other business or motion and must not be interrupted by any other proceeding.
- (3) Subject to SO 7, the House must continue to sit until a Speaker is elected. **[4 and new]**

7 Chairing the election

- (1) During the election of the Speaker, the member who has had the longest period of unbroken service acts as Presiding Member. In identifying that member, the following are disregarded:
 - (a) a member who is unwilling to take the Chair;
 - (b) a minister, or any other member who holds any Office specified in the table of section 6 of the *Parliamentary Salaries and Superannuation Act 1968*;
 - (c) a member who is seeking election to the Office of Speaker.
- (2) Where two or more members have equal unbroken periods of service, the Presiding Member is the member whose current electorate is alphabetically first.

¹ A Speaker must be elected before the House proceeds with any other business: *Constitution Act 1975* s 39.

- (3) The Presiding Member has all the powers of the Speaker except a casting vote. He or she is entitled to a deliberative vote in the election.
- (4) The Presiding Member may suspend the sitting and leave the Chair for up to two hours during an election as he or she sees fit.
- (5) If the House has had to sit to an unreasonably late hour, the Presiding Member may adjourn it, without a question being put, to the next working day. **[4, 8, 9 and new]**

8 Nominations

The House must elect a Speaker from members nominated in the following way. The Presiding Member must:

- (1) Ask whether there are any nominations.
- (2) Allow adequate time for nominations to be made and seconded.
- (3) Ask if the member nominated consents.
- (4) Ask whether there are any further nominations and then wait a further 30 seconds.
- (5) Repeat this process, if necessary, until there are no further nominations. When there are no further nominations, the Presiding Member declares that the nominations are closed.
- (6) If only one member is nominated, the Presiding Member declares that member elected. **[5, 6]**

9 Withdrawal of candidate

A candidate may withdraw from nomination by rising and requiring his or her name to be withdrawn. A candidate may not do so while a vote is being taken. If a candidate's withdrawal results in only one candidate remaining, that candidate is declared elected as Speaker. **[6(d)]**

10 Voting procedure

If more than one member is nominated for the position of Speaker, the voting procedure is as follows:

- (1) The Presiding Member orders the bells to be rung for three minutes with the doors unlocked. He or she then orders the doors to be locked.
- (2) The Presiding Member announces the names of the candidates who have been nominated and seconded. Each member present will be issued with a ballot paper certified by the Clerk.
- (3) Each member writes down on the paper the name of his or her preferred candidate. The surname is sufficient unless there is more than one candidate with the same surname. In that case, the initials or the electorate of the candidate should be added.
- (4) Each member puts the ballot paper into the ballot box on the table of the House.
- (5) Any ballot not cast within three minutes of all voting papers having been issued will be disallowed. The Presiding Member will announce to the House when one minute of the period remains. **[6(a)]**

11 Counting the votes

In all ballots and special ballots, the votes must be counted in the following way:

- (1) The proposer of each candidate names a member to be scrutineer. The same scrutineer acts in all ballots.
- (2) The doors are unlocked.
- (3) The scrutineers and one of the clerks retire with the ballot box and count the votes.

- (4) If a counter believes that a vote is informal, he or she may request a decision on the matter by the Presiding Member:
 - (a) the Presiding Member then goes to the room where the votes are being counted;
 - (b) the number of votes received by any candidate will not be disclosed to the Presiding Member;
 - (c) a vote is valid if, in the Presiding Member's opinion, it identifies the candidate selected by the member voting.
- (5) The scrutineers give the Presiding Member a written report on the results of the count. **[6(b), (c)]**

12 Restriction on discussion of other matters

While an election of Speaker is in progress, no member may address the House except to:

- (1) Nominate or second a candidate; or
- (2) Advise of misconduct in the House. **[7]**

13 Identifying the successful candidate

If a candidate obtains an absolute majority of votes of members present, he or she is elected Speaker. If no candidate obtains an absolute majority, the candidate with the lowest number of votes is eliminated, and another vote is held between the remaining candidates. This process is repeated until one candidate receives an absolute majority. **[6(e)]**

14 Resolving tie of two candidates for first place

- (1) If only two candidates remain and the number of votes for each candidate is equal, a second ballot is held. After the second ballot, if the candidates still have equal votes, the Presiding Member must announce that fact. Unless one of the candidates withdraws from the election, the Presiding Member must then

say 'As the votes are equal, it is necessary to take an open vote to decide this question'.

- (2) Before taking the open vote, the Presiding Member orders the bells to be rung for three minutes with the doors unlocked. He or she then orders the doors to be locked, and reminds the House that an open vote is to be taken. The Presiding Member indicates a side of the House for each candidate and directs members to vote by taking a seat on their preferred candidate's side. Each member present must vote.
- (3) The Presiding Member then appoints tellers for each side. The tellers count the votes with the Clerk. The candidate who receives the greater number of votes is declared elected Speaker.
- (4) If, after an open vote, the candidates receive the same number of votes, the Presiding Member will announce that fact, immediately adjourn the House without any question being put and arrange for another meeting to take place within seven days. The Clerk will notify members of the day and time appointed for that meeting.
- (5) At a further meeting another open vote will be held in relation to the candidates following the procedure laid down in paragraphs (2) and (3). This will be repeated until one candidate is elected Speaker. **[6(g) and new]**

15 Resolving tie for smallest number of votes

- (1) If more than two candidates remain and there is a tie for the smallest number of votes, the tie must be resolved by a special ballot.
- (2) A special ballot is held only between those candidates who have tied with the smallest number of votes. Members must write on the ballot paper the name of the candidate they wish to retain. The one who gets the smallest number of votes is eliminated. The names of all other candidates must be submitted to the next ballot for the election of Speaker.

- (3) If the special ballot itself results in a tie for the smallest number of votes, a further special ballot is held in which only the names of the candidates with the smallest number of votes in the special ballot are submitted.
- (4) If it is still impossible to determine which candidate is to be excluded because the further special ballot has resulted in a tie for the smallest number of votes, the Presiding Member must announce that fact. Unless one of the candidates withdraws from the election, the Presiding Member must then say ‘As the votes are equal, it is necessary to take an open vote to decide this question’.
- (5) Before taking the open vote, the Presiding Member orders the bells to be rung for three minutes with the doors unlocked. He or she then orders the doors to be locked, and reminds the House that an open vote is to be taken. The Presiding Member indicates a side of the House for each candidate and directs members to vote by taking a seat on their candidate’s side. Each member present must vote.
- (6) The Presiding Member must appoint tellers for each side. The tellers must count the votes with the Clerk. The candidate who receives the smallest number of votes is eliminated from the next ballot for the election of Speaker. **[6(h), (i)]**

16 Preservation of voting papers

The Clerk must preserve the ballot papers for one month, and must then destroy them unless directed not to by the House. **[8]**

17 Speaker takes the Chair

When a Speaker has been declared elected, the nominator and seconder escort him or her to the Chair which the Presiding Member must vacate. **[6(f)]**

18 Election of a Deputy Speaker

- (1) The House must elect a Deputy Speaker.

- (2) The election of a Deputy Speaker is governed by SOs 6 to 16, except that:
- (a) where the election is at the opening of the first session of a Parliament, it must take place immediately after the election of the Speaker;
 - (b) where a subsequent vacancy occurs, the election will take place as the last item of formal business on a day to be determined by the Speaker within six sitting days of the vacancy arising;
 - (c) the Speaker presides over the election.
- (3) The Deputy Speaker holds office for the duration of the Assembly, unless the House directs otherwise. [10]

19 Temporary relief of Speaker

The Deputy Speaker will take the Chair whenever requested by the Speaker. [13]

20 Panel of Acting Speakers

Each session the Speaker will appoint a panel of members who will preside in the House whenever requested by the Speaker or the Deputy Speaker. [12]

21 Absence of Speaker

When the Clerk advises the House of the Speaker's unavoidable absence, the Deputy Speaker performs the duties and exercises the authority of the Speaker in relation to all proceedings of the House until the return of the Speaker or until the House decides otherwise. The Deputy Speaker may nominate one of the Acting Speakers to act as Deputy Speaker. [14, 16]

22 Electing an Acting Deputy Speaker

- (1) If both the Speaker and the Deputy Speaker are absent from the House, the House may elect a member to act as Deputy Speaker until either the Speaker or the Deputy Speaker is present.
- (2) The election is chaired by a Presiding Member chosen in the same way as for the election of the Speaker in SO 7. **[15, 17]**

CHAPTER 4 ³/₄ ATTENDANCE AND PLACES OF MEMBERS

23 Introduction of new members

A member elected in a by-election or supplemental election is escorted to the table by two members, or the Serjeant-at-Arms, and sworn in by the Speaker. **[ROPs 14, 15]**

24 Front benches

(1) The front bench to the right of the Chair is reserved for ministers, and the front bench to the left is occupied by shadow ministers.

(2) A non-government member may speak from the table during debate if he or she is:

(a) a former minister; or

(b) handling the bill being debated on behalf of a party.
[ROP 18 and new]

25 Allocation of seats

Any question regarding the seats to be occupied by members must be decided by the Speaker. **[42]**

26 Notification of absence

No member will be absent for more than nine consecutive sitting days of any session without the Speaker being advised of the reason for his or her absence. Any member who wilfully infringes this Standing Order may be guilty of contempt. **[35]**

27 Members list

At the start of each Parliament, each member must give his or her name and address to the Serjeant-at-Arms. If any changes to those details occur from time to time, a member must notify the Serjeant-at-Arms. **[39(b)]**

CHAPTER 5 ³/₄ SITTINGS AND ADJOURNMENT OF THE HOUSE

28 Initial quorum

The Speaker may only take the Chair and start a meeting of the House at the appointed time if a quorum of members is present.² If there is still no quorum half an hour after that time, the Speaker must take the Chair and adjourn the House at once to the next sitting day. [18]

29 Lack of quorum in the House

(1) If a member draws attention to the lack of a quorum when the House is sitting, the Chair must count the members present and, if there is no quorum, the procedure is as follows:

- (a) the bells are rung with the doors unlocked;
- (b) no member may leave the Chamber;
- (c) if, after the bells have been rung, the Speaker is of the opinion that a quorum will not be formed, he or she must adjourn the House until the next sitting day without putting the question.

(2) If the lack of a quorum becomes clear on the report of a division of the House, the Speaker must adjourn the House until the next sitting day without putting the question. [19, 23]

30 Disposal of business on adjournment for lack of quorum

When the House is adjourned for lack of a quorum, business under discussion and business not disposed of takes precedence on the next day of sitting. [22]

² Twenty members, not including the Speaker: *Constitution Act 1975* s 40.

31 When the House may adjourn

The House can only be adjourned:

- (1) By the Speaker under SO 29, without putting a question, for lack of a quorum.
- (2) By the Speaker under SO 129, without putting a question, where there is grave disorder.
- (3) By the Presiding Member under SOs 7 and 14, without putting a question, during the election of a Speaker.
- (4) After a motion ‘That the House now adjourns’ has been:
 - (a) moved by a minister; or
 - (b) proposed by the Speaker under SO 32. **[24, 25]**

32 Interruption at 10.00 pm for adjournment

- (1) At 10.00 pm each sitting day, unless a division is taking place, the Speaker will interrupt the business before the House.
- (2) If a division is taking place at 10.00 pm, it will be completed and the result announced. If the division is on a closure motion, and the motion is agreed to, the question or questions then required to be put to close the issue before the House will also be dealt with. The Speaker will then interrupt business.
- (3) After the interruption:
 - (a) before a motion for the adjournment is proposed by the Speaker, a minister may move that the sitting be continued. That motion must be put immediately without amendment or debate. If it is agreed to, the House will resume debate at the point at which it had been interrupted; or
 - (b) if a motion is not moved, the Speaker will immediately propose the question ‘That the House now adjourns’. Any

business under discussion and any other business not concluded at the time of the adjournment will be listed on the notice paper for the next sitting day. Any member speaking at the time of the interruption may, when debate resumes, continue his or her speech. **[Sessional Order 5]**

33 Adjournment debate

Following an adjournment motion proposed by a minister under SO 31(4)(a) or by the Speaker under SO 32:

- (1) The question ‘That the House now adjourns’ may be debated and any debate will last for a maximum of 30 minutes or until 10 members have spoken, whichever is the shorter. Subject to such overall time period, the time limit for each member speaking in the debate is three minutes. Immediately afterwards a period of 30 minutes in total will be provided for ministers to respond.
- (2) At the end of any debate, the Speaker will adjourn the House, without putting any question, until the next sitting day. **[Sessional Order 5 and new]**

CHAPTER 6 ³/₄ BUSINESS

34 Precedence of government business

Government business takes precedence over all other business except:

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

35 Business not on opening day

On the opening day of a new Parliament or session the order of business is as provided in SOs 2 to 5. Business set or given

precedence by SOs 37 to 42 and SO 55 is subject to those provisions and relates only to other sitting days. **[new]**

36 Order of business

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

Tuesdays

Question time

Formal business

Statements by members (SO 40)

Government business

General business

Wednesdays

Formal business

Disallowance motions (SO 151)

Statements by members (SO 40)

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

Statements on parliamentary committee reports (SO 41)

Government business

Question time (at 2.00 pm)

Government business *continued*

General business

Thursdays (and Fridays)

Formal business

Statements by members (SO 40)

Government business

Question time (at 2.00 pm)

Government business *continued*

General business

[Sessional Order 2]

37 Other business during MPI time

(1) Despite the provisions of these standing orders, a member may propose that any item or items listed on the notice paper should

be called on in total or partial substitution of a discussion of a matter of public of importance under SO 39.

