



**Legislative Council**

**A PRACTICAL GUIDE TO  
OCCUPANTS OF THE CHAIR**

**May 2021**





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## Foreword

This booklet is intended as a brief guide to parliamentary procedures for occupants of the Chair in the House and in committee of the whole House. It does not cover all matters that may arise, but is intended to provide guidance in dealing with the most common procedures. If in doubt on any aspect of procedure, advice may always be sought from a Clerk-at-the-Table.

David Blunt  
**Clerk of the Parliaments**

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## Chapter 1 Introduction to the role of the Chair

### Elections: President, Deputy President and Chair of Committees, and Assistant President

- 1.1 A member is elected as President of the Legislative Council before the Council commences business at its first meeting following any periodic Council election and at any other time when the office becomes vacant.<sup>1</sup> Similarly, the Deputy President and Chair of Committees and the Assistant President are elected at the first sitting following a periodic Council election and whenever a vacancy occurs.<sup>2</sup>

### Appointment of Temporary Chairs

- 1.2 At the beginning of each session and as required, the President nominates a panel of not less than three members who may act as Temporary Chairs of Committees.<sup>3</sup>

### Absence of President or Chair of Committees

- 1.3 In the absence of the President, the Deputy President, Assistant President or one of the Temporary Chairs takes the Chair and performs the duties of the President.
- 1.4 In the absence of the Chair of Committees from committee of the whole, one of the Temporary Chairs can take the Chair and perform the duties of the Chair of Committees.<sup>4</sup>

### Role of the Chair

- 1.5 The Chair's role is to guide the House through the conduct of business, to maintain order, to put questions after debate and conduct divisions. In maintaining order the Chair interprets and applies the standing orders and the practice of the House by making rulings and decisions.
- 1.6 The Chair is also the conduit for communications between the House and the Governor and the Assembly. The Chair is routinely called upon to report messages from the Governor and the Assembly during breaks in proceedings.
- 1.7 When occupying the Chair, the President is referred to as 'Mr/Madam President', the Deputy President and Chair of Committees is referred to as 'Mr/Madam Deputy President', the Assistant President is referred to as 'Mr/Madam Assistant President', and a Temporary Chair is referred to as 'Mr/Madam Deputy President.'

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<sup>1</sup> SO 12.

<sup>2</sup> SO 15 and resolution of the House.

<sup>3</sup> SO 18.

<sup>4</sup> SO 174.

1.8 In committee of the whole the Chair is referred to as Mr/Madam Chair.

### **Powers of the Chair**

1.9 When occupying the Chair during a sitting of the House, the Deputy President, Assistant President or a Temporary Chair exercises the same authority as the President.<sup>5</sup>

1.10 The Chair in committee of the whole exercises the same authority as the President with the exception of dealing with disorderly conduct by a member.<sup>6</sup>

### **Scripts provided to the Chair**

1.11 On each sitting day, the Clerk provides a 'President's Program' to the President, Deputy President, Assistant President and Temporary Chairs. The program contains all business expected to be considered by the House. A sample copy is attached as Appendix 1.

1.12 During the day, the Clerk may provide additional scripts to the Chair to assist in the management of particular types of business.

### **Reporting messages from the Governor**

1.13 If a message from the Governor is delivered when the House is not sitting, it is included in the President's Program and is the first item reported by the Chair on the next sitting day. If a message from the Governor is received while the House is sitting, it is delivered to the Clerk who then hands it to the Chair to be read as soon as practicable after receipt, usually when there is a break in proceedings. The Clerk will provide the Chair with the appropriate script. An example is provided in Appendix 2.

1.14 However, if necessary proceedings can be interrupted to allow the Chair to read the message and for the House to determine either to take the message into consideration at once, or to fix a future day for its consideration. Similarly, if a message is received from the Governor when the House is in committee, the President may resume the Chair without any question being put. After the message has been dealt with, the President will leave the Chair and the committee will resume its proceedings.<sup>7</sup>

1.15 The most common messages from the Governor will be assents to bills or related to the assumption of the administration of the State in the absence or return of the Governor. No further action is required after these sorts of messages are reported (read out).

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<sup>5</sup> SO 17 (1).

<sup>6</sup> SO 175 and SO 190.

<sup>7</sup> SO 122.

