

**Legislative Assembly of Victoria**

# **Standing Orders**

**and**

**Joint Standing Orders and  
Joint Rules of Practice  
of the Parliament of Victoria**

**March 2019**

### **Standing Orders**

The Legislative Assembly adopted these standing orders on 4 March 2004, to be operational from 29 March 2004, with all previous standing orders being repealed from that date.

The adoption followed consideration of the Standing Orders Committee's *Report on the Modernisation of Standing Orders*. That report included cross-references between the proposed standing orders and the then current standing orders. Some amendments were made to the proposed standing orders at the time of adoption.

The last edition of the previous standing orders was published in 1996 and included a history of all amendments made since 1857.

See the Schedule of Amendments for changes since 2004.

### **Joint Standing Orders/Joint Rules of Practice**

The joint standing orders and joint rules of practice of the Parliament were adopted by the Legislative Assembly on 9 August 2006 and by the Legislative Council on 22 August 2006. They were operational from the first sitting day of the 56<sup>th</sup> Parliament on 19 December 2006.

Their adoption followed consideration of the Standing Orders Committee's *Review of the Joint Standing Orders of the Parliament of Victoria*. The report contained proposed joint standing orders and joint rules of practice as recommended by the Standing Orders Committees of both Houses. Some minor amendments were agreed to by the Houses at the time of adoption.

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## **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 after reference is made to the rules, forms and practices of parliaments operating under the Westminster system, insofar as they may be applicable.

## CHAPTER 2 — 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 Commissioner appointed by the Governor for swearing members is announced by the Serjeant-at-Arms, the Commissioner delivers the Commission to the Clerk, and the Clerk reads the Commission.
- (4) The Clerk reads the general election writ, which lists the members elected.
- (5) Members then make and subscribe the oath or affirmation of allegiance in accordance with the *Constitution Act*.
- (6) The House elects a Speaker.
- (7) The House elects a Deputy Speaker.
- (8) 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.
- (9) The Speaker reports the presentation to the House and the House awaits a message from the Governor.



### **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.

### **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.

### **5 Resumption of business after the suspension**

The order of business after the suspension will be:

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

## CHAPTER 3 — 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.<sup>1</sup> 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.

### 7 Chairing the election

- (1) The Clerk chairs the election of the Speaker.
- (2) The Clerk may suspend the sitting for up to two hours during an election as he or she sees fit.
- (3) If the House has had to sit to an unreasonably late hour, the Clerk may adjourn it, without a question being put, to the next working day.

### 8 Nominations

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

- (1) Ask whether there are any nominations.

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

- (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 Clerk declares that the nominations are closed.
- (6) If only one member is nominated, the Clerk declares that member elected.

## **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.

## **10 Voting procedure**

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

- (1) The Clerk rings the bells for three minutes with the doors unlocked. He or she then orders the doors to be locked.
- (2) The Clerk 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 Clerk will announce to the House when one minute of the period remains.

## **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 the Deputy Clerk 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 Clerk:
  - (a) the Clerk 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 Clerk;
  - (c) a vote is valid if, in the Clerk's opinion, it identifies the candidate selected by the member voting.
- (5) The scrutineers give the Clerk a written report on the results of the count.

## **12 Restriction on discussion of other matters**

While an election of Speaker is in progress, no member may address the House except to nominate or second a candidate.

### **13 Identifying the successful candidate**

If a candidate obtains more than half of the votes of members present, he or she is elected Speaker. If no candidate obtains sufficient votes, 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 more than half of the votes of members present.

### **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 Clerk must announce that fact. Unless one of the candidates withdraws from the election, the Clerk 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 Clerk rings the bells 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 Clerk 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 Clerk then appoints tellers for each side. The tellers count the votes. 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 Clerk 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.

## **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 Clerk must announce that fact. Unless one of the candidates withdraws from the election, the Clerk 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 Clerk rings the bells 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 Clerk 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 Clerk must appoint tellers for each side. The tellers must count the votes. The candidate who receives the smallest number of votes is eliminated from the next ballot for the election of Speaker.

## **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.

## **17 Speaker takes the Chair**

When a Speaker has been declared elected, the nominator and seconder escort him or her to the Chair.

## **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.

## **19 Temporary relief of Speaker**

The Deputy Speaker will take the Chair whenever requested by the Speaker.

## **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.

## **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.

## **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 conducted in the same way as the election of the Speaker.



## **CHAPTER 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.

### **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 and the leader and deputy leader of the third party.

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

(a) a former minister; or

(b) handling the bill, or other matters, being debated on behalf of a party.

### **25 Allocation of seats**

Any question regarding the seats to be occupied by members must be decided by the Speaker.

### **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.

### **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.

## CHAPTER 5 — 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.<sup>2</sup> 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.