- (2) A member making a proposal must:
 - (a) obtain the prior agreement of the leaders of the government, opposition and third party, as the case may be, or their nominees;
 - (b) give details of the agreed item/s in writing to the Speaker by 4.00 pm on the day before the day set for the discussion.
- (3) The Speaker will, by 5.30 pm on the day before the discussion, confirm details of the agreed item/s to the leader of each party and any independent members.
- (4) Any business under discussion at the end of the time allocated for the matter of public importance will be listed on the notice paper for the next sitting day. **[Sessional Order 14 and new]**

38 Grievance debate

- (1) Subject to paragraph (2), a debate on the question ‘That grievances be noted’ will take place on the first sitting Wednesday of each Autumn and Spring sitting period and every subsequent third sitting Wednesday.
- (2) For the first sitting period only of a new Parliament or session, the debate will take place on the second sitting Wednesday and every subsequent third sitting Wednesday.
- (3) The debate will be the first item of business after statements by members and will last for two hours, or until eight members have spoken, whichever is the shorter.
- (4) Subject to paragraph (3), any member may speak in the debate for a maximum of 15 minutes. **[59, Sessional Order 4]**

39 Matters of Public Importance

- (1) Precedence will be given to matters of public importance immediately after statements by members each sitting Wednesday except on grievance days set under SO 38.
- (2) A member may propose to the Speaker a definite matter of public importance to be submitted to the House for discussion. In considering which proposals to accept the Speaker will:
 - (a) alternate between those made by non-government members and those by government members;
 - (b) accept proposals from non-government members on a pro-rata basis according to the non-government representation in the House, the Speaker having full discretion in making and putting into effect the apportionment.
- (3) A member proposing a matter must give the Speaker a written statement of the proposal by 4.00 pm on the day before the day of the discussion.
- (4) If more than one member proposes a matter for discussion on the same day, the Speaker will decide which one to consider under paragraph (5).
- (5) The Speaker will decide whether the proposal is in order and, by 5.30 pm on the day before the discussion, will give details of the proposal which has been accepted to the leader of each party and any independent members.
- (6) Only one matter will be discussed on any one sitting day.
- (7) On the day of the discussion the Speaker will read the proposal to the House and will then call the member making the proposal to speak.
- (8) The discussion will be no longer than two hours, the first government and non-government speakers may each speak for a

maximum of 15 minutes and any other member for a maximum of 10 minutes. The call is to alternate between government and non-government speakers.

- (9) At any time during the discussion, a motion may be moved by any member 'That the business of the day be called on'. The motion will be put immediately and decided without amendment or debate and, if agreed to, statements on parliamentary committee reports under SO 41 will be called on immediately. No other question seeking to end the discussion can be proposed.

[Sessional order 9]

40 Statements by members

- (1) After formal business each sitting day members may make statements on any topic of concern during a maximum period of 30 minutes — provided that precedence is given to a disallowance motion moved under SO 151.
- (2) Subject to paragraph (1), the time limit for each member making a statement is 90 seconds, the call being allocated between members according to party/individual representation in the House. **[Sessional Order 8]**

41 Statements on parliamentary committee reports

- (1) On each sitting Wednesday, immediately after the grievance debate or matter of public importance, as the case may be, members may make statements on any parliamentary committee reports, excluding reports by the Scrutiny of Acts and Regulations Committee under s 4D(a) and s 4D(b) of the *Parliamentary Committees Act 1968*, tabled in the House during the current Parliament.
- (2) The overall time period for such statements is a maximum of 30 minutes or until six members have spoken, whichever is the shorter, the call being alternated between government and non-government members.

- (3) Subject to paragraph (2), the time limit for each member making a statement is five minutes. **[Sessional Order 17]**

42 Condolences

- (1) Subject to paragraph (2) precedence on a sitting Tuesday will be given to:

- (a) a condolence motion in the event of the death of:
- (i) a sitting member or a member from the preceding Parliament; or
 - (ii) a past or present Governor, Premier, Presiding Officer, Leader of the Opposition, leader of a recognised political party, Leader of the Government or Opposition in the Legislative Council; or
 - (iii) a person who had previous distinguished ministerial service or other distinguished service in Victoria; or
 - (iv) any other person, subject to the agreement of the House.
- (b) an announcement by the Speaker in relation to the deaths of former members not referred to in sub-paragraph (a). After the announcement the Speaker will ask members to rise in their places as a mark of respect to the memory of the deceased. The Speaker will then send a message of sympathy from the House to the relatives of the deceased
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provided that, if condolences under both sub-paragraphs (a) and (b) are due to be expressed on the same sitting day, the announcement/s under sub-paragraph (b) will be made first.

- (2) During the first sitting week of a new Parliament or session condolences may, at the discretion of the government, be given

precedence on any sitting day other than the opening day.
[Sessional Order 12]

43 Ministerial statements

A minister may make a statement at a change in government business and without leave on the following basis:

- (1) The minister must give not less than two hours notice to the leaders of the opposition and the third party or their nominees, and any independent members.
- (2) The minister must hold discussions with the leaders, or their nominees, at the time of giving notice about the number of members to speak in reply. Following those discussions the minister must determine the number and advise the Speaker. The Speaker will announce the decision prior to calling the minister to make the statement.
- (3) The minister may speak for no more than 20 minutes. In responding the lead speaker for the opposition may speak for a maximum of 20 minutes. Subject to the determination made under paragraph (2), any other member may speak for a maximum of 10 minutes. **[Sessional Order 18]**

CHAPTER 7 ³/₄ PETITIONS

44 Procedure for presenting petitions

- (1) Every petition must:
 - (a) be presented by a member who has not signed the petition; and
 - (b) be given to the Clerk at least one day before the meeting of the House at which it is to be presented; and
 - (c) be examined by the member to ensure that the petition is not offensive in its language or tone, and that it complies with the rules of the House; and
 - (d) be signed by the member at the top of the front page.
- (2) The Clerk must certify that the petition is in accordance with the standing orders and procedures of the House. **[244, 246–248A]**

45 Content of petitions

A petition will:

- (1) Be legible.
- (2) Be addressed to the Legislative Assembly 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 House 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. **[238, 239(a)]**

46 Attachments to petitions

A petition must not have letters, affidavits or other documents attached to it. **[239(b)]**

47 Offence to add names of others

It is a breach of privilege of the House for a person to add the name of any other person to a petition to be presented to the House, except with the consent of a person who is incapable of adding his or her own name. **[241]**

48 Time for presenting petitions

Unless a member reads the terms of a petition under SO 49, a petition must be presented during formal business at a time when no debate is taking place. **[245]**

49 Reading of petitions

- (1) A member may read the terms of a petition and the number of signatures during statements by members under SO 40.
- (2) Prior notice of not less than one day must be given to the Clerk and the Clerk's confirmation received that the petition complies with standing orders.
- (3) After reading the details under paragraph (1) the member must give the petition to the Clerk and cannot later move that the

petition be taken into consideration under SO 51. [**Sessional Order 13**]

50 Clerk announces petitions

The Clerk, subject to SO 49, announces to the House the petitions lodged for presentation stating, for each petition, the name of the member who lodged it, the identity of the petitioners, the subject matter and the number of signatures. The terms of each petition must be printed in Hansard. [**248B**]

51 Dealing with petitions

- (1) When a petition is presented, the only questions the House can consider are ‘That the petition is tabled’ and ‘That it be taken in consideration’ (on a stated future day). These questions must be decided without amendment or debate.

- (2) The House may consider a petition immediately if it concerns a personal grievance which may require an urgent remedy. [**248C, 248D**]

52 Copy of petition to responsible minister

A copy of every petition received by the House must be referred by the Clerk to the minister responsible for the administration of the matter that is the subject of the petition. [**248E**]

CHAPTER 8 ³/₄ QUESTIONS SEEKING INFORMATION

53 Questions to ministers or other members

Questions may be asked of:

- (1) Ministers on matters relating to public affairs; and
- (2) Other members relating to a bill, motion, or other public matter connected with the business of the House in which that member is concerned. [121]

54 Questions on notice

- (1) A member must give a question on notice to the Clerk in sufficient time, in the opinion of the Speaker, to enable it to be published in the next issue of the question paper.
- (2) The question must be in writing and signed by the member.
- (3) The reply to a question on notice must be given by delivering it to the Clerk. A copy must be given to the member who asked the question, and both the question and the answer must be printed in Hansard. [122, 123]

55 Question time

- (1) Members may ask oral questions without notice (question time):
 - (a) on a sitting Tuesday immediately following the Prayer, except where precedence is given to condolences under SO 42 when question time will follow immediately afterwards; and
 - (b) at 2.00 pm on every other sitting day.
- (2) Question time will last for 30 minutes or until 10 questions have been answered, whichever is the longer — provided only one question time is permitted each sitting day.

- (3) When question time occurs under paragraph (1)(b):
- (a) at 2.00 pm, unless a division is taking place, the Speaker interrupts the business before the House and the bells are then rung for one minute;
 - (b) if a division is taking place at 2.00 pm:
 - (i) it will be completed without interruption and the result announced;
 - (ii) if the division is on a closure motion, and the motion is agreed to, the question or questions then required to be put to close the issue before the House will also be dealt with;
 - (iii) business is then interrupted following the procedure in sub-paragraph (a).
 - (c) any business under discussion and not completed at the interruption will be resumed immediately at the end of question time and any member speaking at the time of the interruption may then continue his or her speech. **[124 and Sessional Order 3]**

56 Language of questions

The Speaker may require the language of a question to be changed if it seems to him or her that it is unbecoming or is in breach of the standing orders or conventions of the House. **[125]**

57 Content of questions

- (1) A member asking a question must not:
- (a) offer argument or an opinion on the matter; or
 - (b) give facts or names of persons, except those strictly necessary to explain the question.

- (2) All questions must be direct, succinct and seek factual information. **[126 and Sessional Order 3]**

58 Content of answers

All answers to questions must:

- (1) Be direct, factual and succinct.
- (2) Not introduce matter extraneous to the question nor debate the matter to which the question relates. **[127 and Sessional Order 3]**

CHAPTER 9 ³/₄ BILLS

59 Introduction of a bill

A bill, unless received from the Council, must be introduced by a motion moved without notice for leave to bring in the bill, specifying its intended title. [128 and Sessional Order 16]

60 Irregular bill to be withdrawn

Every bill not prepared according to the standing orders and practices of the House will be ordered to be withdrawn by the Speaker. [129]

61 First reading and printing of a bill

- (1) On the introduction of a bill by a member under SO 59, or on the receipt of a bill from the Council for the House's agreement, its first reading will be proposed immediately. The question will be decided without amendment or debate except that (other than for a bill received from the Council) a member introducing a bill may be asked for a brief explanation of its scope. [130]
- (2) After the first reading, the bill will be printed and (except for an Appropriation or Supply Bill) a future day will be appointed for its second reading — provided that, if representatives of the other parties, and any independent members, have received a prior copy of the bill and a briefing, the second reading may be moved immediately after the bill has been read a first time. [131, 132, 164]

62 Question for second reading

After the order of the day for the second reading of a bill has been read, the question to be proposed is 'That this bill be now read a second time'. [133]

63 Reasoned amendment to second reading

- (1) An amendment may be moved to the question 'That this bill be now read a second time' by leaving out 'now read a second time'

and inserting ‘deferred indefinitely’, or other wording providing it is relevant to the bill.³

- (2) If the amendment is agreed to, the bill lapses. **[134, 135]**

64 Circulation of amendments

Amendments to be proposed during consideration of detail may be circulated as follows:

- (1) During the debate on the question ‘That this bill be now read a second time’ a member, without leave but not when another member is speaking, may announce amendments to that bill and ask that they are circulated.
- (2) The announcement and request to circulate may not be debated.
- (3) Following circulation, the member may discuss the principles of the amendments during the second reading debate. **[Sessional Order 15]**

65 Procedure following second reading

When a bill has been read a second time, the House will immediately consider the bill in detail unless the House:

- (1) Refers the bill to a select committee; or
- (2) Gives leave for the bill to proceed immediately to the third reading; or
- (3) Defers consideration in detail until a later time. **[136]**

66 Sequence in which bill to be considered in detail

- (1) Each bill must be considered in the following order:
 - (a) clauses separately and in order;

³ A reasoned amendment normally sets out a reason or argument for opposing or delaying a bill. The accepted wording is that the bill is ‘withdrawn and redrafted to provide for ...’ or that the House ‘refuses to read this bill a second time until (a specified relevant event takes place)’.