## **Reporting messages from the Assembly**

- 1.16** If a message from the Assembly is delivered when the House is not sitting it is included in the President's Program and is reported by the Chair on the next sitting day, directly after any messages from the Governor. If a message from the Assembly is received while the House is sitting, it is delivered to the Clerk who then hands it to the Chair to be read when there is a break in proceedings.
- 1.17** The most common messages from the Legislative Assembly are those forwarding bills for concurrence. In these cases a series of procedural motions follow immediately. Once again, the Clerk will provide the Chair with the appropriate script. Examples are provided in Appendix 2.

## **Receiving papers from independent agencies**

- 1.18** The President receives reports from independent agencies such as the Independent Commission Against Corruption and the Ombudsman on behalf of the House. Usually reports are received when the House is not sitting. The report is included in the President's Program for the next sitting day and reported to the House by the Chair. After reporting receipt of such a report, the Chair calls on the Minister to move a motion that the report be printed.

## **Tabling documents**

- 1.19** The Chair is authorised to table documents when there is no other business before the House.<sup>8</sup> The Chair routinely tables certain documents under various statutes and often the relevant legislation provides that these reports are to be tabled within a specific time.
- 1.20** Similarly, a Minister may table a document at any time when there is no other business before the House. However, other members may only table a document after leave of the House has been obtained, and unless authorised by the House to be made public, such documents are available for inspection by members of the House only.<sup>9</sup>

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<sup>8</sup> SO 54 (1).

<sup>9</sup> SO 54.

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## Chapter 2 Sources of authority in the Chair

There are various sources of authority when occupying the chair in the House or in committee of the whole to which Chairs may have recourse. These are discussed below.

### *Constitution Act 1902*

2.1 The *Constitution Act 1902* provides the fundamental source of authority for the Legislative Council and the Chair.<sup>10</sup> The Act includes provisions concerning the sessions of Parliament and meetings of the Council,<sup>11</sup> the operations of the Council,<sup>12</sup> and the legislative process.<sup>13</sup>

### Standing orders

2.2 The standing orders are the primary rules and orders regulating the proceedings of the House. Section 15(1) of the *Constitution Act 1902* affords each House of Parliament the power to adopt standing rules and orders regulating the orderly conduct of business, subject to the approval of the Governor. The most recent set of standing orders, of which there are 234, were approved by the Governor in May 2004.

2.3 The Chair applies and interprets the standing orders where necessary by making rulings. In interpreting the standing orders, individual orders should be read in conjunction with other relevant orders and regard is had to the plain or ordinary meaning of the words used. The standing orders should also be interpreted with regard to the practice and precedent of the Legislative Council, and in a manner which upholds the powers, immunities and dignity of the House.

### Sessional orders

2.4 Sessional orders are temporary orders of the House which regulate aspects of its procedures. Unlike standing orders they do not require the approval of the Governor but commence once adopted by resolution of the House. They expire at the end of the session in which they were adopted and need to be re-adopted in the next session if they are to continue.

2.5 Sessional orders are generally used in one of two ways. Firstly, sessional orders may be used to augment or interpret standing orders. For example, standing order 35 specifies that '(t)he days and times of meeting of the House in each sitting week will be determined by the House from

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<sup>10</sup> In addition to the sources of authority discussed in this chapter, the Legislative Council, like the Legislative Assembly, also relies on the common law as an essential source of authority for the law of parliamentary privilege. Chairs should consult the Clerk in relation to any issues arising in relation to parliamentary privilege.

<sup>11</sup> *Constitution Act 1902*, Sections 10, 10A, 11 and 22F.

<sup>12</sup> *Constitution Act 1902*, Sections 15, 22G, 22H, 22I, 47.

<sup>13</sup> *Constitution Act 1902*, Sections 5, 5A, 5B, 5C, 7A, 7B, 8A, Part 5.

time to time'. Pursuant to this standing order, the House routinely adopts a sessional order specifying the times that the House shall meet on Tuesday, Wednesday and Thursday.

- 2.6** Secondly, sessional orders may be used to override a standing order, or to implement a new procedure not addressed in the standing orders. For example, standing orders 29 and 30 concerning quorum have been varied by sessional order to set out new procedures to be followed when there is an absence of a quorum in the House.

