



## LEGISLATIVE COUNCIL FACT SHEETS

---

### FACT SHEET 26: POINTS OF ORDER

#### Raising a point of order

Standing order 95 gives a member the right to interrupt debate and draw the attention of the Chair to what the member believes is a breach of order. The standing order states that a member may rise to speak on a matter of privilege suddenly arising, to the lack of a quorum or to a point of order. Points of order are used by members at any time during debate to call attention to departures from either the standing orders or other practices of the House.

The Chair may also intervene at any time when they consider that the speaker is in contravention of the rules and orders of the House.

The attention of the Chair must be directed to a breach of order the moment it occurs. When a question of order is raised the member speaking should immediately resume their seat. A member raising a point of order should state which standing order or practice has been breached. Any question then under consideration is suspended until the point of order is decided by the Chair. There is no limit on the number of members who may speak or how many times they may speak to a point of order.

The Chair may hear arguments on a point of order if they wish, and may decide on the question of order immediately or at a later time. The Chair can also intervene at any time during debate on a point of order to determine the matter.

The decision of the Chair can be appealed to the House under standing order 96, by a motion of dissent from the ruling.

A point of order cannot be raised when the President is addressing the House and hypothetical questions on procedure may not be addressed to the President. Further, members may not request the President to rule on constitutional questions or to decide on a question of law.<sup>1</sup>

It has been the practice of the House that a second point of order cannot be raised while one is already before the House, although recently the Chair has allowed points of order to be taken on a member who is speaking to a point of order.<sup>2</sup> It is an abuse of the forms of the House to take a point of order to merely contradict a statement made in debate<sup>3</sup> or to make a personal explanation.<sup>4</sup>

---

<sup>1</sup> Ruling: Steele (Deputy), *LC Debates* (4/12/1951) 4796.

<sup>2</sup> Ruling: Burgmann, *LC Debates* (3/12/2003) 5659.

<sup>3</sup> Ruling: Burgmann, *LC Debates* (2/3/2006) 20919.

<sup>4</sup> Ruling: Burgmann, *LC Debates* (1/12/2005) 20420.

## Rulings

It is the role of the President to maintain order in the House and similarly for the Chair of Committees to maintain order in committee of the whole House. When points of order are taken, the President is the sole arbiter, although any member is entitled to dissent from a ruling of the President. The President, Deputy President, Assistant President or Temporary Chair may give a ruling on any question of order, whether or not a point of order has been raised by a member, and may intervene at any time when, in their opinion, the member speaking is contravening the rules and orders of the House.

The President may hear argument on a point of order before making a ruling. However, there is no requirement to hear argument and it is at the Chair's discretion at what point to intervene and give a ruling, even if further members wish to speak to the point of order.

The President may determine a point of order immediately or, at their discretion, they may reserve their ruling until a later time.<sup>5</sup>

Although there have been motions of dissent moved against rulings by various Presidents, they are not common.

---

<sup>5</sup> Rulings: Burgmann, *LC Debates* (19/3/2002) 69; Johnson, *LC Debates* (10/5/1990) 146.