- (b) proposed new clauses;
 - (c) the schedules separately and in order;
 - (d) proposed new schedules;
 - (e) the preamble (if any);
 - (f) long title;
 - (g) short title.
- (2) Consideration of a clause may be postponed, unless it has already been considered and amended.
- (3) After debate on a clause has concluded, the question must be put that the clause (or the clause as amended) stands part of the bill.
- (4) Following consideration and, if necessary, amendment of the preamble, the question must be put 'That this be the preamble of the bill'. [141–3, 145]

67 Amendments during consideration in detail

- (1) Any amendment may be moved during consideration in detail to any part of the bill, provided it is relevant to the subject matter of the bill or pursuant to a motion on notice to extend the scope of the bill.
- (2) If an amendment has been made in the bill necessitating an amendment of the long title, a question will be proposed 'That the long title, as amended, be the long title of the bill'.
- (3) If a bill is amended, the final question during consideration in detail will be 'That the House agrees to the bill as amended'.
[144]

68 No discussion of select committee proceedings

A member must not refer to the proceedings of a select committee on a bill until the proceedings have been reported. [146]

69 Reconsideration in detail

At any time before the passage of the third reading, a bill, on motion without notice by a member, may be reconsidered in detail, in whole or in part, by the House. [151]

70 Certificate of Clerk

Following the consideration in detail stage the Clerk will sign the bill to certify that it is correct. [153]

71 Third reading

When a bill has been agreed to at the consideration in detail stage the question will be posed ‘That this bill be now read a third time’. [155]

72 Amendments to third reading

The only amendments which may be moved to the question ‘That this bill be now read a third time’ are as provided by SO 63 in relation to the second reading question. [156]

73 Adjourning the third reading

The further proceedings on a third reading of a bill may be adjourned to a future day. [157]

74 Bill passed

When the third reading of a bill is agreed to, it is passed. [new]

75 Consequential renumbering of bills

Where a bill has been amended, the Clerk and the Clerk of the Parliaments are authorised to carry out any consequential renumbering required in it, except in relation to text being inserted or substituted in Principal Acts. [existing resolution]

76 Message sent to Council

- (1) After a bill has passed and has been certified by the Clerk it will be sent or returned to the Council with a message, without a question being put.
- (2) If the bill originated in the House, the message will present the bill for the agreement of the Council.
- (3) If the bill originated in the Council, the message will inform the Council that the House 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 Council's agreement to such amendments is requested; or
 - (c) rejected the bill. **[158,159]**

77 Amendments received from Council

When a bill is returned from the Council with amendments, the amendments will be printed and a time will be fixed for taking them into consideration. **[161]**

78 Consideration of Council amendments

- (1) The amendments made by the Council 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 House has dealt with the amendments, a message will be sent informing the Council of the House's decision, without a question being put. **[160, new]**

79 Governor's amendment

- (1) An amendment proposed by the Governor to a bill presented for royal assent must be dealt with by the House in the same way as an amendment of the Council.⁴ [162]
- (2) When the House agrees to the amendment it must be sent to the Council with a message requesting agreement, without a question being put. [163]

80 Bills from previous session

- (1) If a bill is introduced which the Clerk certifies is the same as a bill which passed its second reading but was not finally passed by both Houses in the previous session of the same Parliament, a member may move that the bill be advanced to the stage, or any earlier stage, it had reached in the House in the previous session.
- (2) That motion is put to the House without amendment or debate and, if agreed to, the bill is restored on the notice paper at the stage specified in the motion. It is then to be dealt with in the same way as any other bill.
- (3) A bill restored to the notice paper may be reprinted with the current calendar year in its short title and in any corresponding references within the bill.
- (4) If the motion is not agreed to, the bill may be brought in and proceeded with in the ordinary manner. [167]

81 Typographical errors

The Clerk may correct a clerical or typographical error in a bill before it is sent to the Council. The Clerk must inform the House at once of any clerical corrections made. [166]

82 Bills altering Constitution

Whenever a bill to alter the *Constitution Act* has passed its third reading in the Assembly with the concurrence of an absolute or

⁴ See *Constitution Act* 1975 s 14.

special majority of the whole number of the members of the House, the Clerk must certify that fact. **[34]**

83 Speaker may rule that a bill is a private bill

- (1) After the second reading speech has been made, the Speaker may rule that the bill is a private bill.
- (2) Unless the House agrees to treat the bill as a public bill, the Speaker will publish a statement about the general nature of the bill in a newspaper circulating generally in Victoria and, if applicable, in a newspaper circulating in the relevant locality. **[168(a), (b) (part)]**

84 Objection to private bill

- (1) A person who considers that a provision in the bill has a direct and adverse effect on him or her has 14 days after the publication to send a written detailed objection to the Speaker.
- (2) If a written objection is made, the Speaker must appoint a panel of examiners of at least three Acting Speakers to consider the objection and to report to the Speaker on whether it raises sufficiently important matters for the appointment of a select committee to consider the bill. The Speaker must inform the House of the recommendation made by the panel to each objection. **[168(b) (part), 168 (c)]**

85 Promoter of private bill to pay for its cost

Unless the House dispenses with fees, the promoter of a private bill must pay to the Department of the Legislative Assembly:

- (1) A deposit of \$1,000 before the bill is read a second time; and
- (2) 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;

(c) any select committee appointed to consider it —

and payment must be received before the Clerk of the Parliaments presents the bill for royal assent. **[168(d)]**

86 Procedures for private bills

A private bill is dealt with in the same way as a public bill except for the procedures in SOs 83 to 85. **[168(e)]**

CHAPTER 10 ³/₄ FINANCIAL PROCEDURES

87 Introduction of finance bills

After an Appropriation Bill or a Supply Bill has been introduced to the House, it may be ordered to be read a second time immediately after being read a first time. [169]

88 Appropriation proposals to be recommended

- (1) A proposal to appropriate public money cannot proceed without a message from the Governor to the House in the same session recommending the appropriation.
- (2) A bill which requires a message from the Governor, except for an Appropriation or Supply Bill, may be introduced and proceeded with before the message is announced. [170, part]

89 Limitation on amendments increasing appropriation

No amendment can be moved which would increase the amount of money to be appropriated from that proposed in the bill, unless a further message is received from the Governor. [170, part]

90 Proposing a tax

Only a minister may:

- (1) Propose the imposition of a tax, rate, duty or impost, or an increase or alteration of its incidence.
- (2) Move an amendment to increase or extend the incidence of a charge in a proposal made under paragraph (1) — provided that any member may move such an amendment if the charge does not exceed the charge already authorised by any Act. [171]

91 Divisions in schedule to Appropriation Bill

An Appropriation Bill must contain a schedule which includes the same divisions, sub-divisions and items as are used in the Treasurer's

Annual Estimates of Expenditure. During consideration in detail, each division in the schedule must be considered in the order shown in the schedule. [172]

92 Presentation of Appropriation Bills

The Speaker will present the Appropriation Bill and the Appropriation (Parliament) Bill to the Governor for the royal assent. [new]

93 Council's powers to impose fees

When any pecuniary penalty, forfeiture or fee is authorised, imposed, appropriated, regulated, varied or removed by any:

- (1) Bill received from the Council; or
- (2) Amendments to a bill returned to the House by the Council —

the House does not insist on its privileges when:⁵

- (3) The object of the pecuniary penalty or forfeiture is to secure the execution of the Act or the punishment or prevention of offences; or
- (4) The fees are imposed in respect of benefit taken, or service rendered under the Act, and in order to secure the execution of the Act, and are not made payable into the Treasury, or in aid of the public revenue, and do not form the ground of public accounting by the parties receiving the same, either in respect of deficit or surplus; or
- (5) The bill is a private bill for a local or personal Act. [173]

⁵ See also *Constitution Act 1975* s 64.

CHAPTER 11 ³/₄ GOVERNMENT BUSINESS PROGRAM

94 Agreement of program

- (1) Before the House meets in any week:
 - (a) the Leader of the House, the Deputy Leader of the Opposition and the Deputy Leader of the Third Party, or their nominees, may meet as a business committee to try to agree how the House will deal with government business that week;
 - (b) after each meeting has finished, the outcome may be made public by any member of the business committee.
- (2) On the first day of the sitting week:
 - (a) before government business is called on, the Leader of the House, or his or her nominee, may move, without leave, a motion setting times and dates (the completion time) by which consideration of specified items of government business and/or government bills must be completed in that sitting week;
 - (b) the debate will last for a maximum of 30 minutes or until six members have spoken, whichever is the shorter;
 - (c) subject to sub-paragraph (b), the time limit for each member speaking in the debate is five minutes. [**Sessional Order 6**]

95 Amendment to program

After a special meeting of the business committee:

- (1) The Leader of the House, or his or her nominee, at a change of business and without leave, may move a motion to amend the resolution agreed under SO 94.

- (2) The debate will last for a maximum of 30 minutes or until six members have spoken, whichever is the shorter.
- (3) Subject to paragraph (2), the time limit for each member speaking in the debate is five minutes.
- (4) Any change to the program comes into operation one hour after the motion is agreed to. **[Sessional Order 6]**

96 Circulation of amendments under the program

The following provisions apply to the circulation of amendments:

- (1) Amendments may be circulated under SO 64; and
- (2) During consideration of amendments made or suggested by the Council:
 - (a) a member may announce and circulate amendments to be proposed to the Council amendments, without leave but not when another member is speaking;
 - (b) the announcement and request to circulate may not be debated.
- (3) Amendments circulated under paragraphs (1) or (2) may only be considered at the completion time under SO 98 and SO 100 if they have been circulated not less than two hours earlier. **[Sessional Order 6]**

97 Interruption at completion time

At the completion time, if there are specified bills or items of business to be completed:

- (1) Unless a division is taking place, the Chair will interrupt the business before the House.
- (2) If a division is taking place:

- (a) it will be completed without interruption and the result announced;
- (b) if it is on a closure motion in relation to a non-specified bill or item of business, and the motion is agreed to, the question or questions then required to be put to close the issue before the House will also be dealt with;
- (c) the Chair then interrupts business. **[Sessional Order 6]**

98 Specified business or bill at the interruption

- (1) In the case of a specified item of business being considered at the interruption, the Chair will immediately put the question on any amendment and/or motion already proposed from the Chair, in order to conclude proceedings on the item.
- (2) In the case of a specified bill being considered at the interruption:
 - (a) the Chair will immediately put the question on any amendment or motion already proposed from the Chair;
 - (b) the consideration in detail, or any remaining consideration in detail stages, are dispensed with;
 - (c) after resolution of any question or questions required by sub-paragraph (a) the Chair will immediately, subject to SO 101, combine any remaining questions necessary:
 - (i) to dispose of any amendments, new clauses and new schedules required by the government which have been circulated under SO 96 — no other amendments, new clauses or new schedules will be proposed;
 - (ii) to dispose of amendments made or suggested by the Council; and
 - (iii) for the bill to be passed. **[Sessional Order 6]**

99 Non-specified business or bill at the interruption

- (1) If, at the interruption, the House is considering a non-specified item of business or bill, and there are specified bills or items of business to be concluded, the House will immediately consider the specified items of business or bills following the procedure under SO 100.
- (2) Any business under discussion and not completed at the time of the interruption will be resumed immediately after all specified items of business and bills have been dealt with. Any member speaking at the time of the interruption may then continue his or her speech. **[Sessional Order 6]**

100 Procedure for remaining items

- (1) The Chair will direct the Clerk to call on each relevant order of the day in turn.
- (2) In the case of any remaining specified items of business, the Chair will put a combined question (if required) in order to conclude the proceedings.
- (3) In relation to any remaining specified bills:
 - (a) the consideration in detail, or any remaining consideration in detail stages are dispensed with; and
 - (b) for all bills the Chair will, subject to SO 101, combine any remaining questions necessary:
 - (i) to dispose of any amendments, new clauses and new schedules required by the government which have been circulated under SO 96 — no other amendments, new clauses or new schedules will be proposed;
 - (ii) to dispose of amendments made or suggested by the Council;

(iii) for the bill to be passed. **[Sessional Order 6]**

101 Where questions cannot be combined

The Chair will not put combined questions under SO 98 or SO 100 in the following circumstances:

- (1) Where the third reading of a bill must be passed with an absolute or special majority of the whole number of the members of the Assembly, the question for the third reading must be put separately.
- (2) Where amendments made or suggested by the Council are being considered, the Chair will put separate questions for each amendment — provided that if no member objects by having given advance notice to the Chair, any, or all, of the questions may be combined, except where the amendments must be passed with an absolute or special majority of the whole number of the members of the Assembly. **[Sessional Order 6]**

102 Points of order and motions

- (1) The Chair will not accept any points of order once the completion time has arrived until all the required questions under SO 98 and SO 100 have been dealt with.
- (2) SO 155 relating to closure of debate (except for the use of the closure on dilatory motions) or guillotine shall not apply to any proceedings in respect of a specified item of business or bill. **[Sessional Order 6]**

CHAPTER 12 ³/₄ RULES OF DEBATE

103 Members to stand

- (1) A member wishing to speak stands in his or her place and addresses the Speaker. If more than one member rises, the Speaker calls the one who stood up first, recognising that, once each party has put its view, the call will normally alternate between speakers on each side of the House.
- (2) A member who is sick or disabled may speak while seated in his or her place. **[84, 89 and new]**

104 Member's right to speak

A member may:

- (1) Speak to any question before the House, including a proposed amendment.
- (2) Propose his or her own motion or amendment.
- (3) Raise a point of order or speak to a point of order that has arisen.
- (4) Speak on a matter of privilege that has suddenly arisen. **[85, 86]**

105 When members can no longer speak

When debate on a question is concluded, the Chair must put the question. If the question is not heard, the Chair must put it again. A member must not speak to a question after the Chair has put that question and it has been carried or defeated. **[87, 88]**

106 Motion that a member be no longer heard

- (1) A member may move without notice that a member who is speaking be 'no longer heard'.
- (2) The Chair must put that question immediately, but only if the Chair is satisfied that:

- (a) the member speaking has already had ample opportunity to state his or her views on the matter; and
 - (b) the member is using his or her right to speak in a way that is an abuse of the rules or conventions of the House, or to obstruct business; and
 - (c) the motion, if carried, would not take away the rights of the minority.
- (3) The question must be decided without amendment or debate.
- (4) No other motion can be moved or point of order taken until this question has been decided. [91]

107 No referring to debate in Council

A member must not refer to any debate or matter pending in the Council. However, if the Speaker is satisfied that a member has been seriously misrepresented by statements made in the Council during the same session, that member may, by leave, make a personal statement to refute or explain what was said in the Council. The personal statement may not be debated. [95]

108 No member to be referred to by name

A member must refer to other members by their title of office or by the name of their electorate. [98]

109 Keeping to the subject

A member must not depart from the subject matter of the question or issue under discussion. [99]

110 Irrelevant material or tedious repetition

- (1) The Chair may warn a member speaking in the House for continued irrelevance or tedious repetition.

- (2) After a warning, a member may move ‘That the Chair direct the member to discontinue his or her speech’. That question is to be put at once without amendment or debate. **[109]**

111 Speaking rights of member moving the adjournment

The member moving the adjournment of the debate on any question is entitled to speak again on the subject of the main question, unless he or she has discussed it in moving the adjournment. **[101]**

112 Member may not speak twice

A member may not speak more than once to any question except:

- (1) In giving an explanation under SO 61; or
- (2) In reply; or
- (3) To speak in the consideration in detail stage. **[102]**

113 Reply closes debate

In all cases the reply of the mover of the original question closes the debate except during the consideration in detail stage, or consideration of amendments to a bill made or suggested by the Council. **[103 part]**

114 Interrupting debate

A member may only interrupt another member while speaking to:

- (1) Call attention to a point of order or privilege suddenly arising; or
- (2) Call attention to the lack of a quorum; or
- (3) Call attention to the presence of strangers; or
- (4) Move a closure motion; or
- (5) Move that a member ‘be no longer heard’; or

- (6) Move ‘That the business of the day be called on’; or
- (7) Move ‘That the Chair direct the member to discontinue his or her speech’. [68]

115 Order to be maintained by the Speaker

Order will be maintained in the House by the Speaker. [106]

116 Speaker to be heard

When the Speaker stands members must sit down and be silent. [107]

117 Entry to Chamber

A member must defer to the Chair when passing in front of the table. A member must not remain standing in any of the passages or gangways. [43, 45]

118 Imputations and personal reflections

Imputations of improper motives and personal reflections on the Sovereign, the Governor, a judicial officer or members of the Assembly or the Council are disorderly other than by substantive motion. [108 and new]

119 No offensive language against other members

A member must not use offensive or unbecoming words in relation to another member. [108]

120 Objection to words

If a member objects to words used in debate:

- (1) The objection must be taken immediately.
- (2) If the words relate to a member of the House and that member finds them personally offensive, the Chair will order the words to be withdrawn and may require an apology.

- (3) If the Chair considers that any other words used are objectionable or unparliamentary, the Chair may order the words to be withdrawn and may require an apology.
- (4) A withdrawal, and an apology, must be made without explanation or qualification. **[110–112 and new]**

121 Moving around the Chamber

A member must not pass between the Chair and:

- (1) A member who is speaking; or
- (2) The table; or
- (3) The mace while it is being carried by the Serjeant-at-Arms. **[44]**

122 Members not to read newspapers

It is inappropriate for a member to read a newspaper or similar large documents in his or her place other than when addressing the Chair. **[46]**

123 Personal explanations

A member may make a personal explanation with the consent of the Chair when there is no question before the House. A personal explanation cannot be debated. **[92]**

CHAPTER 13 ³/₄ DISORDER

124 Chair ordering member to withdraw

Where the Speaker or Deputy Speaker considers the conduct of a member to be disorderly:

- (1) The Speaker or Deputy Speaker may order the member to withdraw from the House for up to one and a half hours. That order is not open to debate or dissent.
- (2) The member, whilst suspended, may still return to the Chamber to vote in a division.
- (3) If a member is ordered to withdraw under paragraph (1) and the House adjourns before the end of the suspension period, the member, subject to paragraph (2), will not return to the Chamber on the next sitting day until the remaining time has expired. Time is calculated from the end of the ringing of the bells.

[Sessional Order 10]

125 Naming a member

A member may be named by the Speaker or the Deputy Speaker for:

- (1) Persistently and wilfully obstructing the business of the House;
or
- (2) Being guilty of disorderly conduct; or
- (3) Using offensive words, and refusing to withdraw or apologise; or
- (4) Persistently and wilfully refusing to conform to any standing order, rule or practice of the House; or
- (5) Persistently and wilfully disregarding the authority of the Chair;
or

- (6) Refusing to immediately follow an order to withdraw under SO 124. **[114, 116, 117]**

126 Procedure following naming

- (1) After naming a member, the Deputy Speaker must immediately interrupt proceedings and advise the Speaker of the naming.
- (2) Following the naming of a member and a motion being moved ‘That the member be suspended from the service of the House during the remainder of that day’s sitting (or for such period as the House may think fit)’, the Speaker must put the question immediately without amendment, adjournment or debate. **[117, part and new]**

127 Suspension of member following naming

- (1) A member suspended under SO 126 must immediately withdraw from the House and must not re-enter the Chamber during the period of the suspension.
- (2) This Standing Order does not deprive the House of any other powers it may have to proceed against a member. **[117, part]**

128 Directions to Serjeant-at-Arms

In all matters of contempt or misconduct, the Serjeant-at-Arms will act on the direction of the Speaker. **[117, part]**

129 Grave disorder

In the case of grave disorder, the Speaker may adjourn the House without putting a question, or suspend any sitting for a time to be determined by the Speaker. **[new]**

130 Contempt

Any person who disobeys an order of the House, or any person other than a member who wilfully interrupts the sitting of the House, may be declared guilty of contempt. **[119]**

CHAPTER 14 ³/₄ TIME LIMITS

131 Time limit of speeches

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

Appropriation bills — second reading

Mover	unlimited
Lead speaker in response from opposition	unlimited
Lead speaker in response from any other party, each	1 hour
Any other member	15 minutes

Government bills (excluding appropriation bills) — second reading

Mover	unlimited
Lead speaker in response from opposition	30 minutes*
Lead speaker in response from any other party, each	20 minutes*
Any other member	10 minutes

*Plus, where the minister speaks for more than 30 minutes, an additional time equivalent to the minister's time in excess of 30 minutes.

Private members' bills — second reading

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

All bills — consideration in detail

Mover	unlimited (in time and how often a mover may speak to a question)
Any other member	twice on each question, 5 minutes each time

Motions other than procedural motions

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

Procedural motions

These time limits apply to procedural motions, dilatory motions⁶ and debate on the question that remaining business be postponed.

All members5 minutes (subject to the overall time period)
(maximum of 6 speakers or 30 minutes total debating time, whichever is the shorter)

No-confidence motions

Moverunlimited
Lead speaker in response from oppositionunlimited
Lead speaker in response from any other party, each1 hour
Any other member 15 minutes

Address-in-reply

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

[104 and Sessional Order 11]

132 Right of reply to debate

A reply of a maximum of 15 minutes will be allowed to a member who has moved a substantive motion or the second or third reading of a bill, and the reply will be confined to matters raised during the debate. **[103 part]**

⁶ For example, motions such as ‘That the debate be now adjourned’ and ‘That the question be now put’.

CHAPTER 15 ³/₄ LIMITATION ON DEBATE

133 Declaration of urgent bill

- (1) A minister may move that a bill be treated as urgent:
 - (a) on the reading of a message from the Governor recommending an appropriation in connection with the bill;
 - (b) at any stage of the bill.
- (2) If 20 members rise in their places to indicate their support, the question 'That the bill be considered an urgent bill' is put at once without amendment or debate. If the motion is passed, a minister may at any time (but without interrupting a member who is speaking) move another motion specifying the time which is to be allotted for one or more of the following:
 - (a) the stages of the bill (including anything preliminary to its introduction) before the second reading;
 - (b) the second reading;
 - (c) the consideration in detail stage, or any parts of it;
 - (d) the remaining stages.
- (3) The time allotted for the consideration in detail stage may be further subdivided so that particular clauses or parts of the bill have a specific time set aside for them. **[105(a)]**

134 Declaration of urgent motion

A minister may move that a motion that is being considered be treated as urgent. If 20 members rise in their places to indicate their support, the question is put at once, without amendment or debate. If the motion is passed, a minister may move another motion specifying the time which is to be allotted to the motion. **[105(b)]**

135 Debate on allotment of time

Debate on a motion specifying the time to be allotted for an urgent bill or motion will last for a maximum of 30 minutes, or until six members have spoken, whichever is the shorter. Subject to the overall time period a member may speak in the debate for five minutes. At the end of the total period allowed, the Chair must interrupt the debate and put the question. **[105(c)]**

136 Time set for urgent bills and motions

The times allotted by the House for urgent bills or motions override anything to the contrary in any standing or sessional order and are exclusive of any adjournment or suspension of a sitting. **[105(a), (b) (part)]**

137 Proceedings to conclude at a set time

- (1) When the time allotted under any of the motions passed under SOs 133 to 135 has expired:
 - (a) the Chair will immediately put the question on any amendment and/or motion already proposed;
 - (b) in the case of a bill at the consideration in detail stage or at any of its remaining stages, the Chair then puts any clauses, schedules, amendments to clauses and schedules, new clauses and new schedules required by the Government; followed by any motions necessary to complete the business before the House. No other amendments, new clauses or new schedules will be proposed.
- (2) The government must circulate to members copies of its proposed amendments, new clauses and new schedules at least two hours before the time set aside has passed. **[105(d)]**

138 Precedence of urgent bill or motion

When the time fixed to start consideration of an urgent bill or motion is reached, the Speaker will interrupt the business before the House. Any business under discussion will be resumed immediately after

proceedings on the urgent bill or motion has ended. Any member speaking at the time of the interruption may, when debate resumes, continue his or her speech. **[105(g)]**

139 Urgent bill or motion not to be interrupted

- (1) Consideration of a matter for which time has been allotted may not be interrupted by a motion except that a minister may move any of the following:
 - (a) a dilatory motion;
 - (b) a motion to extend the scope of the bill;
 - (c) a motion to postpone a clause;
 - (d) a motion to reconsider the bill (in whole or in part) in detail.
- (2) A closure motion cannot be moved.
- (3) The question on a minister's motion must be put immediately and without amendment or debate. **[105(e), (f)]**

CHAPTER 16 ³/₄ NOTICES OF MOTION

140 Giving notice

- (1) A member may only move a motion to discuss a subject if he or she has given notice of that motion at a previous sitting of the House. A notice of motion must be given before the House proceeds to the business of the day as set out in the notice paper. The member must:
 - (a) read the notice of motion aloud; and
 - (b) deliver its terms in writing to the Clerk.
- (2) A notice of motion is printed in the notice paper. However, if any notice contains unbecoming expressions the Speaker may direct that the notice be removed or amended.
- (3) The member may alter the notice by giving the Clerk an amended notice at least one day before the day proposed for dealing with the motion. **[47–53]**