### **Resolutions of continuing effect**

- 2.7** The House may adopt resolutions which have continuing effect until such time as they are amended or rescinded.<sup>14</sup> Such resolutions are passed where the intent is to establish procedures beyond the duration of a session without the permanency of a standing order or in relation to a matter which does not strictly relate to the 'orderly conduct' of the House under section 15 of the *Constitution Act 1902*.
- 2.8** For example, resolutions of continuing effect have been made declaring the precincts of the Parliament to be a smoke-free environment,<sup>15</sup> authorising the broadcast of proceedings of the Council,<sup>16</sup> and adopting a Code of Conduct for Members.<sup>17</sup>

### **Presidents' Rulings**

- 2.9** Where doubt arises as to the application or interpretation of standing orders, or where a particular circumstance is not provided for, it is the duty of the Chair to give a ruling. While previous rulings are not strictly binding, Chairs tend to follow the decisions of their predecessors, unless the rules or orders of the House have changed or important new factors or considerations arise.
- 2.10** The Procedure Office has published A concise guide to Rulings of the President and the Chair of Committees. This document captures significant rulings since from 1975 to March 2021. This document is typically updated annually (or as necessary) to ensure all relevant rulings are available to Chairs.

### **NSW Legislative Council Practice**

- 2.11** New South Wales Legislative Council Practice is a valuable reference tool for members and staff. The book collates information regarding the history, practice and procedure of the Legislative Council into a single volume. Similarly, reference may be made to other parliamentary reference books such as Odgers (Australian Senate) and Erskine May (House of Commons) for practice and precedents in other Westminster Parliaments.

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<sup>14</sup> SO 79.

<sup>15</sup> *LC Minutes* (9/11/1993) pp 363-364.

<sup>16</sup> *LC Minutes* (11/10/1994) pp 279-281; (18/10/2007) pp 279-281.

<sup>17</sup> *LC Minutes* (26/5/1999) pp 91-92, (21/6/2007) pp 148-152.

## **Annotated Standing Orders of the NSW Legislative Council**

- 2.12** The Annotated Standing Orders of the New South Wales Legislative Council is an additional reference tool for members and staff. It charts the purpose, development and modern operation of the rules of the House, noting important precedents throughout.

## **Other procedural guides**

- 2.13** From time to time the Department of the Legislative Council also issues procedural guides on specific matters which are also a valuable resource. Such publications include:

### **A practical guide to committee of the whole**

- 2.14** This document is intended to assist the Chair of Committees (and Temporary Chairs), Ministers and Members responsible for bills and amendments, and Clerks-at-the-Table in facilitating the efficient and orderly consideration of legislation in the committee stage. It includes descriptions of procedures, scripts, and examples of marked-up bills and amendment run sheets.

### **Know your House – A short guide to Legislative Council procedure**

- 2.15** This document serves as an introductory guide to Council proceedings, intended for new members and their staff. It includes descriptions of the different types of business the House considers as well as relevant "how to" guides, and directs members to useful reference materials.
- 2.16** These publications are typically reviewed prior to the commencement of a new parliamentary session or in the event the House amends or adopts new procedures or practices.

## **Advice from the Clerks**

- 2.17** In the Chamber, the Clerk or other officer occupying the Clerk's chair is always available to provide expert advice on the proceedings of the Council and parliamentary law, practice and procedure.

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## Chapter 3      Allocating the call

### Allocating the call to speak

- 3.1**      A member wishing to speak must rise in his or her place and seek the call. To do so, the member says “Mr/Madam President/Deputy President/Assistant President” or “Mr/Madam Chair” and waits to be given the call. Temporary Chairs are addressed as “Mr/Madam Deputy President”. If a member cannot rise due to sickness or infirmity, the member may speak while seated.<sup>18</sup>
- 3.2**      The Chair may allocate the call at his or her discretion. However, the following practices are usually followed in allocating the call.
- The Leader of the Government and the Leader of the Opposition are given the call before other members.
  - After a minister in charge of a bill or other matter has spoken, the call is usually given to the member leading for the Opposition.
  - After a private member in charge of a bill or other matter has spoken, the call is usually given to the Leader of the Government or another minister.
  - Members are usually called from each side of the chamber (Government/Opposition/Cross-bench) alternately.
  - The Chair may be assisted in giving the call by a list of speakers and may add to the list as members indicate their intention to speak.
  - In committee of the whole, the Chair will usually call on the member in whose name stands the first or next amendment occurring in the bill.
  - The Chair should not give the call to a member if doing so would have the effect of closing the debate (e.g., speaking in reply) if there are other members seeking the call.