### 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.

### 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.

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<sup>2</sup> 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 Clerk 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.

### **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.

### **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.
- (3) If the minister responsible is not present in the House to respond to issues raised by members, the minister must provide a written response within 30 days by delivering it to the Clerk. The Clerk must give the response to the member who raised the issue and electronically publish the response.

## CHAPTER 6 — 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).

### **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.

### **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

### **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.

### **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.

### **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.

#### **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.

#### **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 17(a), s 17(b) or s 17(c) of the *Parliamentary Committees Act 2003*, 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.

## **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

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.
- (3) Where a condolence motion occurs under paragraph (1)(a), unless otherwise ordered, the House will adjourn for a period of one hour at the conclusion of the motion.

### **43 Ministerial statements**

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

- (1) During formal business, or at a break in business, the minister must give notice of intention to make a statement at a specified time later that sitting day, not less than two hours from the time notice is given.
- (2) The minister must, prior to or at the time of giving notice, provide a copy of the statement to the Speaker, the leaders of the opposition and the third party or their nominees, and any independent members.
- (3) The minister must hold discussions with the leaders, or their nominees 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.
- (4) At the time specified by the minister for the statement to be made, the Speaker will interrupt the business before the House and call the minister, provided that, if at the specified time the House is not dealing with government business, the statement will be deferred until government business is called on and then dealt with as the first item of such business.

- (5) The business under discussion at the time of the interruption will be resumed immediately after all responses to the statement have been completed, and any member speaking at the time of the interruption may then continue his or her speech.
  
- (6) 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 (3), any other member may speak for a maximum of 10 minutes.

## CHAPTER 7 — 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.

### 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.

#### **46 Attachments to petitions**

A petition must not have letters, affidavits or other documents attached to it.

#### **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.

#### **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.

#### **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.

## **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.

## **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.

## **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.

## **CHAPTER 8 — 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.

### **54 Questions on notice**

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

### **55 Question time**

- (1) Members may ask oral questions without notice (question time):
  - (a) on a sitting Tuesday immediately following the Prayer, except where precedence is given to condolences under SO 42 when question time will follow immediately afterwards; and
  - (b) at 2.00 pm on every other sitting day.



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

## **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.

## **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.

## **58 Content of answers**

- (1) All answers to questions must:
  - (a) be direct, factual and succinct;
  - (b) not introduce matter extraneous to the question nor debate the matter to which the question relates.
- (2) Subject to paragraph (1) and SOs 118, 119 and 120, a minister will have discretion to determine the content of any answer.

## CHAPTER 9 — 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.

### 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.

### 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.
- (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.

### 62 Question for second reading

- (1) 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'.
- (2) A statement of compatibility tabled under s 28 of the *Charter of Human Rights and Responsibilities Act 2006* will be incorporated in Hansard, without leave being required.

(3) A second reading speech for a bill being introduced by a member or minister will be incorporated into Hansard at the request of the member or minister, with the following exceptions:

(a) where the speech contains a statement under s 85(5)(c) of the *Constitution Act 1975*, that statement must be delivered verbally to the House; and

(b) where a speech contains a statement under s 31(5) of the *Charter of Human Rights and Responsibilities Act 2006* that statement must be delivered verbally to the House.

### **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.<sup>3</sup>

(2) If the amendment is agreed to, the bill lapses.

### **64 Circulation of amendments**

Amendments to be proposed during consideration in 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.

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<sup>3</sup> 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)'.

- (3) Following circulation, the member may discuss the principles of the amendments during the second reading debate.

## **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.

## **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;
  - (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'.

## **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'.

## **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.

## **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.

## **70 Certificate of Clerk**

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

## **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'.

## **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.

## **73 Adjourning the third reading**

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

## **74 Bill passed**

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

## **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.

## **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.

## **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.

## **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.

## **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.<sup>4</sup>
- (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.

## **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.

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<sup>4</sup> See *Constitution Act 1975* s 14.



- (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.

## **81 Corrections to bills**

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.

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

## **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.

## **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.

## **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.

## **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.

## CHAPTER 10 — 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.

### **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.

### **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.

### **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.

## **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.

## **92 Presentation of Appropriation Bills**

The Speaker must, without delay, present the Appropriation Bill and the Appropriation (Parliament) Bill to the Governor for the royal assent.

## **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:<sup>5</sup>

(a) The object of the pecuniary penalty or forfeiture is to secure the execution of the Act or the punishment or prevention of offences; or

(b) 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

(c) The bill is a private bill for a local or personal Act.

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<sup>5</sup> See also *Constitution Act 1975* s 64.

## **CHAPTER 11 — 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.

### **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.

## **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 during consideration in detail of a bill; 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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## CHAPTER 12 — 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.