141 Consecutive notices

A member may not give two notices of motion consecutively, unless no other member seeks to give any. **[ROP 19]**

142 Giving notice for another member

A member may give notice for another member not present by putting the absent member's name on the notice of motion delivered in writing to the Clerk. **[ROP 20]**

143 Another member moving a member's motion

A member may transfer control of a notice of motion to another member by advising the Speaker in writing at least one day before the day for proceeding with the motion. **[new]**

144 Notice lapses

If a notice of motion has remained on the notice paper for 30 sitting days without being moved, the Speaker will announce it will be removed from the notice paper on the next sitting day. A member may require the notice given by him or her to be continued by written notification to the Clerk prior to it being removed. **[new]**

145 Leave for tabling without notice

A member may seek leave to table a document without giving previous notice. **[60]**

146 Precedence of notices of motion

Subject to SO 34 notices of motion take precedence over orders of the day. **[54]**

CHAPTER 17 ³/₄ MOTIONS AND QUESTIONS

147 Order of the day defined

An order of the day is a bill or other matter which the House has ordered to be taken into consideration on a particular day. [1, part]

148 Consideration of orders of the day

(1) When notices of motion have been disposed of, the Speaker directs the Clerk to read the orders of the day without any question being put. Orders of the day are dealt with in the order in which they appear on the notice paper. However, on days on which government business has precedence, ministers may put government orders at the head of the list in whatever order they wish. [55, 56]

(2) An order of the day may be discharged by resolution of the House. [58]

149 Further consideration of motions or orders

Where a date has not been set for further consideration of a motion or an order of the day, it is listed on the next day's notice paper after all other notices of motion and orders of the day. [57]

150 Precedence of motions

Motions have precedence according to the order in which their notices of motion were given. An urgent motion directly concerning the privileges of the House has precedence over all other motions and orders of the day. [61]

151 Motion on disallowance of subordinate legislation

(1) A motion to disallow a statutory rule which has been adversely reported on by the Scrutiny of Acts and Regulations Committee takes precedence immediately before statements by members on the last sitting Wednesday before the twelfth sitting day after the

notice of motion has been given, unless it has been resolved previously.

- (2) Debate on the motion will last for a maximum of 30 minutes, or until six members have spoken, whichever is the shorter. Subject to the overall time period a member may speak in the debate for five minutes. At the end of the total period allowed, the Chair must interrupt the debate and put the question. **[new]**

152 Rules relating to motions

The following rules relate to motions:

- (1) A motion must not be moved if it is substantially the same as one that has been resolved in the same session. **[64]**
- (2) No motion, except for those moved under SO 5(5) and SO 8 needs to be seconded. **[62(b)]**
- (3) A motion may be withdrawn by its mover but only with the leave of the House. A motion withdrawn by leave may be moved again in the same session. **[63, 64]**
- (4) If a member, other than a minister, is not in the House when his or her notice of motion is called on, it lapses unless another member, at the absent member's request, fixes another time for moving the motion. **[new]**

153 Putting the question

When a motion has been moved and, if required, seconded, the Speaker must propose a question on the motion to the House. The House may order a complicated question to be split. **[62(a), 69]**

154 Restrictions on further motions

If either of the motions:

- (1) 'That the debate be adjourned'; or

(2) ‘That the question be now put’ —

is defeated, the same motion cannot be moved again within 15 minutes. **[65]**

155 Closure motions

(1) A member may move a closure motion ‘That the question be now put’ without notice:

(a) at any time during debate on a question in the House; and

(b) whether or not a member is addressing the Chair.

(2) The Chair must put the question immediately without amendment or debate unless he or she believes that:

(a) it is an abuse of the rules of the House; or

(b) it is a denial of the rights of the minority; or

(c) it has been moved to obstruct business.

(3) No other motion or point of order may be put or raised until that motion has been disposed of.

(4) When a closure motion has been carried and the original question resolved, further closure motions may be moved at once, and in the same way, to decide any other questions already proposed by the Chair. **[70]**

(5) The closure motion can only be accepted by the Speaker or Deputy Speaker. **[new]**

156 Rescission

A resolution or other vote of the House may be read and rescinded. **[71]**

CHAPTER 18 ³/₄ AMENDMENTS, GENERAL PRINCIPLES

157 Motion to amend

- (1) A member may amend a question that has been proposed:
 - (a) by omitting certain words; or
 - (b) by omitting certain words in order to insert or add others; or
 - (c) by inserting or adding words.
- (2) An amendment must be relevant to the question it is proposed to amend.
- (3) A member must deliver the terms of an amendment in writing to the Clerk.
- (4) Debate on an amendment must be strictly confined to the terms of that amendment.
- (5) A proposed amendment may be withdrawn with the leave of the House.
- (6) An amendment may be moved to a proposed amendment as if the proposed amendment were the original question.
- (7) A member must not move an amendment to a part of a question if a later part of that question has been amended or has been proposed to be amended, unless that proposed amendment has been withdrawn.
- (8) A member must not move an amendment to any words that the House has resolved should:
 - (a) stand part of the question; or

(b) be inserted or added to a question —

except to add other words. **[72–78 and new]**

158 Procedure for inserting, adding or omitting words

If the proposed amendment is to insert or add words, the Chair must put the question ‘That such words be inserted or added’. If the proposed amendment is to leave out words, the Chair must put the question ‘That the words proposed to be omitted stand part of the question’. **[79, 80]**

159 Substituting words

If the proposed amendment is to leave out certain words in order to insert or add other words, the following procedure is observed:

- (1) The Chair must first put the question ‘That the words proposed to be omitted stand part of the question’. If that question is resolved in the affirmative, the amendment is disposed of.
- (2) If the question is defeated, the Chair must then put the question ‘That the words proposed in the amendment be inserted’. **[81]**

160 Order of moving amendments to figures

If a proposed amendment involves an issue between a greater and lesser sum, or a longer or shorter time, the least sum and longest time must be put to the question first. **[82]**

161 Main motion

- (1) When amendments have been made, the main question must be put as amended. When amendments have been moved but not made, the main question must be put as originally proposed. **[83]**
- (2) If no member objects, the Chair may put the question ‘That the amendment be agreed to’ instead of the question or questions in SO 158 and SO 159. **[new]**

CHAPTER 19 ³/₄ DIVISIONS

162 Resolving a question

A question that is put by the Chair in the House must be resolved on the majority of voices 'aye' or 'no'. The Chair must state whether the ayes or the noes have it and, if a member challenges the Chair's opinion, the question must be decided by a division. [174, 175]

163 Party vote unless a conscience issue

- (1) Where a division is requested, a party vote is held unless the subject of the vote is to be treated as a conscience issue.
- (2) Where the Speaker has received prior advice from a party whip of a conscience vote, the Speaker will permit a personal vote to be held instead of a party vote. [Sessional Order 19]

164 Procedure for a division

- (1) When a division is requested, the Clerk will ring the bells for three minutes as indicated by the timer.
- (2) When the bells have stopped ringing, the Chair calls for the doors to be locked. After that a member must not leave the Chamber until after the division has been completed.
- (3) When successive divisions are taken without any intervening debate, the Chair may direct that the bells be rung for one minute. [177, 178 and Sessional Order 19]

165 Procedure for a party vote

- (1) After the doors are locked the Chair restates the question.
- (2) Members must sit in their allocated places in the Chamber.
- (3) The Clerk asks the whip of each party, or their representative, to cast the party's votes; parties are asked to vote in the order of the size of their parliamentary membership.

- (4) The number is cast for the ayes or for the noes. Votes may only be cast for members present in the Chamber and every member present must vote.
- (5) After the votes have been cast by the parties, any independent member and any member who is voting contrary to his or her party's vote may cast a vote.
- (6) Where it becomes obvious that one member only is voting for either the ayes or the noes, the Chair must immediately declare the resolution of the House. The member who called for the division may ask for his or her dissent to be recorded in the Votes and Proceedings. The Chair then directs the Clerk to record that dissent.
- (7) The whip of each party, or their representative, may before the result of the vote is announced by the Chair, challenge the votes cast by another party. Where a party's vote is challenged the Chair may direct that the matter be resolved by a personal vote.
- (8) The Chair announces the result to the House.
- (9) The whip of each party, or their representative, will immediately advise the Clerk of the names of those members of their party that were not present for the vote.
- (10) The Clerk will record the result of the vote and the names of those members voting aye and no and publish those details in the Votes and Proceedings. **[Sessional Order 19]**

166 Procedure for a personal vote

- (1) 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.
- (2) Votes may only be cast by members present in the Chamber and every member present must vote.

- (3) If two tellers cannot be found for one side of the question, the Chair must immediately declare the resolution of the House. The member who called for the division may ask for his or her dissent to be recorded in the Votes and Proceedings. The Chair then directs the Clerk to record that dissent.
- (4) The tellers count the votes and record the members' names. On receiving a report from the tellers, the Chair announces the result to the House.
- (5) The names of the members who have voted are recorded in the Votes and Proceedings. **[179, 180 and Sessional Order 19]**

167 Casting vote

If the numbers are equal, the Speaker has a casting vote. The Speaker may give reasons for the casting vote and those reasons are entered in the Votes and Proceedings. **[186]**

168 Points of order

If a point of order is taken while a division is taking place, a member may only speak to it with the Chair's permission. **[183]**

169 Error in tally

- (1) If there is confusion about the result, or an error in the numbers, and it cannot be corrected, the Chair must call for another division.
- (2) If the numbers reported and announced prove to be wrong, the Chair will direct the Clerk to correct the Votes and Proceedings. **[184–6]**

170 Pecuniary interest

A member must not vote in the House or a select committee on any question in which he or she has a direct pecuniary interest. If a member does so, his or her vote is to be disallowed. **[2]**

CHAPTER 20 ³/₄ TABLING OF DOCUMENTS

171 Orders for documents and records

- (1) Documents and records in any form may be ordered to be produced to the House and the Clerk will communicate the order accordingly.
- (2) When such documents and records are received they will be tabled by the Clerk. [249]

172 Documents from the Governor

When the royal prerogative is concerned in any document required by the House, an address will be presented to the Governor requesting that the document is tabled in the House. [250]

173 Other methods of tabling documents

Other documents may be presented under any Act of Parliament or by command of the Governor. [251]

174 Documents presented by member

When a member presents a document, he or she must bring it up from the Bar when directed by the Speaker and give it to the Clerk. [252]

175 Documents to be given to Clerk

A document that is to be tabled in the House under any Act of Parliament, or by order of the House, must be delivered to the Clerk. The Clerk will table the document and will read a list of such documents. [253]

176 Documents not presented under an Act

The House may give leave for a member to table a document which is not being presented under the authority of an Act. On presentation such a document is deemed to be tabled without a question being put. [254]

177 Printing of documents

The House may order a document to be printed. [255]

CHAPTER 21 ³/₄ MESSAGES AND ADDRESSES

178 Agreeing to an address proposed by the Council

When the House agrees to an address proposed by the Council, a message of confirmation will be sent to the Council, without a question being put. [234]

179 Addresses to the Governor

- (1) The address-in-reply, as adopted, will be presented to the Governor by the Speaker, accompanied by the mover and seconder and any other members who wish to attend.
- (2) Any other address to the Governor will be presented by the Speaker, or by the Clerk on the Speaker's behalf, unless otherwise ordered by the House. [235, ROP 31]

180 Addresses to the Sovereign

An address to the Sovereign or to members of the Royal Family will be forwarded to the Governor for presentation. [new]

181 Message announced by Speaker or Chair

A written message from the Governor will be forwarded to the Speaker. It will be announced in the House by the Chair, but not during a debate, or so as to interrupt a member speaking. [237]

182 Governor's answer to an address

The Governor's answer to an address will be reported to the House by the Speaker. [ROPs 35, 36]

CHAPTER 22 ³/₄ STRANGERS

183 When strangers not allowed

Only the Speaker may admit a stranger onto the floor of the Chamber. While the House is sitting, a member must not bring a stranger into any part of the House that is set aside for members. [30]

184 Withdrawal of strangers

During any sitting, the Chair may order strangers to withdraw from any part of the House. In addition, a member may move 'That strangers be ordered to withdraw'. Such a motion must be put immediately without amendment or debate. [29]

185 Discipline of strangers

- (1) The Serjeant-at-Arms may take into custody a stranger who:
 - (a) is, without the Speaker's authority, in any part of the Chamber reserved for the members of the House;
 - (b) having been admitted to any part of the Chamber or gallery, misbehaves or does not withdraw when strangers are directed to withdraw;
 - (c) wilfully interrupts the business of the House;
 - (d) obstructs the approaches to the Chamber; or
 - (e) creates a disturbance within the precincts of the Chamber.
- (2) A person can only be discharged out of custody by special order of the House or on direction of the Speaker, who must report that matter to the House. [28]

186 Discharge of a person arrested

No person who has been either arrested or committed on order of the House can be discharged without the express direction of the House.