### Allocating the call during Question Time

- 3.3**      While the Chair has discretion to allocate the call at his or her discretion, over successive years a practice has developed of the Chair first calling the Leader of the Opposition, and then alternately calling from the Government, Opposition and Crossbench sides of the chamber to ensure that the allocation of questions between members is equitably distributed.<sup>19</sup> The Clerks keep a record of each member who has been allocated the call.

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<sup>18</sup> SO 85.

<sup>19</sup> President Harwin adopted a slight variation on the sequence for the calling of members at the start of Question Time: Leader of the Opposition, Government, Deputy Leader of the Opposition, Cross Bench, Government, Cross Bench.

### **Allocating the call during Private Members' Statements and the Adjournment debate**

- 3.4** The call for speakers in Private Members' Statements and the adjournment debate is usually allocated according to lists prepared by the Whips.
- 3.5** The list is prepared in line with practice in which the Chair allocates the call on a rotational basis between Government, Opposition and Crossbench members, also rotating the first call each sitting day between the groups. In the absence of a list the Chair reverts to this practice, seeking and allocating the call accordingly.

## Chapter 4 Rules of debate

The House has adopted a broad range of rules of debate to ensure that debate is conducted in a civil manner, while also enabling all members to speak freely, regardless of whether or not their opinions accord with the majority. It is the role of the Chair to ensure that these rules are upheld, and that members' behaviour, both to other members, and as representatives of the electorate, is acceptable and upholds the dignity of the House.

### Remarks addressed through the Chair

- 4.1 Members speaking on a motion must address their remarks through the Chair as it is considered disorderly to address remarks directly to other members in the chamber.<sup>20</sup>

### Members referred to by their correct title

- 4.2 In debate, when a member makes reference to another member he or she must use that member's correct title. Members are referred to as:

*The Honourable (name of member)*'

Or by the office they hold:

*'The Honourable Minister for ...'; or 'The Honourable Leader of the Opposition'*

- 4.3 Some members have requested that they not be referred to as 'the Honourable' in the chamber, in which case they should be referred to by their preferred prefix (Mr, Ms, Mrs).

### Speaking to the question/relevance

- 4.4 Members may not diverge from the subject matter of the question before the House.<sup>21</sup> There are numerous rulings in A concise guide to Rulings of the President and the Chair of Committees to assist the Chair in determining relevance. The Chair may call a member to order and/or remind the member that his or her remarks must address the question before the House.

### Speaking once and speaking in reply

- 4.5 Under standing order 87, except where expressly provided for, a member may only speak once in debate on a question before the House.<sup>22</sup> The exceptions to this rule are described below.
- 4.6 A member may speak a second time in reply when he or she moves a substantive motion or moves the first, second or third reading of a bill. Since the reply of the mover closes the debate,

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<sup>20</sup> SO 85 (1).

<sup>21</sup> SO 92.

<sup>22</sup> SO 87.

the Chair will not call the member to speak in reply if there is any other member who has not spoken and who is seeking the call.

- 4.7** During debate on a motion, a member may move an amendment to the motion. In this circumstance, any other member who has already spoken in the debate may speak a second time but must restrict his or her remarks to the amendment.
- 4.8** A member may also speak a second time on a question to explain a matter on which the member has been misquoted or misunderstood. However, the member may not introduce new material into the debate.<sup>23</sup>
- 4.9** A member may speak more than once on a question during debate in committee of the whole.<sup>24</sup>

### **Time limits and options for extending debate**

- 4.10** Time limits on certain types of debate and speeches facilitate debate and provide the opportunity for members to be heard in regard to matters before the House. Time limits apply to debate on:
- Adjournment motions (SO 31)
  - Urgency motions (SO 201)
  - Matter of public importance (SO 200)
  - Ministerial statements (SO 48)
  - Motions for the disallowance of statutory instruments (SO 78)
  - Motions for the suspension of standing orders (SO 198)
  - Private members' business (SO 186, SO 187 and sessional order)
  - Private members' business – short form format (sessional order)
  - Private members' statements (sessional order)
  - Question Time (SO 64 and sessional order)
  - Take note of answers debate (sessional order)
  - Committee reports (SO 232)
  - Government bills (under sessional order).
- 4.11** Appendix 3 contains the time limits applying to debates.
- 4.12** It has been practice for many years that the clock is stopped when a point of order is taken during Question Time. At other times the clock is only stopped at the discretion of the Chair.

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<sup>23</sup> SO 89.

<sup>24</sup> SO 87 (2).

