

PARLIAMENT OF VICTORIA

LEGISLATIVE ASSEMBLY

Standing Orders Committee



**Report on procedures for joint
sittings under section 165AU of
the *Public Health and Wellbeing
Act 2008***

Parliament of Victoria
Legislative Assembly Standing Orders Committee

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Committee membership



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Leader of the House



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Deputy Government Whip



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Ms Suzanna Sheed
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Ms Louise Staley
Manager of Opposition Business



Hon Peter Walsh
Leader of the Nationals

About the Committee

Functions

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

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This report is available on the Committee's website.

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Recommendation

RECOMMENDATION: The Committee recommends that the House:

- (a) adopts new Sessional Order 18 as detailed in Appendix A; and
- (b) adopts the new Joint Sessional Order detailed in Appendix B and seeks the agreement of the Legislative Council.

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Report on procedures for joint sittings under section 165AU of the *Public Health and Wellbeing Act 2008*

- (1) The *Public Health and Wellbeing Amendment (Pandemic Management) Act 2021* was passed by the Parliament on 2 December 2021 and received Royal Assent on 7 December 2021.
- (2) The Act amended the *Parliamentary Committees Act 2003* and established the Pandemic Declaration Accountability and Oversight Committee (the Committee). The function of the Committee is the function conferred on it by Division 4 of Part 8A of the *Public Health and Wellbeing Act 2008* in relation to scrutiny and disallowance of pandemic orders and instruments that extend, vary or revoke pandemic orders.
- (3) Under sections 165AS and 165AT of the *Public Health and Wellbeing Act 2008*, the Committee may recommend, in a report tabled in the Parliament, that a pandemic order or instrument be disallowed in whole or in part. After such a report is tabled, a member of either House of the Parliament may give notice of a motion to disallow the pandemic order or instrument. Section 165AU of the Act states that this disallowance motion is to be considered by a joint sitting of the Legislative Assembly and the Legislative Council within three months of a member giving notice of a disallowance motion.
- (4) We recommend the adoption of a new sessional order and new joint sessional order to set out the procedure for Parliament's consideration of a disallowance motion following a Pandemic Declaration Accountability and Oversight Committee report.
- (5) New Sessional Order 18, as detailed in Appendix A, introduces a requirement for a minister to move a motion to hold joint sitting to consider a disallowance motion by the end of the next sitting day after notice of a disallowance motion is given. The new Joint Sessional Order, as detailed in Appendix B, outlines the procedure for the joint sitting.
- (6) We recommend these changes be made initially as sessional orders so these arrangements can be trialled. We will review them prior to the end of the current Parliament and consider whether to recommend that they be made permanent through a change to standing orders and joint standing orders.

RECOMMENDATION: The Committee recommends that the House:

- (a) adopts new Sessional Order 18 as detailed in Appendix A; and
- (b) adopts the new Joint Sessional Order detailed in Appendix B and seeks the agreement of the Legislative Council.

Appendix A

Proposed new Sessional Order 18

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

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

¹ Under s 165AU of the *Public Health and Wellbeing Act 2008*, a joint sitting must be held within three months of a member giving notice of a disallowance motion.

Appendix B

Proposed new Joint Sessional Order

Joint sittings under the *Public Health and Wellbeing Act 2008* s 165AU

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 a minister must move a motion fixing the next meeting of the joint sitting. Any member speaking at the time of the interruption may, when the joint sitting resumes, continue their speech.

Relief of Chair

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

Business to be conducted

- (5) A member who has given notice on a previous day of a motion to disallow in whole or in part a pandemic order or instrument in accordance with s 165AU of the *Public Health and Wellbeing Act 2008*, in either the Legislative Council or the Legislative Assembly, may move that motion at a joint sitting without leave or further notice being required.

Time limits on speeches

- (6) The following time limits apply to debate on a disallowance motion under paragraph (5):

Chair of the Pandemic Declaration Accountability and Oversight Committee	10 minutes
Lead government speaker.....	10 minutes
Lead opposition speaker	10 minutes
Any other member	5 minutes

Closure

- (7) (a) Until the expiration of two hours consideration of the disallowance motion, no member may move '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 Chair must put such motion immediately without amendment or debate unless they believe that it is a denial of the rights of the minority.
- (b) On any other question any member may move 'That the question be now put' at any time, but not so as to interrupt a member who is addressing the Chair. The Chair must put such motion immediately without amendment or debate unless they believe 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) Subject to paragraph (12), questions will be decided by a simple majority of members present and voting and, in the event of an equality of votes on a question, the question is taken to have been defeated.
- (12) The question on a motion to disallow in whole or in part a pandemic order or instrument in accordance with s 165AU of the *Public Health and Wellbeing Act 2008* will be decided by an absolute majority of the total number of members of the Legislative Assembly and the Legislative Council.

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.
- (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 re-states 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.