[120]

CHAPTER 23 ³/₄ WITNESSES

187 Attendance of member before the House

The House may order a member to take his or her place in the House in order to be examined. [222]

188 Attendance of member before a select committee

- (1) If resolved by a select committee, the Chair will write to a member requesting the member to attend as a witness.
- (2) If the member refuses to attend, the committee will not take any further action except to report the matter to the House. [223, ROP 26]

189 Request for Council member or officer to attend

If the House or a select committee of the House (except one on a private bill) wishes to examine a member or officer of the Council, it must send a message to the Council asking leave for that member or officer to be examined on the matters stated in the message. [224]

190 Summoning a witness

The House may summon a witness to be examined at the Bar of the House. The order of the House must be signed by the Clerk. [225, ROP 28]

191 Witness in prison

If a witness is in prison, the House may order that the Speaker issues a warrant to the keeper of the prison to bring the witness in safe custody to be examined. [228]

192 Select committee summons procedure

A select committee may summon witnesses by an order signed by the Chair. If a witness does not obey an order, that fact must be reported to the House, which may then order him or her to come before the

House. However, that order may be discharged if the witness attends the committee before the time set for attending the House. [226]

193 Failure or refusal to attend

If a witness fails or refuses to attend or give evidence pursuant to an order of the House or a select committee, the House may censure the witness or declare him or her guilty of contempt. [227]

194 Oath

A witness before the House or a select committee may be required to take an oath when that is permitted by statute.⁷ [229]

195 Examination before the House

(1) A witness before the House must be examined by:

(a) the Speaker; or

(b) a member who puts a question through the Speaker.

(2) If the witness objects to a question or some other matter arises, the witness may be required to withdraw by the Speaker while the matter is discussed. Only the Speaker may examine a witness in custody. [230]

196 Evidence of witnesses protected

A witness examined before the House or a select committee is entitled to the protection of the House in respect of anything he or she may say in evidence. [232]

197 Officers not to give evidence without leave

No person employed or contracted to assist the House or a select committee will give evidence in respect of any proceedings of the House or a committee without leave of the House. [233]

⁷ See *Constitution Act 1975* s 19A.

198 Council request for Assembly member or officer to attend

If the Council or one of its select committees wishes to examine a member or officer of the House, the House may:

- (1) Give leave for the member to attend if the member thinks fit.
- (2) Order an officer to attend. **[new]**

199 Information regarding improper conduct of a member

If a committee receives information regarding improper conduct of a member of the House, the committee will report the matter to the House and not proceed any further on the issue. **[ROP 27]**

200 Interference with witnesses and false evidence

- (1) A person is guilty of a serious offence if he or she 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 House or a select 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 House or any committee.
- (2) The House will punish such offence most severely and may declare an offender to be guilty of contempt. **[231]**

CHAPTER 24 ³/₄ SELECT COMMITTEES

201 Appointment

The House may appoint a select committee to consider a specified matter. **[197 part]**

202 Number of members

A select committee will normally consist of not less than five, and not more than 12, members unless otherwise ordered by the House and each party will be invited to be represented. **[197 part]**

203 Quorum

The quorum of the select committee will be fixed at the time of appointment. **[197 part]**

204 Speaker and Deputy Speaker to consent

The Speaker or the Deputy Speaker cannot be compelled to be appointed to a select committee. **[197 part]**

205 Notice for appointment of a select committee

- (1) The notice of motion for the appointment of a select committee may name the members proposed for the committee. If it does not, the members of the committee must be selected by ballot.
- (2) A member intending to move for the appointment of a select committee must find out in advance whether each member proposed to be nominated is prepared to serve on such a committee. **[198, 199]**

206 Ballot for appointment to select committee

When members are to be selected under SO 205(1) by ballot:

- (1) The bells will be rung as for a division.

- (2) Each member present is issued with a list of all members that has been initialled by the Clerk.
- (3) No nomination is required.
- (4) A member votes by placing a cross against the names of the number of members as ordered by the House; if any list contains a larger or smaller number of votes than is required, it is void and rejected.
- (5) The Speaker will nominate scrutineers who, with the Clerk, will count the votes.
- (6) The members who receive the most votes will be declared by the Speaker to be elected.
- (7) If two or more members have an equality of votes for the last place or places on the committee, a second ballot will be held to determine that place or those places.
- (8) Only those members who achieved an equality of votes for that place or those places will continue as candidates in the second ballot.
- (9) If, after a second ballot, two or more members still have an equality of votes, the Speaker determines by lot which member or members are chosen. **[200]**

207 Members discharged and added

Members may be discharged from attending a select committee, and other members added, after notice has been given. **[201]**

208 List of members

A list of members serving on select committees must be published in the notice paper. **[218]**

209 Meetings of select committees

- (1) Select committees may meet at any time, except that when the House is actually sitting:
 - (a) the Privileges and Standing Orders Committees may only meet within the parliamentary precincts; and
 - (b) any other select committee may not meet unless specifically authorised to do so by the House.
- (2) Subject to paragraph (1), a select committee may adjourn from time to time and from place to place. **[203, 204 and new]**

210 Election of Chair and Deputy Chair

- (1) At the first meeting of a select committee, the Chair must be elected before any other business is discussed.
- (2) A select committee may elect a Deputy Chair and, in the absence of the Chair, any powers and duties of the Chair may be exercised by the Deputy Chair. **[206]**

211 Absence of Chair and Deputy Chair

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. **[new]**

212 Casting vote

Unless otherwise provided, the Chair of a select committee will only have a casting vote. **[214]**

213 Quorum

- (1) If a quorum is not present within 30 minutes of the time set for a meeting of a select committee, the meeting will lapse and the next meeting will be called by the Chair.
- (2) If, during a select committee meeting, attention is drawn to the absence of a quorum by a member or officer of the committee,

the Chair may suspend the committee until a quorum is present or adjourn the committee to some future time. [207]

214 Power to send for persons, documents and other things

A select committee may send for persons, documents and other things. [202]

215 Subcommittee of a select committee

- (1) A select committee may appoint a subcommittee of two or more of its members to inquire into and report to the committee upon 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 subcommittee, two members constitute a quorum.
- (3) The standing orders apply to a subcommittee in the like manner as they apply to a select committee.
- (4) A subcommittee will report to the select committee as soon as practicable on each matter referred to that subcommittee. [new]

216 Deliberations in private

Select committee deliberations will always be conducted in private except that, where special circumstances make it desirable to do so, a committee may resolve to allow other persons to attend. [211]

217 Disclosure of evidence and other documents

- (1) Unless the House or the select committee otherwise determines, all evidence will be taken in public and may be published immediately.
- (2) The committee may authorise the publication of any documents, papers and submissions presented to it.
- (3) The committee may take evidence in private.

- (4) 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 House. **[208]**

218 Unreported evidence

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

219 Recording of evidence

Unless otherwise determined by the select committee, a transcript will be taken of all formal evidence. **[212]**

220 Record of proceedings of committee

The minutes of proceedings of a select committee must record each of the following:

- (1) The names of the members who attended each meeting.
- (2) Every motion or amendment proposed and the name of its mover.
- (3) The divisions and the names of the members voting for each side on a question, which must also be included in the committee's report to the House. **[213]**

221 Chair to prepare draft report

The Chair of a select committee will prepare the draft report for consideration by the committee. **[215]**

222 Proceedings on consideration of draft report

- (1) The draft report will be printed and circulated to members of a select committee.

- (2) The report will be considered paragraph by paragraph, or groups of paragraphs, and a question put ‘That the paragraph [or paragraphs], or the paragraph or paragraphs (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’. **[216]**

223 Minority report

When requested to do so by one or more members of a select committee, the committee will include a minority report with its report to the House. **[new]**

224 Report tabled

A report will be presented to the House by the Chair or some other member of the select committee appointed for that purpose. **[217]**

225 Interim reports

A select committee may report upon its deliberations and present its minutes, evidence or other documents from time to time. **[205]**

226 Report of Standing Orders Committee

- (1) The member who presents a report to the House of the Standing Orders Committee may immediately move that it be set down on the notice paper as an order of the day for the next sitting.
- (2) If the House does not consider the report within 12 sitting days of tabling, the order of the day becomes the first government business order of the day for the next sitting day. **[217A]**

CHAPTER 25 ³/₄ CITIZEN'S RIGHT OF REPLY

227 Citizen's right of reply procedure

- (1) Where a person (the applicant) has been referred to in the House by name, or in such a way as to be readily identified, he or she can send a written submission (the submission) to the Speaker asking for an appropriate response to be incorporated into the parliamentary record.
- (2) The submission must include a claim that, as a result of the reference:
 - (a) the applicant has been adversely affected:
 - (i) in reputation; or
 - (ii) in relation to dealings or associations with others; or
 - (b) the applicant has been injured in connection with his or her occupation, trade, office or financial credit; or
 - (c) the applicant's privacy has been unreasonably invaded.
- (3) The Speaker will refer the submission to the Privileges Committee (the Committee) if the Speaker is satisfied that:
 - (a) the subject of the submission is not so obviously trivial, or the submission so frivolous, vexatious or offensive in character, as to make it inappropriate that it be considered by the Committee; and
 - (b) that it is practicable for the Committee to consider the submission under this Standing Order.
- (4) When a submission is referred, the secretary of the Committee will contact the applicant to draw his or her attention to the

Committee's guidelines for preparing a brief draft statement in a correct form for incorporation.

- (5) The Committee may decide not to consider a submission referred to it if:
 - (a) it considers that the subject of the submission is not sufficiently serious; or
 - (b) it considers that the submission is frivolous, vexatious or offensive in character; or
 - (c) the submission was received more than six months after the relevant comments were made in the House and the applicant has not shown exceptional circumstances to explain the delay —

and will report any such decision to the House.

- (6) If the Committee decides to consider a submission, it may hold discussions with the applicant and any member who referred to the applicant in the House.
- (7) The Committee will meet privately when considering a submission.
- (8) The Committee will not publicly release a submission, or its proceedings in relation to a submission, but may present to the House minutes of its proceedings and all or part of a submission.
- (9) In considering a submission and reporting to the House, the Committee will not consider or judge the truth of:
 - (a) any statements made in the House; or
 - (b) the submission.

- (10) In its report to the House, the Committee may make either of the following recommendations:
- (a) that no further action should be taken by the House in relation to the submission; or
 - (b) that a response by the applicant, set out in the report and agreed to by the applicant and the Committee, should be published by the House or incorporated in Hansard.
- (11) The Committee will not make any other recommendations.
- (12) A document presented to the House under paragraphs (8) or (10):
- (a) in the case of a response by an applicant, will be succinct and strictly relevant to the questions in issue and will not contain anything offensive in character; and
 - (b) will not contain any matter, the publication of which would have the effect of unreasonably:
 - (i) adversely affecting or injuring a person; or
 - (ii) invading a person's privacy, in the manner referred to in paragraph (2); or
 - (iii) adding to or aggravating any such adverse effect, injury or invasion of privacy.
- (13) The Committee may agree to guidelines and procedures relating to its consideration of submissions, providing they are consistent with this Standing Order. **[Sessional Order 7]**

CHAPTER 26 ³/₄ RECORDS OF THE HOUSE

228 Votes and Proceedings

- (1) The Clerk will record all votes and proceedings of the House.
- (2) The Votes and Proceedings:
 - (a) will be printed by the Government Printer, with the record of the consideration in detail of bills being printed as a supplement to the weekly Votes and Proceedings;
 - (b) will list all divisions;
 - (c) as signed by the Speaker and the Clerk will then be the official record of the House. **[31, 33]**

229 Reproduction of parliamentary documents

The Speaker may authorise reproduction and/or publication for educational or historical purposes, subject to any conditions the Speaker sets, of documents tabled in the House more than 30 years earlier and not ordered to be printed as parliamentary papers.⁸
[existing resolution]

230 Printing and distribution of documents

The Speaker administers the printing and distribution of documents.
[existing resolution]

231 Select committee reports not tabled

- (1) Where documents or evidence have been presented to a select committee at least 10 years earlier but not tabled in the House, they may be transferred by the Clerk to the Public Record Office.
- (2) The Speaker, subject to paragraph (3), may permit any person to examine and copy such documents or evidence.

⁸ The Speaker also has authority to authorise reproduction of parliamentary papers (which are published by order of the House).

- (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 House for at least 30 years and, in the opinion of the Speaker, disclosure is appropriate.