## **Incorporating in Hansard**

- 4.13** On occasion members seek the leave of the House to incorporate material in Hansard, with the most common example being a minister seeking leave to incorporate into Hansard his or her second reading speech on a bill that was introduced in the Assembly. Less frequently, private members may seek the leave of the House to incorporate material.
- 4.14** Various rulings of the Chair have determined the ambit of material which can be incorporated in Hansard.

## **Granting of leave**

- 4.15** Leave is the unanimous consent of members present to permit a member to do something otherwise prohibited by the rules of the House, such as to speak a second time in debate, or something that requires leave under the standing orders, such as a private member to table a document or to give a notice of motion after the House has proceeded past formalities. The Chair enquires: "Is leave granted?" One objection means that leave is denied. There is no practice in the Legislative Council for the Chair to grant leave (referred to in some jurisdictions as "indulgence.")
- 4.16** In certain circumstances leave can be withdrawn. Where a member granted leave to make a personal explanation goes beyond the bounds of a personal explanation and introduces new material or makes debating points, leave may be withdrawn. In others, leave can't be withdrawn. For example, if leave is granted to amend a motion before moving it, it can't then be withdrawn.

### **Personal explanations**

- 4.17** A member may seek the leave of the House to make a personal explanation. at any time of the sitting day when there is no business before the House.<sup>25</sup> A personal explanation cannot be made during the course of debate.

## **Sub-judice convention**

- 4.18** Sub-judice refers to a matter before a judge or court of law. The sub-judice convention has developed so that members refrain from commenting in debate, motions, questions or committee proceedings on any matter that is currently being heard before the courts, so as to prevent prejudicing proceedings. There are, however, various principles and practices that are applied in considering the operation of the convention. Reference may be made to the New South Wales Legislative Council Practice<sup>26</sup> and the Concise Guide to Rulings of the President and the Chair of Committees.
- 4.19** The Chair is the final arbiter in sub-judice issues and has absolute discretion in making a ruling to prevent or allow discussion. The Chair must decide whether a motion, debate or question

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<sup>25</sup> SO 88.

<sup>26</sup> *Legislative Council in Practice, Second Edition*, pp 471-473.

might prejudice proceedings before a court. Care must be taken to not unduly constrain members from exercising their freedom of speech, for example, to debate matters that may be being discussed in the media. The convention is applied more rigorously in relation to criminal trials than civil cases and is only applied where there is a real possibility of prejudicing proceedings.

## **Quorum**

- 4.20** Under section 22H of the Constitution Act 1902 the quorum of the House is eight members in addition to the President or Chair. The quorum for the committee of the whole is the same as for the House.
- 4.21** If any member calls attention to the absence of a quorum in the House during a sitting, the Chair will direct the Clerk to ring the bells for up to 5 minutes. If a quorum is formed during that time, proceedings continue. If after 5 minutes a quorum has not formed, the member in the Chair directs the Clerk to record the names of those present and adjourns the House to the next sitting day or until a later hour.<sup>27</sup>
- 4.22** In committee of the whole, if attention is called to the absence of a quorum, the bells are rung for 5 minutes. If a quorum is not formed, the Chair leaves the Chair and reports to the House. The President will then direct the bells to be rung for a further 5 minutes.
- 4.23** In addition to the requirement for a quorum under the *Constitution Act 1902*, standing order 34 states that the House will not meet unless a Minister is present in the House.<sup>28</sup>

## **Interjections**

- 4.24** Members are entitled to be heard in silence, therefore, interjections are considered disorderly at all times.

## **Offensive language**

- 4.25** A member is not permitted to use unparliamentarily or offensive language against either the House or any member of the House.<sup>29</sup> It is important to distinguish between unparliamentary language (the broader term) and offensive words (a subset of unparliamentary language). The appropriate course of action with unparliamentary language is for the Chair to direct the member to desist. With offensive words the Chair may direct the member to withdraw. A number of factors are taken into account in determining whether words are 'offensive' and the appropriate response by the Chair. These include the requirement that the remark be personal, rather than political or addressed to a group, and that the member to whom the remark is directed must take objection personally. Refusal to withdraw unconditionally is grossly disorderly. Ultimately it is up to the Chair to place themselves in the position of the member to

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<sup>27</sup> SOs 29 and 30, amended by sessional order, *LC Minutes* (8/5/2019) pp 61-62.

<sup>28</sup> Under SO 25 this may be a Parliamentary Secretary.

<sup>29</sup> SO 91 (3).

