



LEGISLATIVE ASSEMBLY OF VICTORIA
STANDING ORDERS COMMITTEE

**Review of the Joint Standing Orders
of the
Parliament of Victoria**

Ordered to be printed

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No 212 Session 2003–06

Legislative Assembly of Victoria
Standing Orders Committee

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APPOINTMENT OF THE STANDING ORDERS COMMITTEE

Extracts from the Votes and Proceedings of the Legislative Assembly

Tuesday 25 March 2003

6 **APPOINTMENT OF COMMITTEES**

...

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

Wednesday 31 March 2004

- 31 **COMMITTEE MEMBERSHIP** — That Mr Perton be discharged from attendance on the Standing Orders Committee and that Mr Plowman be appointed in his place.

Wednesday 14 June 2006

- 8 **STANDING ORDERS COMMITTEE** — That Mr Plowman and Mr Dixon be discharged from attendance on the Standing Orders Committee and that Mr Cooper and Mr Kotsiras be appointed in their place.

REPORT

The Committee has the honour to report as follows:

1. In October 2003, the Committee reported on a review of the Standing Orders of the Legislative Assembly and recommended revised Standing Orders. The Legislative Assembly subsequently adopted new Standing Orders, effective from March 2004.
2. During the review of the Standing Orders the Committee identified the need to also consider the Joint Standing Orders of both Houses. The current Joint Standing Orders were approved in 1893 and subsequently amended in 1904, 1915 and 1993, but have not been comprehensively reviewed since being first adopted.
3. The Committee felt that there were a number of factors now relevant in conducting a review. The current Joint Standing Orders do not reflect a number of procedural changes which have arisen since they were last amended; obsolete Joint Standing Orders needed to be identified and deleted; gender neutral language and plain English were required; and additional Joint Standing Orders needed to be considered to cover new procedures and to replace some matters which have previously been dealt with by sessional resolutions of each House.
4. On 7 June 2006 a joint meeting of the Standing Orders Committees of both Houses met to review the Joint Standing Orders and to make recommendations to both Houses on a new set of Joint Standing Orders, including new Joint Standing Orders dealing with matters not previously covered, such as procedures for joint sittings, rules of practice for joint sittings, the appointment of joint parliamentary committees, access to joint parliamentary committee records, the

changing of year citations in Bills, the consequential renumbering of Bills and a procedure for changing the Joint Standing Orders.

5. As a result of the review, the Standing Orders Committees believe that the new Joint Standing Orders for the Parliament of Victoria appearing at Appendix 1, if adopted, will improve the operation of the Parliament. Accordingly, the Committees recommend that both Houses adopt the proposed Joint Standing Orders before the end of the current Parliament, with the new arrangements to operate from the commencement of the 56th Parliament.

PROPOSED JOINT STANDING ORDERS

6. In summary, the proposed Joint Standing Orders recommended by the Standing Orders Committees will result in the following changes:
 - the omission of 11 obsolete Joint Standing Orders;
 - the incorporation of long-established Sessional Orders dealing with the changing of year citations in Bills, access to joint parliamentary committee records not tabled and the consequential renumbering of Bills;
 - clearer language in many instances;
 - the correction of references to Acts; and
 - procedures which will reflect current practice in some instances.
7. The new Joint Standing Orders also provide for the establishment of joint parliamentary committees, procedures for joint sittings, the presentation of joint addresses, procedures for making or amending Joint Standing Orders and procedures when a referendum on a Bill is required under the *Constitution Act 1975*.