### 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.

### 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.

### 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.

### **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.

### **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.

### **109 Keeping to the subject**

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

## **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.

## **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.

## **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.

## **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.

## **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'.

### **115 Order to be maintained by the Speaker**

Order will be maintained in the House by the Speaker.

### **116 Speaker to be heard**

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

### **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.

### **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.

### **119 No offensive language against other members**

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

## **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.

## **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.

## **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.

## **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.

## CHAPTER 13 — 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.

### 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.

## **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.

## **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.

## **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.

## **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.

## **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.



## CHAPTER 14 — 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. If a minister incorporates a second reading speech, the Speaker may grant additional time if he or she believes the second reading speech would have taken more than 30 minutes to read aloud.

#### **Private members' bills — second reading**

Mover .....	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 motions<sup>6</sup> and debate on the question that remaining business be postponed.

All members.....	5 minutes (subject to the overall time period) (maximum of 6 speakers or 30 minutes total debating time, whichever is the shorter)
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### **No-confidence motions**

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

### **Address-in-reply**

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

## **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.

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<sup>6</sup> For example, motions such as 'That the debate be now adjourned' and 'That the question be now put'.

## CHAPTER 15 — 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.

### **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.

### **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.

### **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.

### **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.

### **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.

### **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.

## CHAPTER 16 — 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.

### 141 Consecutive notices

A member may not give two notices of motion consecutively, unless no other member seeks to give any.

### 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.

### 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.

#### **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.

#### **145 Leave for tabling without notice**

A member may seek leave to table a document without giving previous notice.

#### **146 Precedence of notices of motion**

Subject to SO 34 notices of motion take precedence over orders of the day.

## CHAPTER 17 — 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.

### **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.

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

### **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.

### **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.

### **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.

## **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.
- (2) No motion, except for those moved under SO 5(4) and SO 8 needs to be seconded.
- (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.
- (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.

## **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.

## **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.

## **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.

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

## **156 Rescission**

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

## CHAPTER 18 — 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.

### **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'.

### **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'.

### **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.

### **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.
- (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.

## CHAPTER 19 — 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.

### **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.

### **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.

### **165 Procedure for a party vote**

- (1) After the doors are locked the Chair restates the question.
- (2) To cast their votes, members must sit in their allocated places in the Chamber. By doing so, members of parties are deemed to be voting to support the response of their party members given at the time the Chair originally put the question, unless

they inform their whip, or representative, that they intend casting a contrary vote under paragraph (6).

- (3) First the Clerk asks any independent member to cast his or her vote.
- (4) The Clerk next asks the whip of each party, or their representative, to report the party's votes; parties are asked to report in the order of the size of their parliamentary membership.
- (5) Each whip reports the number of ayes or noes. The report must only relate to votes cast by members present in the Chamber and every member present must vote.
- (6) After the votes have been reported by the parties, any member who is voting contrary to his or her party will cast a vote.
- (7) 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.
- (8) The whip of each party, or their representative, may before the result of the vote is announced by the Chair, challenge the report of votes given by another party. Where the report is challenged the Chair may direct that the matter be resolved by a personal vote.
- (9) The Chair announces the result to the House.
- (10) 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.

- (11) 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.

## **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.

## **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.

## **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.

## **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.

## **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.



## CHAPTER 20 — 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.

### **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.

### **173 Other methods of tabling documents**

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

### **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.

### **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.

### **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.

## **177 Printing of documents**

The House may order a document to be printed.

## CHAPTER 21 — 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.

### **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.

### **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.

### **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.

### **182 Governor's answer to an address**

The Governor's answer to an address will be reported to the House by the Speaker.

## CHAPTER 22 — 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.

### **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.

### **185 Discipline of strangers**

The Serjeant-at-Arms may take into custody a stranger who:

- (1) Is, without the Speaker’s authority, in any part of the Chamber reserved for the members of the House;
- (2) Having been admitted to any part of the Chamber or gallery, misbehaves or does not withdraw when strangers are directed to withdraw;
- (3) Wilfully interrupts the business of the House;
- (4) Obstructs the approaches to the Chamber; or
- (5) Creates a disturbance within the precincts of the Chamber.

### **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 or on direction of the Speaker, who must report that matter to the House.

## CHAPTER 23 — 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.

### **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.

### **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.

### **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.

### **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.

### **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.

### **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.

### **194 Oath**

A witness before the House or a select committee may be required to take an oath when that is permitted by statute.<sup>7</sup>

### **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.

### **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.

### **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.

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<sup>7</sup> 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.

### **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.

### **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.

## CHAPTER 24 — COMMITTEES

### 201 Appointment of select committees

The House may appoint a select committee to consider a specified matter.