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whom the remark is directed and to exercise their discretion in determining whether or not the remark is, in their view, offensive.<sup>30</sup>

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<sup>30</sup> Rulings: Johnson, *LC Debates*, (31/3/1987) pp 9586; Primrose, *LC Debates*, (3/4/2008) pp 6346.

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## Chapter 5 Putting a question, voting and divisions

The conduct of business of the House essentially involves debate and resolution of a question such as that a bill be read a second time, or that the House take note of a particular report, or that an amendment to a bill be agreed to.

When debate on a question has concluded, the Chair puts the question to the House or committee, usually in the terms "That the question be agreed to".<sup>31</sup> In some cases, the Clerks will provide the Chair with a script containing the terms of the question. These scripts are particularly helpful when putting the question on bills, which sometimes require a question to be put on a series of procedural motions.

The question is resolved by a simple majority, that is, half the members present plus one.

The paragraphs below provide a general guide to the manner in which a question should be put by the Chair.

### Putting the question

- 5.1** The general principle governing the putting of questions by the Chair is that it should be clear to members what the question is. For example, when the motion that the House has been discussing is straightforward and brief, eg: "That the House take note of the report (of . . . .)", it is usual practice for the question to be put in full:

*The question is: That the House take note of the report. Those of that opinion say "aye", against say "no"; I think the "ayes/noes" have it.*

- 5.2** In the case of lengthy or complex motions, however, it is reasonable to put the question in the form:

*The question is: That the motion moved by (name of member) be agreed to. Those of that opinion say "aye", against say "no"; I think the "ayes/noes" have it.*

- 5.3** In some circumstances an abbreviated form of the question is put. For example, a motion for suspension of standing orders could be abbreviated to:

*The question is: That the motion for suspension of standing orders be agreed to. Those of that opinion say "aye", against say "no"; I think the "ayes/noes" have it.*

- 5.4** In the case of routine procedural motions, such as those for the introduction of a bill where a question is put immediately after the motion has been moved, the Chair can put the question in the abbreviated form:

*The question is: That the motion be agreed to. Those of that opinion say "aye", against say "no"; I think the "ayes/noes" have it.*

### Putting the question on amendments

- 5.5 Amendments to motions before the House may take a number of forms. To be clear as to which motion is being voted on the Chair usually states the motion before putting the question:

*(Member 1) has moved that the motion of (Member 2) be amended.*

*The question is: That the amendment be agreed to.*

- 5.6 If the amendment is agreed to, the main question, as amended, is put:

*The question now is: That the motion of (Member 2), as amended by the amendment of (Member 2), be agreed to.*

- 5.7 If the amendment is defeated, the Chair states:

*The question is the original motion of (Member 1).*

### Putting the question on amendments to amendments

- 5.8 Members may propose amendments to amendments before the Chair.<sup>32</sup> The form of question on these amendments is:

*(Member 2) has moved an amendment that (terms of amendment), to which (Member 3) has moved an amendment that (terms of amendment).*

*The question is: That the amendment of (Member 3) to the amendment of (Member 2) be agreed to.*

- 5.9 If the amendment to the amendment is agreed to, the next question is:

*That the amendment of (Member 2), as amended by the amendment of (Member 3), be agreed to.*

- 5.10 If the amendment to the amendment is defeated, the question is put on the amendment as originally moved.

### Putting the question on amendments to a bill in committee of the whole

- 5.11 In committee of the whole, the Chair ensures that members are clear as to which question on which amendment is being put.

- 5.12 Amendments to bills are prepared by Parliamentary Counsel and are given consecutive numbers on identifying amendment sheet numbers. In the case of a single amendment, the Chair states the amendment number and the amendment sheet number:

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<sup>32</sup> SO 109.

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*(Name of member) has moved (party name) amendment number (relevant number) on sheet (identifying sheet number).*

*The question is that the amendment be agreed to. Those of that opinion say “aye”, against say “no”. I think the ayes/noes have it*

- 5.13** If leave is given to move a number of amendments together (in globo), the Chair states each amendment that is being moved:

*(Name of member) has by leave moved (party name) amendment numbers (eg: 2, 3, 4, 6, 13 and 22) on sheet (identifying sheet number).*

*The question is that the amendments be agreed to. Those of that opinion say “aye”, against say “no”. I think the ayes/noes have it.*

- 5.14** When a member moves an amendment to an amendment, the Chair states both amendments:

*(Member 1) has moved: That amendment no. (X) of (Member 2) on sheet (sheet number) be amended by (insert words of the amendment, eg: by omitting the word ‘may’ and inserting instead ‘will’).*

*The question is that the amendment be agreed to. Those of that opinion say “aye”, against say “no”. I think the ayes/noes have it.*

- 5.15** If the amendment to the amendment is agreed to, the main question as amended is put:

*The question now is: That the amendment number (x) on sheet (sheet number) of (Member 1) as amended by the amendment of (Member 2) be agreed to.*

## **Divisions**

- 5.16** When debate on a question before the House has concluded the Chair puts the question and declares the outcome: I think the “ayes/noes” have it.