PROPOSED JOINT RULES OF PRACTICE

8. The *Constitution (Parliamentary Reform) Act 2003* amended the *Constitution Act 1975* to provide for joint sittings in two situations.
9. Firstly, under new section 65G of the *Constitution Act 1975* a joint sitting may be held to consider a Disputed Bill. This would occur if a Bill became deadlocked, a general election was held and the Bill again became disputed.
10. Secondly, section 27A of the Act (not yet operational) provides for casual vacancies in the Legislative Council to be filled using a procedure similar to the current procedure for filling Senate vacancies.
11. In both cases, the Act requires the joint sitting to be conducted in accordance with rules adopted by Members of the Victorian Parliament present at the sitting. This requirement therefore prevents Joint Standing Orders being adopted in advance to cover such sittings as Joint Standing Orders cannot override a statutory provision. The Standing Orders Committees, however, have agreed to recommend Joint Rules of Practice to cover the necessary procedures. The Committees recommend that these Rules be agreed to by both Houses with a view to the procedure set out in the relevant Joint Rules then being considered for formal adoption by Members present at joint sittings specified under the *Constitution Act 1975* as they arise. The proposed Joint Rules of Practice for Joint Sittings conducted under the *Constitution Act 1975* appear at Appendix 2.

JOINT STANDING ORDERS PROPOSED TO BE OMITTED

12. The Standing Orders Committees have recommended that 11 of the existing Joint Standing Orders be omitted or replaced for the reasons below.

Joint Standing Order 3

13. Joint Standing Order 3 refers to, among other things, Members carrying messages from one House to the other and the process for dealing with such messages. No instances can be found of Members having transmitted such messages between the Houses. This Joint Standing Order does not reflect current practice, and the Committees recommend that it be omitted.

Joint Standing Orders 4 to 7

14. These Joint Standing Orders relate to the carrying of messages by Officers of the Parliament, the method of communication between the Houses and the process for dealing with those communications. The Committees recommend that these Joint Standing Orders be omitted as they have been redrafted in clearer language in proposed new Joint Standing Orders 1 and 2 appearing at Appendix 1.

Joint Standing Order 9

15. Joint Standing Order 9 refers to, among other things, the appointment of a Joint Committee for the management of the Library, a Joint Committee for the management of the Refreshment Rooms and a Joint Committee for the management and superintendence of the Parliament Buildings. The provisions of this Joint Standing Order have been superseded by sections 38 to 42 of the *Parliamentary Committees Act 2003* relating to the appointment, membership and functions of the House Committee. Further, the *Parliamentary Administration Act 2005*, which amends the *Parliamentary Committees Act 2003*, removes all references to the Library Committee. The Committees recommend that this Joint Standing Order be omitted.

Joint Standing Order 9A

16. Joint Standing Order 9A requires the establishment of a Joint Printing Committee to consider and report on all matters relating to parliamentary printing, with the exception of the publication of *Hansard*.

That Committee has never met and the formulation of policy on such matters is now largely determined by the Presiding Officers of the Parliament, and the Committees recommend that this Joint Standing Order be omitted.

Joint Standing Order 10

17. Joint Standing Order 10 relates to the establishment of Joint Committees of both Houses. The Committees recommend that this Joint Standing Order be replaced with new Joint Standing Order 15. The new Joint Standing Order closely follows the current practice for the appointment of Select Committees and some of its provisions are consistent with the *Parliamentary Committees Act 2003*.

Joint Standing Order 12

18. This Joint Standing Order deals with amendments to Bills made by the other House and the manner in which those amendments are dealt with. The provisions of this Joint Standing Order are already covered by the current Standing Orders of both Houses and it is therefore superfluous. The Committees recommend that this Joint Standing Order be omitted.

Joint Standing Order 18

19. Joint Standing Order 18 states that every Act of the legislature, from 1 January 1857 shall be numbered in a regular arithmetical series commencing with No. 1. This Joint Standing Order is superseded by section 9(1) of the *Interpretation of Legislation Act 1984*, which provides for Acts to be numbered sequentially in each calendar year. The Committees recommend that this Joint Standing Order be omitted.

Joint Standing Order 19

20. This Joint Standing Order relates to Bills that pass both Houses of Parliament but are reserved by the Governor for Royal Assent by Her Majesty. Following the passage of the *Australia Act 1986*, Acts are no longer reserved for Royal Assent by Her Majesty. The Committees recommend that this Joint Standing Order be omitted.

SUMMARY OF PROVISIONS OF NEW JOINT STANDING ORDERS

New Joint Standing Order 5

21. New Joint Standing Order 5 allows the Clerk of the Parliaments to alter the calendar year in the citation of a Bill to accord with the year of passage of the Bill without further reference to Parliament. This has previously been dealt with by resolutions of both Houses. The Committees believe it would be more practical to include it as an on-going provision in a Joint Standing Order.