### 202 Appointment of Standing Committees

- (1) At the commencement of each session, the following Standing Committees will be appointed:
  - (a) Economy and Infrastructure Standing Committee;
  - (b) Environment and Planning Standing Committee; and
  - (c) Legal and Social Issues Standing Committee.
- (2) A Standing Committee holds office and may exercise all the powers conferred on it by these Standing Orders, any Act or otherwise by Parliament for the session during which its members are appointed and until the expiration, dissolution or other lawful determination of the Assembly.

### 203 Functions of Standing Committees

- (1) The Economy and Infrastructure Standing Committee will inquire into and report on any proposal, matter or thing connected with the Department of Education and Training; the Department of Jobs, Precincts and Regions; the Department of Transport; and the Department of Treasury and Finance and related agencies.
- (2) The Environment and Planning Standing Committee will inquire into and report on any proposal, matter or thing connected with the Department of Environment, Land, Water and Planning and related agencies.



- (3) The Legal and Social Issues Standing Committee will inquire into and report on any proposal, matter or thing connected with the Department of Health and Human Services; the Department of Justice and Community Safety; and the Department of Premier and Cabinet and related agencies.
- (4) If under the *Public Administration Act 2004* the name of a Department is changed, a reference in this Standing Order to a particular Department is, from the date when the name is changed and so far as it relates to any period on or after that date, taken to be a reference to the Department by its new name.

## **204 Referrals to Standing Committees**

- (1) A Standing Committee must inquire into, consider and report to the House on any proposal, matter or thing that is relevant to its functions and has been referred to the committee by resolution of the House.
- (2) A resolution of the House may specify a period of time within which the Standing Committee must make a final report to the House on the proposal, matter or thing.
- (3) A Standing Committee may inquire into, consider and report to the House on any annual report or other document relevant to the functions of the committee that is tabled in the House.
- (4) In carrying out its functions, a Standing Committee must comply with any limitation of time specified in subclause (2).

## **205 Membership**

- (1) A committee will normally consist of not less than five, and not more than 12, members unless otherwise ordered by the House.
- (2) A list of members serving on committees must be published in the notice paper.

- (3) The Speaker or the Deputy Speaker cannot be compelled to be appointed to a committee.

## **206 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 obtain in advance the consent of each proposed nominee to serve on such a committee.

## **207 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.

## **208 Vacancy on a committee**

A member ceases to be a member of a committee if:

- (1) The member's seat becomes vacant;
- (2) The member resigns by writing delivered to the Speaker; or
- (3) The member is discharged by the House.

## **209 Committee meetings**

- (1) 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 committee may not meet unless specifically authorised to do so by the House.
- (2) Subject to paragraph (1), a committee may adjourn from time to time and from place to place.
- (3) A committee may use an audio link or audio visual link to allow a member to participate in a meeting of the committee provided the committee is satisfied that the quality of the audio link or audio visual link will enable members who are physically present at the meeting to verify the identity of that member. A member attending by audio link or audio visual link may be counted for the purposes of a quorum and may vote.

## **210 Election of Chair and Deputy Chair**

- (1) At the first meeting of a committee, the Chair must be elected before any other business is discussed.
- (2) A 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.

## **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.

## **212 Voting by members**

- (1) Unless otherwise provided in these Standing Orders, a question arising at a committee meeting must be determined by a majority of votes of members present and voting on that question.
- (2) Each member of a Standing Committee has a deliberative vote. In the event of an equality of votes on any question, the Chair of a Standing Committee has a casting vote in addition to a deliberative vote.
- (3) Unless otherwise provided, the Chair of a select committee will only have a casting vote.

## **213 Quorum**

- (1) The quorum of a committee is a majority of the members appointed to it.
- (2) If a quorum is not present within 30 minutes of the time set for a meeting of a committee, the meeting will lapse and the next meeting will be called by the Chair.

- (3) If, during a 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.

## **214 Evidence**

- (1) A committee may send for persons, documents and other things.
- (2) Unless the House or the committee determines otherwise, a committee must take all evidence in public and may publish the evidence immediately.
- (3) A committee may take evidence in private if the committee resolves that special circumstances make it desirable to take the evidence in private and for this purpose, part or whole of a public hearing may be held in private.
- (4) A committee may take evidence in private but use it as public evidence, provided that the committee informed the person giving the evidence that it is received by the committee on the basis that it will be made public.
- (5) A committee may take evidence in any manner that the committee considers appropriate including by means of audio link, audio visual link or any other electronic means.
- (6) A committee must determine what weight or value to give to evidence received by different means in accordance with subsection (5).
- (7) Without limiting or affecting the generality of section 19A of the *Constitution Act 1975*, evidence given before a committee must, if the committee so requires, be given on oath or affirmation.