- 5.17** The Chair pauses to allow a challenge to the declaration. If there is no challenge to the Chair's declaration, the Chair repeats the outcome and the declaration stands.

*I think the ayes have it, (pause) the ayes have it.*

- 5.18** Members challenge the outcome by declaring against the Chair. For example, when the Chair states “I think the ayes have it”, members declare “the noes have it!”. If two or more members challenge the Chair's opinion a division is called.<sup>33</sup> If only one member calls for a division, the member may ask for his or her vote to be recorded in the Minutes of Proceedings.<sup>34</sup>

On the challenge being declared the Chair states:

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<sup>33</sup> SO 102 (6).

<sup>34</sup> SO 112 (5).

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*A division is required. Ring the bells!*

**5.19** The bells are rung for 5 minutes<sup>35</sup>, however when successive divisions are taken and there is limited or no intervening debate, the Chair may seek the leave of the House to direct that the bells be rung for 1 minute.<sup>36</sup> The bells are timed by the Clerks.

**5.20** At the conclusion of the allotted time, the Chair commands:

*Lock the doors!*

**5.21** The Chair then restates the question and directs members using the following form of words:

*The “ayes” will pass to the right of the Chair, the “noes” to the left. I appoint (name of two members from the ayes) as tellers for the “ayes” and (name of two members from the noes) as tellers for the “noes”.*

**5.22** Once the tellers are appointed members must not move from their place until the division is concluded.

**5.23** It is established practice that the tellers appointed are a Party Whip or Deputy Whip, or another member who is not a minister or the leader of the party. In the case of a motion moved by a cross-bench member, the tellers appointed for the ayes are usually the member who moved the motion and another member from the same party. The tellers come to the dais and the Chair hands to the tellers division lists on which the votes of members are recorded. The lists are provided to the Chair by the Clerks.

**5.24** When the count has been completed, the tellers hand the division lists back to the Chair. The Chair checks that the two lists agree and then announces the result of the division:

*There being [X number] “ayes” and [X number] “noes”, the question is resolved in the affirmative/negative. Unlock the doors.*

### **Divisions procedure during COVID-19**

**5.25** A temporary procedure has been established for conducting divisions during the COVID-19 pandemic. Rather than asking members to move to the right or left of the Chair to vote, members are asked to remain in their place, or take any nominated COVID-19 safe place in the Chamber, before standing to indicate their vote. The form of words used by the Chair is varied:

*The question is (insert question).*

*Would the “ayes” please stand?*

*I appoint (name of two members from the ayes) as tellers for the “ayes” and (name of two members from the noes) as tellers for the “noes”.*

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<sup>35</sup> SO 114 (2).

<sup>36</sup> SO 114 (4).

(After the tellers have completed their count)

*The “ayes” may resume their seats. Would the “noes” please stand?*

(After the tellers have completed their count)

*The “noes” may resume their seats.*

- 5.26** The Chair reports the outcome of the division in the usual way and orders that the doors be unlocked.

### **Procedure on an equality of votes**

- 5.27** Unlike practice in some other Australian jurisdictions, the Chair does not exercise a deliberative vote. However, in the event of there being an equality of votes, the Chair must give a casting vote.<sup>37</sup> The form of words for declaring a casting vote is:

*There being an equality of votes, I give my casting vote for the “ayes”/ “noes”. The question is resolved in the affirmative/negative.*

- 5.28** The Chair may give reasons for the casting vote. Where the Chair does so, the reasons will be entered in the Minutes of Proceedings.<sup>38</sup> The principles to have emerged that guide a Chair in exercising a casting vote are:

- the Chair should always vote for further discussion where this is possible,
- where no further discussion is possible, decisions should not be taken except by majority,
- a casting vote on an amendment to a bill should always leave the bill in its existing form.

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<sup>37</sup> SO 116 and Section 22I of the *Constitution Act 1902*.