- (4) A statement of any documents or evidence disclosed under paragraph (3) must be included in the annual report of the Department of the Legislative Assembly. **[existing resolution and new]**

CHAPTER 27 ³/₄ BROADCASTING OF PROCEEDINGS

232 Broadcasting rules

(1) In this standing order:

broadcast includes:

- (a) transmission to the public by radio, television, landline, the internet or any other electronic means; and
- (b) rebroadcast;

Chamber means the Legislative Assembly Chamber;

rebroadcast means to broadcast from a recording;

record means to make a sound or visual recording of proceedings of the House.

(2) Sound transmissions are permitted from the Chamber to:

- (a) offices within Parliament House; and
- (b) government offices outside Parliament House in accordance with the approval of the Speaker, except of anything occurring in the Chamber prior to the time fixed for the meeting of the House or after the adjournment of the House.

(3) A media organisation or individual may, subject to paragraph (4), broadcast, or record for broadcast, proceedings of the House, except anything occurring in the Chamber prior to the time fixed for the meeting of the House or after the adjournment of the House.

(4) Permission under paragraph (3) is subject to observance of the following conditions:

- (a) media organisations or individuals must be accredited by the Speaker; and
- (b) sound must only be recorded from the audio signal of proceedings transmitted by the House monitoring system by representatives of accredited media organisations or individuals; and
- (c) no alteration to the sound relay equipment is permitted without the permission of the Speaker; and
- (d) the use of separate recording equipment is not permitted unless authorised by the Speaker; and
- (e) recordings must:
 - (i) be used only for the purposes of fair and accurate reports of proceedings, and reasonable balance between both sides of the House is to be achieved by avoiding undue concentration on any one member; and
 - (ii) provide in context a balanced presentation of differing views and must not include events in the Chamber unrelated to the proceedings of the House; and
 - (iii) provide equality between government and non-government members; and
 - (iv) be placed in context and commentators must identify members at least by name; and
 - (v) not start until the conclusion of the Prayer; and
 - (vi) not misrepresent any proceeding before the House, or the seating position, or office held by any member of the House.
- (f) recordings must not be used for:

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- (i) political party advertising or election campaigns; or
 - (ii) satire or ridicule; or
 - (iii) commercial sponsorship or commercial advertising; or
 - (iv) media advertisements or promotion.
- (g) camera operators must operate within the guidelines issued by the Speaker;
- (h) points of order or remarks withdrawn are not to be rebroadcast.
- (i) media personnel must obey any instruction given by the Speaker or the Speaker's delegates.
- (5) Any breach of the conditions listed in paragraph (4) may result in the immediate suspension of privileges by the Speaker.
[existing resolution]

SCHEDULE OF CHANGES TO EXISTING STANDING ORDERS AND OTHER PROCEDURES

All details are listed by reference to current numbering. The new numbers assigned appear in square brackets after any notes.

Current Standing Orders

- Generally
- All standing orders have been redrafted in plain English.
 - All references to Committee of the Whole have been deleted. Specific changes relating to the consideration in detail stage are set out below.
- 1 The committee considered most definitions to either be obsolete or not required because of the way the new standing orders are worded. The only definition specifically included is of an order of the day. **[147]**
- 2 **[170]**
- 3 The reference has been broadened from the House of Commons to all Westminster Parliaments. **[1]**
- 4 Combined with SOs 8 and 9, and split into two standing orders.
- The election is to take precedence over any other business. The House must sit until the Speaker is installed, but may be adjourned if it has sat to an unreasonable hour.
- The practice for chairing the election is altered to the House of Commons system where the longest serving member takes the Chair. Where two or more members have served for equal periods, the member with the electorate alphabetically first is appointed. **[6, 7]**
- 5 Combined with SO 6. **[8]**
- 6 Part combined with SO 5. Divided into a number of separate standing orders and extended to reflect current practice, except the period for nomination has been reduced to 30 seconds. The requirement for a candidate to have the consent of the proposer and seconder before withdrawing from nomination has been omitted. If, after an open vote, there is still a tie of two candidates for first place, the Presiding Member can adjourn the House and arrange another meeting within seven days. **[8–11, 13–15, 17]**

Current Standing Orders

- 7 The Committee felt that the Chair would have power to deal with a stranger without a member moving a motion. Reference to members addressing the House for this purpose was therefore omitted and a broader provision of ‘advising of misconduct’ inserted. **[12]**
- 8 Separated into two standing orders; part combined with SOs 4 and 8. **[7, 16]**
- 9 Combined with SOs 4 and 8 (part). **[7]**
- 10 Reference changed to the Deputy Speaker. Standing Order now specifies when the election should take place. **[18]**
- 11 Replaced with provision for an acting Deputy Speaker, see redraft of SO 15.
- 12 Provides for a panel of Acting Speakers (normally provided by resolution at the start of each Parliament for a panel of Temporary Chairs). **[20]**
- 13 Rewritten with new terminology. **[19]**
- 14 Combined with SO 16, adopting new terminology. **[21]**
- 15 Combined with SO 17 and provision made for an Acting Deputy Speaker to be appointed. **[22]**
- 16 Simplified and combined with SO 14. **[21]**
- 17 Combined with SO 15. **[22]**
- 18 **[28]**
- 19 Rewritten to reflect current practice and combined with SO 23. The provision has been extended to prohibit members from leaving the Chamber when the bells are rung for lack of a quorum. **[29]**
- 20–21 Obsolete and deleted.
- 22 **[30]**
- 23 Combined with SO 19. **[29]**

Current Standing Orders

- 24–25 Procedure amended. SO 24, SO 25 and Sessional Order 5 combined and the approach of the Speaker leaving the Chair without putting the question has been extended. Currently this happens only when the adjournment debate proceeds immediately after a 10.00 pm interruption. The new procedure states that, whatever the method of the House adjourning, the Speaker need not put the question at the end of the adjournment debate. The balance of the original standing orders has been deleted. **[31]**
- 26–27 Deleted and replaced with the equivalent of Sessional Order 9, Matters of Public Importance (SO 39).
- 28 **[185]**
- 29 **[184]**
- 30 Power given to the Speaker to admit a stranger rather than admittance being ‘by order of the House’. **[183]**
- 31 Combined with SO 33 and rewritten to set up new practice for recording the consideration in detail stage. **[228]**
- 32 Obsolete and deleted.
- 33 Combined with SO 31. **[228]**
- 34 Amended to provide for absolute/special majorities on the third reading. **[82]**
- 35 The Committee considered the leave of absence provisions to be outdated and no longer observed. A new practice of notification of absence has been substituted. **[26]**
- 36–38 Obsolete and deleted.
- 39 SO 39(a) is considered obsolete and has been omitted. SO 39(b) has been rewritten to reflect current practice. **[27]**
- 40–41 Obsolete and deleted.
- 42 Changed in accordance with current practice to enable the Speaker to decide any question concerning seats to be occupied by members in the House. **[25]**
- 43 Minor change to wording made and combined with SO 45. **[117]**
- 44 **[121]**

Current Standing Orders

- 45 Combined with SO 43. **[117]**
- 46 **[122]**
- 47–53 Combined and rewritten to omit the phrase ‘fairly written’, therefore enabling electronic delivery. **[140]**
- 54 Refined to remove reference to government business taking precedence as that is covered by new SO 34. **[146]**
- 55–56 Combined with SO 58. **[148]**
- 57 Terminology simplified by providing a procedure for items to be listed on the notice paper, in a situation where a future date has not been set for their consideration. **[149]**
- 58 Combined with SOs 55 and 56. **[148]**
- 59 Redrafted to reflect Sessional Order 4. In addition, no grievance debate will take place on an opening day but alternative arrangements are specified for the first sitting period of a session. **[38]**
- 60 The phrase ‘unopposed return’ has been replaced with the clearer terminology of tabling a document by leave. **[145]**
- 61 Superfluous wording removed as the precedence of government business is covered in new SO 34. **[150]**
- 62 (a) Combined with SO 69. **[153]**
(b) Combined with SOs 63 and 64 and amended to reflect the changes to the requirement for a seconder (see SO 63). **[152]**
- 63–64 Combined with SO 62(b) and SO 64. Amended so only motions for address-in-reply and election of Speaker/Deputy need to be seconded. Provision has been included for a general business notice to lapse if the member is not in the House at the time it is called on. **[152]**
- 65 Complicated concept of ‘superseding events’ has been replaced with a clearer procedure for restricting for 15 minutes the moving again of a motion which was defeated. **[154]**
- 66–67 Obsolete in view of changes to SO 65 and deleted.
- 68 Amended to list all circumstances under standing orders as redrafted where debate may be interrupted. **[114]**
- 69 Combined with SO 62(a). **[153]**

Current Standing Orders

70	Additional wording included to reflect the current practice that only the Speaker or Deputy Speaker can accept a closure motion. [155]
71	[156]
72–78	Standing orders combined and redrafted to enable electronic delivery of an amendment. [157]
79–80	Combined. [158]
81	[159]
82	[160]
83	Extended to formally allow the question ‘That the amendment be agreed to’ to be put, reflecting current practice. [161]
84	Combined with SO 89 and amended to reflect the practice of the call normally alternating between speakers on each side of the House. Provision included enabling a sick/disabled member to speak whilst seated. [103]
85–86	Combined. [104]
87–88	Combined. [105]
89	Combined with SO 84. [103]
90	Obsolete and deleted.
91	[106]
92	[123]
93–94	Obsolete and deleted.
95	[107]
96–97	Obsolete and deleted.
98	[108]
99	[109]
100	Obsolete (covered by existing SO 99) and deleted.
101	[111]

Current Standing Orders

- 102 **[112]**
- 103 Split into two standing orders **[113, 132]**
- 104 Replaced with the equivalent of Sessional Order 11, ‘third party’ being replaced with ‘any other party’. **[131]**
- 105 Split into seven standing orders. Debate on the allotment of time has been restricted to 30 minutes/6 members, in line with the debate allowed for the setting of the government business program. **[133–139]**
- 106 **[115]**
- 107 **[116]**
- 108 Split into two standing orders and extended to reflect rulings that prevent imputations and reflections against the Sovereign, Governor, a judicial officer or members of the Council. **[118–119]**
- 109 Redrafted to exclude reference to repetition of arguments used by other members in debate. **[110]**
- 110–112 Combined and reference to taking words down by direction of the Speaker has been omitted. The redraft requires the Chair to order words to be withdrawn if they relate to a member and that member finds them personally offensive. **[120]**
- 113 Obsolete and deleted.
- 114 Combined with SOs 116 and 117. **[125]**
- 115 Obsolete and deleted.
- 116–117 Combined with SO 114 and redrafted in four standing orders. The reasons for naming have been clarified. The motion to suspend has been made more specific (‘the remainder of that day’s sitting or for such period as the House may think fit’). **[125–128]**
- 118 Obsolete now the Speaker/Deputy have power to suspend immediately for up to 1½ hours. However, an additional standing order has been included allowing the Speaker, where there is grave disorder, to adjourn the House or suspend the sitting (SO 129).
- 119 Reference to ‘wilfully or vexatiously’ interrupting debate has been restricted to anyone other than a member; a member can be dealt with separately under the naming provisions. **[130]**

Current Standing Orders

120	[186]
121	[53]
122–123	Combined and redrafted to allow for the electronic delivery of questions and to formally distinguish the notice paper from the question paper. [54]
124	Redrafted to reflect current procedures for question time as contained in Sessional Order 3. Question time on the opening day of a new Parliament or session is provided for separately in new SO 5. [55]
125	[56]
126	Combined with Sessional Order 3. [57]
127	Adapted to include the requirements of ‘direct, factual and succinct’ from Sessional Order 3. [58]
128	Amended to remove the requirement that more than one member is needed to obtain leave to introduce a bill. A bill can now simply be introduced by one member; this is consistent with the new approach to seconding motions (see current SO 62). In addition, the requirement for notice to be given has been removed (as already exists in Sessional Order 16). [59]
129	[60]
130–132	Combined with SO 164. Reflecting current practice, formal provision has been made to enable a brief explanation to be requested at the first reading stage. Printing of the bill has been made automatic, without the need for a question. Instead of the current SO 164 provisions allowing bills to be passed with ‘unusual expedition through their several stages’, the new standing order is more specific in allowing the second reading to be moved immediately after the first reading, if representatives from other parties and independent members have received a prior copy of the bill and a briefing. [61]
133	[62]
134–135	Clarified by referring specifically to a reasoned amendment. [63]
136	Adapted to include consideration in detail and extended to reflect the current practice of allowing committal to be deferred until a later time. [65]
137–140	Obsolete and deleted.