- (8) An oath to be sworn or affirmation to be made by a witness who is to give evidence by audio link or audio visual link may be administered either—
- (a) by means of the audio link or audio visual link, in as nearly as practicable the same way as if the witness were to give evidence at the place at which the committee is sitting; or
  - (b) at the direction of, and on behalf of, the committee at the place where the witness is located by a person authorised by the committee.
- (9) A committee may empower a specified member or members of the committee to send for persons, documents and other things and to take evidence with respect to any proposal, matter or thing which is referred to the committee for consideration and report if the committee unanimously agrees so to empower the member or members.
- (10) When sending for persons, documents and other things or when taking evidence under subsection (9), a member of a committee has all the privileges, immunities and powers of the committee.
- (11) Any person may make a written submission to a Standing Committee with respect to any proposal, matter or thing being inquired into or being considered by the Committee.

## **215 Subcommittees**

- (1) A committee may appoint a subcommittee of three 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) The quorum of a subcommittee is a majority of the members appointed to it.

- (3) The standing orders apply to a subcommittee in the like manner as they apply to a committee.
- (4) A subcommittee will report to the committee as soon as practicable on each matter referred to that subcommittee.

## **216 Deliberations in private**

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.

## **217 Disclosure of evidence and other documents**

- (1) The committee may authorise the publication of any documents, papers and submissions presented to it.
- (2) Evidence not taken in public and any documents, papers and submissions received by the committee which have not been authorised for publication will not be disclosed unless they have been reported to the House.

## **218 Unreported evidence**

Where a 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.

## **219 Recording of evidence**

Unless otherwise determined by the committee, a transcript will be taken of all formal evidence.

## **220 Record of proceedings of committee**

The minutes of proceedings of a 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.

### **221 Chair to prepare draft report**

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

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

- (1) The draft report will be printed and circulated to members of the 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'.

### **223 Minority report**

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



## **224 Report tabled**

- (1) After a report of a committee is adopted by the committee, the Chair must —
  - (a) cause the report to be tabled in the House within 10 sitting days; or
  - (b) if the House is not sitting within 21 days of the adoption of the report and the committee unanimously so resolves, give the report to the Clerk.
- (2) If a report is received by the Clerk under subsection (1)(b), the Clerk must—
  - (a) as soon as practicable after the report is received, notify each member of the House of the receipt of the report and advise that the report is available upon request; and
  - (b) give a copy of the report to any member of the House upon request to the Clerk; and
  - (c) cause the report to be tabled in the House on the next sitting day of the House.
- (3) A report that is given to the Clerk under subsection (1)(b) is taken to have been published by authority of the Assembly.

## **225 Interim reports**

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

## **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.

### **226A Engagement of staff**

- (1) A committee may commission a person to investigate and report to the committee on any aspect of a proposal, matter or thing being inquired into or being considered by the committee.
- (2) With the consent of the Premier, a committee may make use of the services of an employee within the meaning of the *Public Administration Act 2004* for the purpose of investigating and reporting to the committee on any aspect of a proposal, matter or thing being inquired into or being considered by the committee.

### **226B Government responses**

- (1) If a committee's report to the Parliament recommends that the Government take a particular action with respect to a matter, within six months of the report being tabled, the appropriate responsible minister must table a response to the committee's recommendations.
- (2) If a response is received by the Clerk on a day on which the House is not sitting, the Clerk must —
  - (a) as soon as practicable after the response is received, notify each member of the House of the receipt of the report and advise that the report is available upon request; and
  - (b) give a copy of the response to any member of the House upon request to the Clerk; and
  - (c) cause the response to be tabled in the House on the next sitting day of the House.

- (3) A response received by the Clerk under subsection (2) is taken to have been published by authority of the Assembly.

## CHAPTER 25 — 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.

## CHAPTER 26 — 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.

### 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.<sup>8</sup>

### 230 Printing and distribution of documents

The Speaker administers the printing and distribution of documents.

### 231 Documents and evidence not tabled

- (1) Committee records may be transferred by the Clerk to the Public Record Office, subject to the condition that they remain the property of the House.
- (2) The Speaker, subject to paragraph (3), may permit any person to examine and copy such documents or evidence.

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<sup>8</sup> 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.



## CHAPTER 27 — 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:
    - (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.

### **233 Official broadcast of proceedings**

- (1) An official broadcast of the proceedings of the Chamber is made available through the Parliament's website.
- (2) Official broadcasts must comply with the guidelines issued by the Speaker.
- (3) With the approval of the committee and the Speaker, an official broadcast of the public proceedings of a parliamentary committee may be made available through the Parliament's website.

## **234 Rebroadcasting**

Rebroadcast of an official broadcast is permitted, subject to the following conditions:

- (1) The material must only be used for the purposes of fair and accurate reports of proceedings and must not in any circumstances be used for:
  - (a) satire or ridicule; or
  - (b) commercial sponsorship or commercial advertising.
- (2) Broadcast material must not be digitally manipulated.
- (3) Excerpts of proceedings are to be placed in context so as to avoid any misrepresentation.
- (4) Remarks withdrawn are not to be rebroadcast unless the withdrawal is also rebroadcast.