New Joint Standing Order 7

22. The authorizing of the Clerk of the Parliaments to make consequential renumbering of Bills without reference back to Parliament has previously been dealt with by resolutions of both Houses. The Committees believe it would be more practical to include such authorizations as an ongoing provision in a Joint Standing Order.

New Joint Standing Order 8

23. New Joint Standing Order 8 arises from changes made to the *Constitution Act 1975* relating to Bills requiring a referendum to be held to ascertain whether a majority of electors are in favour of a proposal before it can become law. The Committees believe it is necessary that procedures be established in the Joint Standing Orders authorizing the Clerk of the Parliaments to notify the Governor of the passage of such legislation by the Parliament, providing for the subsequent issue of a writ for a referendum to be held, and providing for proceedings thereafter on such Bills if a referendum is successful.

New Joint Standing Orders 15 and 16

24. These new Joint Standing Orders replace existing Joint Standing Orders 8 and 10 dealing with the number of Members to be appointed to a Joint Committee, the time and place of meeting and the voting rights of the Chair. The provisions relating to Joint Committees have been substantially redrafted to reflect current practice and provide consistency

between the Houses as well as to apply many of the principles relating to the operations of Joint Investigatory Committees appointed under the *Parliamentary Committees Act 2003*.

New Joint Standing Order 15 (9)

25. New Joint Standing Order 15 (9) provides for the Standing Orders of the Assembly and the Council relating to Select Committees to be followed as far as they can be applied. This includes provisions allowing Joint Committees to take a transcript of all formal evidence, and dealing with the disclosure of evidence and other documents prior to committees reporting to the Parliament, the ability of Members to submit minority reports and the treatment of unreported evidence.

New Joint Standing Order 16

26. New Joint Standing Order 16 relates to the treatment of and access to Joint Committee documents and evidence not tabled in Parliament. These matters were previously dealt with by resolutions of both Houses.

New Joint Standing Orders 17 and 18

27. Currently there is no provision in the Joint Standing Orders for a procedure to be followed when an Address is agreed to by both Houses of Parliament, such as for the conveying of a message of sympathy on the death of a Head of State. The new Joint Standing Order reflects current practice.
28. New Joint Standing Order 18 allows a mechanism for the Standing Orders Committee of both Houses to meet jointly and consider changes to the Joint Standing Orders.

New Joint Standing Orders 19 to 24

29. There are a number of instances where various Acts of Parliament, including the Commonwealth of Australia Constitution Act, require joint sittings of both Houses to be held.

30. Under section 15 of the Commonwealth of Australia Constitution Act, a joint sitting of both Houses is required to fill a vacancy in the Senate. Further, under section 21 of the *Tobacco Act 1987* a joint sitting is required to elect Members of Parliament to serve on the Victorian Health Promotion Foundation. Current practice requires detailed rules to be adopted at such joint sittings, including the appointment of a Chair to preside over the joint sitting, a process for conducting ballots, the application of relevant Standing Orders, a time limit on speeches, the conduct of divisions and other matters.
31. The Standing Orders Committees believe it is more efficient and practical to enshrine the general procedures and detailed rules for the above joint sittings in the Joint Standing Orders.
32. As stated previously, there are two other instances under the *Constitution Act 1975* for joint sittings to occur: firstly, in relation to a Disputed Bill; and secondly, the filling of a casual vacancy in the Legislative Council. The Act specifically requires Members present at the joint sitting to adopt such rules at the joint sitting. For this reason, Joint Standing Orders cannot be adopted in advance.
33. However, as is stated in paragraph 10 of this Report, the Standing Orders Committees recommend that Joint Rules of Practice covering procedures to be followed at joint sittings conducted under the *Constitution Act 1975* be agreed to by both Houses in order to expedite the proceedings.

Committee Room

Date 18 July 2006

PROPOSED JOINT STANDING ORDERS

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 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 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 Officer 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.

PROPOSED JOINT RULES 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.

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

Records of proceedings

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