Current Standing Orders

- 141–143 Combined with SO 145. Sequence of consideration clarified by separating out long and short titles. **[66]**
- 144 Redrafted to remove the requirement that an amended long title is recorded in the Votes. However, the Clerk’s intention is to record the changes to the short title. **[67]**
- 145 Combined with SOs 141–3. **[66]**
- 146 **[68]**
- 147–150 Obsolete and deleted.
- 151 Under the new procedures there will be no opportunity to recommit a bill, therefore a reconsideration in detail has been provided for. **[69]**
- 152 Obsolete and deleted.
- 153 Amended to show that the Clerk will now certify the bill. **[70]**
- 154 Obsolete and deleted.
- 155 **[71]**
- 156 Redrafted to allow the equivalent amendments as those permitted at the second reading stage. **[72]**
- 157 **[73]**
- 158–159 Combined and amended to provide for a message to be automatically sent to the Council without a question being put. **[76]**
- 160 Options for dealing with Council amendments clarified. **[78]**
- 161 Redrafted to state that the House will fix a time for consideration of the amendments. **[77]**
- 162–163 Combined. A message will be automatically sent to the Council. **[79]**
- 164 Combined with SOs 130–2 [see comments under those standing orders]. **[61]**
- 165 Obsolete and deleted.
- 166 **[81]**
- 167 **[80]**

Current Standing Orders

168	Split into four standing orders. [83–86]
169	Amended to reflect notice is not required now to introduce a bill. [87]
170	Split into two standing orders. [88–89]
171	[90]
172	[91]
173	[93]
174–186	Replaced with a system of party voting unless a conscience issue arises, as operational under Sessional Order 19. [162–169]
187–196	Obsolete and deleted.
197	Split into four standing orders. Provision inserted to specify that each party will be invited to be represented on a select committee. [201–204]
198–199	Combined. Requirement to place names of members on the notice paper one day before nominating a select committee has been omitted. [205]
200	Redrafted to provide that, in the event of equality of votes, the Speaker will draw lots for the vacancy on a select committee. [206]
201	[207]
202	Amended to include the power to obtain exhibits and electronic information, following the recommendations made by SARC in relation to joint investigatory committees. [214]
203–204	Combined and amended to use the same approach as applies to joint investigatory committees, allowing committees to meet except when the House is actually sitting. Authority is also given to the Privileges and Standing Orders Committees to meet within the Parliament building when the House is actually sitting, reflecting the normal resolution agreed to at present. The House can give leave under this standing order to other committees to meet when it is actually sitting. [209]
205	[225]
206	Extended to provide for the election of a Deputy Chair. [210]
207	Rewritten to provide also for a quorum not being formed at the outset. [213]

Current Standing Orders

- 208 Procedure changed to reflect that under the Parliamentary Committees Act. **[217]**
- 209–210 Obsolete and deleted
- 211 Obsolete but replaced with a provision relating to private deliberations. To allow for someone else attending, such as a work experience student, the committee has discretion to allow other persons to attend. **[216]**
- 212 **[219]**
- 213 **[220]**
- 214 **[212]**
- 215 **[221]**
- 216 Redrafted to provide greater detail of the procedure to adopt a report. Requirement that a report can only be adopted at a subsequent meeting has been removed. **[222]**
- 217 Provision made for tabling of a report by someone other than the Chair. **[224]**
- 217A Redrafted to enable consideration of a Standing Orders Committee report to become the first order of the day, government business, on the twelfth sitting day after tabling. **[226]**
- 218 **[208]**
- 219 Obsolete and deleted as new SO 156 [existing SOs 203–4] adequately covers the situation.
- 220–221 Obsolete and deleted.
- 222 **[187]**
- 223 Combined with ROP 26. **[188]**
- 224 **[189]**
- 225 Combined with ROP 28. **[190]**
- 226 **[192]**
- 227 **[193]**

Current Standing Orders

- 228 [191]
- 229 [194]
- 230 References to the mace omitted to reflect modern practices. [195]
- 231 [200]
- 232 [196]
- 233 [197]
- 234 Reworded to relate only to the Assembly’s procedures and to provide for a message being automatically sent to the Council. [178]
- 235 Combined with ROP 31. For addresses other than the address-in-reply, a more flexible procedure has been provided: unless the House orders otherwise, and address could be presented by the Clerk or the Speaker. [179] A separate new standing order has been created for addresses to the Sovereign. [180]
- 236 Deleted. The only time a message from the Governor is delivered by a messenger is on the opening day. That has been provided for separately in SO 4.
- 237 Amended to reflect the current procedure, ie messages are delivered to the Speaker and announced by the Chair. [181]
- 238 Combined with SO 239(a). Aside from the use of plain English, the confusing term ‘prayer’ has been dropped and replaced with a requirement to ‘state the action or remedy sought’. [45]
- 239 (a) Combined with SO 238. Amended to remove the prohibition on references to statements in debate and notices of motion. The Committee felt such provision was too restrictive. [45]
 (b) Redrafted in a separate standing order. [46]
- 240 Obsolete and deleted.
- 241 [47]
- 242–243 Obsolete and deleted.
- 244 Combined with SOs 246–248A. Provision altered to require a petition to be given to the Clerk at least one day before the day of presentation, rather than three hours. This ties in with the requirements of Sessional Order 13 (new SO 49). [44]

Current Standing Orders

- 245 Redrafted to accord with current practice; unless presented during statements by members, petitions are only to be presented during formal business. **[48]**
- 246–248A Combined with SO 244. **[44]**
- 248B Amended to reflect current practice, ie that, amongst other information, the Clerk reads out the number of signatures. **[50]**
- 248C–D Combined. The wording ‘That the petition do now lie on the table’ has been replaced with the question ‘That the petition is tabled’. **[51]**
- 248E **[52]**
- 249 Expanded to clarify procedure. **[171]**
- 250 **[172]**
- 251 **[173]**
- 252 Terminology modernised to refer to ‘a document’ rather than ‘an account or paper’. **[174]**
- 253 Terminology modernised as for SO 252. **[175]**
- 254 Amended to automatically deem documents presented by leave to be tabled, without the Chair having to put a question. **[176]**
- 255 Terminology modernised as for SO 252. **[177]**

Rules of Practice

- Generally The Committee has reviewed all the current rules and has incorporated those relevant into standing orders.
- 1–8 Combined and updated to reflect the current practice for opening of Parliament. **[2]**.
- 9 A separate standing order has been proposed for the opening of a new session and the proceedings have been clarified. **[3]**
- 10–13 Merged into a new standing order relating to the Governor’s speech. **[4]**. To complete the opening day procedures, a new standing order has been inserted specifying the order of business for the rest of the day. **[5]**

Rules of Practice

14–15	Procedure of introduction of new members clarified and provision made for a new member to be escorted by the Serjeant-at-Arms as an alternative to by new members. [23]
16–17	Obsolete and deleted.
18	Amended to reflect the current practice for use of the front benches and speaking rights from the table. [24]
19	[141]
20	[142]
21	Obsolete and deleted; the present practice is for a vote of thanks to be done by leave.
22	Obsolete and deleted; the provision is covered by the redraft of existing SO 84, new SO 103.
23	Obsolete and deleted.
24	Obsolete and deleted; the procedure is covered by the redraft of SO 144.
25	Obsolete and deleted.
26	Combined with SO 233. [188]
27	[199]
28	Combined with SO 225. [190]
29–30	Obsolete and deleted.
31	Combined with SO 235. [179]
32	Deleted; the redraft of SO 235, new SO 179, deals with the procedures.
33–34	Deleted; the Committee proposes that it would be more appropriate to consider the procedures in the review of joint standing orders.
35–36	[182]
37	Deleted; private bills are dealt with by the redraft SO 168, new SOs 83–86.

Sessional Orders

Sessional Orders have been incorporated into standing orders except insofar as is mentioned below.

- 1 Days and times of meeting. Not included in standing orders as this is likely to be governed by sessional orders.
- 2 Order of business. Split into two standing orders. All business allowed by standing orders to take precedence over government business has been listed. [34, 36]
- 3 Question time. Combined with SOs 124 and 126. Question time on the opening day of a new Parliament or session is set out separately in new SO 5. [55, 57–58]
- 4 Grievances. Amended to provide for a different rotation of grievance days during the first sitting period of a new Parliament or session. [38]
- 5 Adjournment of the House. Combined with SOs 24–25 (see the notes under those standing orders). [32–33]
- 6 Government business program. Split into a number of separate standing orders for clarity. [94–102]
- 7 Right of reply. [227]
- 8 Statements by members. [40]
- 9 Matters of public importance. [39]
- 10 Disorderly conduct of members. [124]
- 11 Time limit of speeches. [131]
- 12 Condolences. Amended to allow, at the government's discretion, condolences to take place on any day other than the opening day, during the first sitting week of a new Parliament or session. [42]
- 13 Reading of petitions. [49]
- 14 General business. Varied to provide for a procedure where any member, with prior agreement of the leaders of the other parties, may propose that any item/s listed on the notice paper should be called on during the MPI time. [37]
- 15 Circulation of amendments. [64]

Sessional Orders

- 16 Introduction and first reading of bills. Combined with SO 128 and expanded to enable any bill can be introduced without prior notice. [59]
- 17 Statements on parliamentary committee reports. Provision has been included for the call to alternate between government and non-government members. [41]
- 18 Ministerial statements. [43]
- 19 Divisions. [162–169]

Resolutions

The Assembly has agreed to a number of resolutions in the past which it has been intended have continuing effect. These have been incorporated into the proposed standing orders.

- 17.08.1983 Access to select committee records not tabled. Adapted from the original resolution which only allowed access to records over 75 years old. The redraft enables the Speaker to authorise the transfer of records over 10 years old to the Public Record Office and to give permission to access them. Where the evidence was confidential, access is not allowed for 30 years and only then if the Speaker considers it appropriate. [231]
- 18.04.1984 Reproduction of parliamentary documents. The original resolution only enabled the Speaker to authorise reproduction of documents over 75 years old which had not been ordered to be printed. As redrafted this period has been reduced to 30 years. [229]
- 17.11.1989 Administration of the printing and distribution of documents. [230]
- 27.02.2001 Consequential renumbering of clauses of bills which have been amended. [75]
- 18.02.1988 Televising and broadcasting of proceedings. [232]
(amended
01.06.2000)

New standing orders proposed

Another member moving a member's motion

Prior notice to the Speaker of at least one day is required. [143]

Legislative Assembly Standing Orders Committee

Notice lapses

Notices will be removed from the notice paper if not moved after 30 sitting days. The Speaker will announce the intended removal the day before; a member can notify the Clerk that he or she wishes the notice to remain. [144]

Motion on disallowance of subordinate legislation

This applies where there has been an adverse report by SARC. Provision is made for the notice to be given precedence within the time limits set by the *Subordinate Legislation Act 1994*, debate has been fixed for a maximum of 30 minutes. [151]

Bill passed

Inserted for clarification; a bill has 'passed' once the third reading has been agreed to. [74]

Presentation of Appropriation Bills

It has been the longstanding practice for the Speaker to present the Appropriation Bill and the Appropriation (Parliament) Bill to the Governor. This standing order records that procedure. [92]

Unreported evidence of a select committee

Enables a committee inquiring into the same subject matter to consider the evidence obtained by a committee that has lapsed or ceased to exist. [218]

Minority report

Allows the inclusion of a minority report with the report of a select committee. [223]

Subcommittee of a select committee

Enables the appointment of a subcommittee. [215]

Absence of Chair and Deputy Chair (select committee)

Provision made for a Chair to be appointed for the meeting. [211]

Council request for Assembly member or officer to attend

States the current practice that a request must be sent to the Assembly asking for leave for the member/officer to attend. [198]

Addresses to the Sovereign

Provides that such addresses are forwarded to the Governor for presentation. [180]

Resumption of business after the suspension of business on an opening day

Clarifies the business to take place. [5]

Business not on opening day

Confirms that business listed for specific days, such as and MPI on a sitting Wednesday, does not apply to the opening day of a new Parliament or session. [35]. Business for an opening day is set out separately. [2–3]

Grave disorder

The Speaker can adjourn the House or suspend the sitting. [129]

**SUMMARY OF ISSUES IDENTIFIED FOR FUTURE
CONSIDERATION BY THE STANDING ORDERS COMMITTEE**

- Adjournment debate — operation in other parliaments.
- Government business program — mechanism for voting on non-government amendments at the cut off time.
- Main committee.
- Mediation process (as alternative to a reference to the Privileges Committee).
- No confidence motions — procedure for precedence.
- Petitions:
 - process to enable discussion
 - petitions
 - whether ministers should respond
 - current SO 248D.
- Private members bills — mechanism for debate and voting on the bills.
- Questions:
 - practice of supplementary questions
 - whether a question, if ruled out of order, should be able to be immediately rephrased/amended and asked again
 - when a minister may decline to answer a question or part of a question
 - timeliness and style of answers.
- Question time — operation, including a comparison with the House of Commons.
- Quorum — consideration of arrangements in the House of Representatives.
- Second reading speeches:
 - making electronic versions immediately available
 - incorporation of speeches.
- Sittings of the House — no sitting between midnight and 9.30 am.
- Time limits, particularly in relation to the third party.