## SUMMARY OF TIME LIMITS

### GENERAL

#### **Address-in-reply [SO 131]**

Mover and seconder, each..... 20 minutes

Any other member..... 15 minutes

#### **Adjournment debate [SO 33]**

Raising matters, any member .....3 minutes (subject to overall time period)

Total time for all responses by ministers ..... 30 minutes

(maximum time for raising matters 10 speakers or 30 minutes, whichever is the shorter)

#### **Disallowance motion [SO 151]**

Any member .....5 minutes (subject to overall time limit)

(maximum of 6 speakers or 30 minutes total debating time, whichever is the shorter)

#### **Government business program — setting/amending program [SOs 94, 95]**

Any member .....5 minutes (subject to overall time period)

(maximum of 6 speakers or 30 minutes total debating time, whichever is the shorter)

#### **Grievance debate [SO 38]**

Any member ..... 15 minutes (subject to the overall time period)

(maximum of 8 speakers or 2 hours total debating time, whichever is the shorter)

#### **Matter of public importance [SO 39]**

First government and non-government speakers, each..... 15 minutes

Any other member.....10 minutes (subject to overall time limit)

(maximum of 2 hours)

### **Ministerial statements [SO 43]**

Minister .....	20 minutes
Lead opposition speaker .....	20 minutes
Any other member.....	10 minutes (subject to maximum number of speakers as determined by the minister after consultation)

### **Motions other than procedural motions [SO 131]**

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

### **No-confidence motions [SO 131]**

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

### **Procedural motions [SO 131]**

These time limits apply to procedural motions, dilatory motions<sup>9</sup> and debate on the question that remaining business be postponed.

All members.....	5 minutes (subject to the overall time period) (maximum of 6 speakers or 30 minutes total debating time, whichever is the shorter)
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### **Question time [SO 55]**

30 minutes, or until 10 questions are answered, whichever is the longer

### **Reply by mover of substantive motion [SO 132]**

Any reply.....	15 minutes
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<sup>9</sup> For example, motions such as 'That the debate be now adjourned' and 'That the question be now put'.

**Statements by members [SO 40]**

Any member .....90 seconds (subject to overall time limit)  
(maximum of 30 minutes)

**Statements on parliamentary committee reports [SO 41]**

Any member .....5 minutes (subject to overall time limit)  
(maximum of 6 speakers or 30 minutes total debating time, whichever is  
the shorter)

**Urgent motion — debate on allotment of time [SO 135]**

Any member .....5 minutes (subject to overall time limit)  
(maximum of 6 speakers or 30 minutes total debating time, whichever is  
the shorter)

**BILLS**

**Appropriation bills — second reading [SO 131]**

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

**Consideration in detail — all bills [SO 131]**

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

**Government bills (excluding appropriation bills) — second reading**

[SO 131]

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. If a minister incorporates a second reading speech, the Speaker may grant additional time if he or she believes the second reading speech would have taken more than 30 minutes to read aloud.

**Legislative Council amendments — consideration of [SO 131]**

[non-procedural motion]

Minister .....	30 minutes
Lead speaker from opposition .....	30 minutes
Lead speaker from any other party, each.....	20 minutes
Any other member.....	10 minutes

**Private members' bills — second reading [SO 131]**

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

**Reply by mover of 2nd or 3rd reading of a bill<sup>10</sup> [SO 132]**

Any reply.....	15 minutes
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**Urgent bill — debate on allotment of time [SO 135]**

Any member .....	5 minutes (subject to overall time limit) (maximum of 6 speakers or 30 minutes total debating time, whichever is the shorter)
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<sup>10</sup> Excluding a member who has moved an amendment or a motion to extend the scope of a bill.



# JOINT STANDING ORDERS

## OF THE

### LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY

#### **1 Communications between Houses**

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

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

- (1) Messages from one House to the other will be signed by the relevant Presiding Officer and be transmitted by an officer of the Legislative Council or of the Legislative Assembly, as the case may be.
- (2) Messages will be received at the Bar of the House, and if the House receiving the message is not sitting, by the Clerk of that House and be reported to the House by the relevant Presiding Officer as soon as convenient.

#### **3 Long title**

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

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

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

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

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

bill, and any corresponding reference within the bill itself, to the year in which the passage was completed.

## **6 Errors in bills**

- (1) The Clerk of the Parliaments may correct literal typographical errors in bills which have passed both Houses and will report the errors to both Houses.
- (2) Where a clerical error is discovered in a bill which has passed both Houses but has not yet been presented for royal assent, the Clerk of the Parliaments will report the error to the House in which the bill originated. The House may deal with the report in the same way as other amendments.

## **7 Consequential renumbering of bills**

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

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

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

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

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

## **10 Presentation for royal assent**

(1) Two copies of all bills, except the Annual Appropriation Bill, will be presented to the Governor for royal assent by the Clerk of the Parliaments.

(2) Annual Appropriation Bills will be presented to the Governor for royal assent by the Speaker of the Legislative Assembly.

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

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

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

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

## **13 Custody of original Acts**

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

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

A minister sitting in the House of which he or she is not a member under *Constitution Act 1975* s 52, will be subject to the standing orders and practices of that House.

## **15 Joint committees**

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

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

- (1) All joint parliamentary committee documents and evidence in excess of four years old which have not been tabled in the Parliament may be transferred to the Public Record Office, subject to the condition that they remain the property of the Parliament.
- (2) Subject to paragraph (4), access may be granted:
  - (a) by either Clerk, to any documents and evidence that have already been made public; and
  - (b) by the Presiding Officers, or their nominees, to any other documents or evidence.
- (3) The Presiding Officers may approve, on such terms and conditions as they may determine, the reproduction or publication of the whole or any part of the documents and evidence for educational, historical or research purposes.
- (4) If the documents and evidence were accepted by the committee on a confidential or restricted basis, access will not be permitted unless they have been in the custody of the Parliament for at least 30 years and, in the opinion of the Presiding Officers, disclosure is appropriate.

## **17 Presentation of joint address**

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

## **18 Changes to joint standing orders**

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

## **19 Appointment of Chair of joint sitting**

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

## **20 Clerks of a joint sitting**

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

## **21 Ballot during a joint sitting**

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

- (2) The Chair, or Clerk when acting as Chair under JSO 19, will ask the proposer of each candidate to name a member present to be a scrutineer. The scrutineers, with one of the Clerks, will count the votes.
- (3) In the case of more than one vacancy, the required number of candidates reported to have the greatest number of votes will be deemed to be elected. If the result cannot be determined because two or more candidates receive an equal number of votes, the result will be resolved by a special ballot. A special ballot is held only between those candidates who have received an equal number of votes. The candidate(s) receiving the greatest number of votes at the special ballot will be deemed to be elected. If, as a result of a special ballot, two or more candidates receive an equal number of votes a second special ballot will be held to resolve the matter. Where candidates still receive an equal number of votes after a second special ballot the open vote provisions in (6) to (8) will apply.
- (4) If only two candidates are proposed and seconded for a single vacancy, the candidate with the greater number of votes will be declared elected.
- (5) When more than two candidates are proposed and seconded for a single vacancy, the candidate who has the greatest number of votes will be declared elected, provided he or she has a majority of the votes cast. If no candidate has such a majority, the name of the candidate having the smallest number of votes will be excluded and a fresh ballot will take place. This will be done as often as necessary until one candidate is declared elected.
- (6) If, at a ballot at which no candidate receives a majority of the votes cast, two or more candidates receive an equal number of votes and no candidate receives a lesser number of votes, another ballot will be held. If, in the further ballot, no candidate receives a majority of the votes cast but two or more candidates receive an equal number of votes and no candidate receives a

lesser number of votes, an open vote will be conducted in accordance with Legislative Assembly standing orders to resolve the issue.

- (7) If, after an open vote, the candidates receive the same number of votes, the Chair, or Clerk when acting as Chair under JSO 19, will announce that fact, immediately adjourn the sitting without any question being put and arrange for another meeting to take place within 10 days.
- (8) At a further sitting another open vote will be held in relation to the candidates. This process will be repeated until the matter is resolved.
- (9) Informal votes will not be taken into account in any ballot. The Chair or Clerk when acting as Chair under JSO 19 will decide whether a vote is informal.

## **22 General procedure for joint sittings**

### **Scope**

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

### **Application of standing orders**

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

### **Relief of Chair**

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

### **Time limit on speeches**

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



**Entitlement to vote**

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

**Sitting and adjournment**

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

**Voting on questions**

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

**Divisions**

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

- (e) After the doors are locked the Chair restates the question and directs the ayes to the right side of the Chamber and the noes to the left side of the Chamber. The Chair appoints two or more tellers for each side.
- (f) Votes may only be cast by members present in the Chamber and every member present must vote.
- (g) If two tellers cannot be found for one side of the question, the Chair must immediately declare the resolution of the joint sitting.
- (h) The tellers count the votes and record the members' names. On receiving a report from the tellers, the Chair announces the result to the joint sitting.

**Records of proceedings**

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

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

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

(4) After the ballot, the Chair will declare the person chosen to hold the vacant place in the Senate.

(5) The Chair will advise the Governor of the name of the person chosen to fill the vacancy.

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

(1) A member, addressing the Chair, may propose a member or members to be elected to the Victorian Health Promotion Foundation and any such proposal must be seconded. When a member is proposed, the proposer must state that such member is willing to accept nomination.

(2) If no more than the required number of members are proposed and seconded, the Chair will declare such members as having been elected.

(3) If more than the required number of members are proposed and seconded in respect of the vacancies, the members will be elected by ballot.

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



## **JOINT RULE OF PRACTICE 1**

### **Joint sittings held under the Constitution Act 1975 s 65G**

#### **Application of standing orders**

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

#### **Hours of sitting**

- (2) Unless otherwise ordered, the hours of sitting each day will be:

9.30 am to 1.00 pm

2.00 pm to 6.30 pm

8.00 pm to 10.00 pm

#### **Interruption at 10.00 pm**

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

#### **Relief of Chair**

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

#### **Questions on disputed bill**

- (5) (a) If any member indicates to the Chair that he or she wishes to move amendments to the disputed bill, the bill will immediately be considered in detail. If the disputed bill is agreed to at the conclusion of the consideration in detail stage, the Chair will then immediately propose the question 'That the third reading [of the disputed bill] be agreed to with/without amendment/s'.

- (b) When a disputed bill is not considered in detail, the Chair will immediately propose the question 'That the third reading [of the disputed bill] be agreed to without amendment'.
- (c) The third reading question will be carried, with or without amendments, only if agreed to by an absolute majority of the total number of the members of the Legislative Assembly and the Legislative Council.

### **Time limit on speeches**

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

### **Closure**

- (7) (a) Until the expiration of four hours consideration of, or 12 speakers have spoken on, the question 'That the third reading [of the disputed bill] be agreed to with or without amendments' (whichever is the later event), no motion may be moved by any member 'That the question be now put'. Such motion may not be moved by any member who has already spoken on the question and the member so moving will not interrupt any other member who is addressing the Chair. The motion will be put immediately and decided without amendment or debate.
- (b) On any other question a motion may be moved at any time by any member, but not so as to interrupt a member who is addressing the Chair on the motion 'That the question be now put'. The Chair must put such motion immediately without amendment or debate unless he or she believes that it is a denial of the rights of the minority.

### **Entitlement to vote**

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

## **Sitting and adjournment**

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

## **Voting on questions**

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

## **Divisions**

- (13)
  - (a) Whenever the Chair states, on putting a question, that the 'ayes' or 'noes' (as the case may be) have it, the Chair's opinion may be challenged by a member calling for a division.
  - (b) When a division is requested, the Clerk will ring the bells for three minutes as indicated by the timer.
  - (c) When the bells have stopped ringing, the Chair calls for the doors to be locked. After that a member must not leave the Chamber until after the division has been completed.
  - (d) When successive divisions are taken without any intervening debate, the Chair will direct that the bells be rung for one minute.
  - (e) After the doors are locked the Chair restates the question and directs the ayes to the right side of the Chamber and the noes to the left side of the Chamber. The Chair appoints two or more tellers for each side.

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

### **Certification of bill passed**

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

### **Records of proceedings**

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



## **JOINT RULE OF PRACTICE 2**

### **Joint sittings held under the Constitution Act 1975 s 27A**

#### **Application of standing orders**

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

#### **Relief of Chair**

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

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

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

#### **Nominations**

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

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

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

### **Entitlement to vote**

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

### **Sitting and adjournment**

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

### **Voting on questions**

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

### **Divisions**

- (13)
  - (a) Whenever the Chair states, on putting a question, that the 'ayes' or 'noess' (as the case may be) have it, the Chair's opinion may be challenged by a member calling for a division.
  - (b) When a division is requested, the Clerk will ring the bells for three minutes as indicated by the timer.

- (c) When the bells have stopped ringing, the Chair calls for the doors to be locked. After that a member must not leave the Chamber until after the division has been completed.
- (d) When successive divisions are taken without any intervening debate, the Chair will direct that the bells be rung for one minute.
- (e) After the doors are locked the Chair restates the question and directs the ayes to the right side of the Chamber and the noes to the left side of the Chamber. The Chair appoints two or more tellers for each side.
- (f) Votes may only be cast by members present in the Chamber and every member present must vote.
- (g) If two tellers cannot be found for one side of the question, the Chair must immediately declare the resolution of the joint sitting.
- (h) The tellers count the votes and record the members' names. On receiving a report from the tellers, the Chair announces the result to the joint sitting.

### **Records of proceedings**

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



## SCHEDULE OF AMENDMENTS

<b>Standing Order</b>	<b>Date of Amendments</b>
2	6 October 2010
5	6 October 2010
33	23 June 2016
42	23 June 2016
54	23 June 2016
62	23 June 2016
131	23 June 2016
152	9 February 2011
165	9 February 2011
201–226B	7 March 2019
231	7 March 2019
233	23 June 2016
234	19 September 2018



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