<sup>38</sup> SO 116.

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## Chapter 6      **Interruption, postponement or adjournment of debate**

### **Interruption of debate**

**6.1**      Each session the House agrees to a series of sessional orders which require that proceedings in the House be interrupted at nominated times each day to allow particular business to take precedence, or to allow a minister to move the adjournment of the House.

**6.2**      The Clerks assist the Chair when a sessional order requires that business be interrupted and will provide a script if necessary.

**6.3**      Examples of current sessional orders that require the interruption of business include:

Question Time: Questions commence at 4.00 pm on Tuesday and 12.00 midday on Wednesday and Thursday. At the appointed time the member in the Chair interrupts debate to state:

*Order! According to sessional order, business is now interrupted for questions.*

**6.4**      Debate on committee reports: On Tuesdays, debate on committee reports takes precedence from approximately 5.30 pm, after Question Time and the Take Note of Answers debate, until 6.30 pm, after which government business takes precedence. At the conclusion of Question Time, the Chair will announce:

*Order! According to sessional order, business is now interrupted for debate on committee reports.*

**6.5**      Interruption for the adjournment: Business is interrupted at 10.00 pm on Tuesday, Wednesday and Thursday to allow the minister to move the adjournment of the House, if desired. At the appointed time, the Chair interrupts debate to announce:

*Order! It being 10.00pm/after 10.00pm, business is now interrupted to permit the minister to move the adjournment if desired.*

**6.6**      Midnight hard adjournment: According to sessional order adopted for the 57th Parliament, business is interrupted at midnight for the Chair to propose that the House adjourn. At the appointed time, the Chair interrupts debate to announce:

*Order! It being midnight, according to sessional order proceedings are interrupted. I propose that the House do now adjourn.*

**6.7**      Business can also be interrupted by resolution, for example for an inaugural speech or a joint sitting.

**6.8**      If the House is in division at the time set for questions or the interruption for adjournment, business is not interrupted until the result of the division has been declared.

**6.9**      An item of business that is interrupted to allow another item or items of business to take precedence may resume once that item or items have concluded. An item of business that is

interrupted by the subsequent adjournment of the House is set down on the Notice Paper as an order of the day for resumption.

- 6.10** If a scheduled interruption occurs during debate in committee of the whole, the Chair reports progress. This is discussed in more detail in paragraph 8.20. A common example is interruption for questions, where the Chair of Committees states:

*Order! It being 12.00 pm, according to sessional order proceedings are interrupted for questions. I will now leave the Chair and report progress.*

The President takes the Chair. The Chair of Committees states:

*The committee reports progress.*

The President receives the report and states:

*The committee reports progress. According to sessional order, business is now interrupted for questions.*

## **Postponement and adjournment of items of business**

- 6.11** There is a key distinction between postponing an item of business before it comes on for debate and adjourning an item of business during debate.

### **Postponement**

- 6.12** Members who wish to postpone items of business of which they have carriage can do so at the allocated time during formalities, or immediately before the item is called on. With agreement from the member with carriage of an item, another member can postpone the item on their behalf – a practice the Whips use frequently. When a member moves to postpone an item the Chair puts the question:

*The motion is that (Government/Private Members' business item no. ...) be postponed until a later hour/next sitting day.*

### **Adjournment**

- 6.13** Debate on an item of business which is under consideration can be adjourned until a later hour of the sitting, the next sitting day or a specified day. A motion to adjourn a debate is open to amendment and debate. When a member moves to adjourn an item the Chair puts the question:

*The motion is that (Government/Private Members' business item no. ...) be adjourned until a later hour/next sitting day.*

## Chapter 7      Suspending or adjourning a sitting

### Suspending a sitting

- 7.1 It is commonplace for there to be at least one ‘suspension’ or ‘pause’ during a sitting day, for example to break for lunch or dinner. A sitting is most commonly suspended for lunch and dinner breaks by a Minister suggesting that the Chair leave the Chair until a stated hour—

*Mr/Madam President: To suit the convenience of Honourable members I suggest that you do now leave the Chair and cause the bells to be rung at (time at which the House will reconvene).*

The Chair then announces to the House:

*To suit the convenience of Honourable members I will now leave the Chair and cause the bells to be rung at (time at which the House will reconvene).*

- 7.2 If, when the House resumes after a lunch or dinner break another category of business takes precedence, the Chair will announce the business to the House:

*According to sessional order Private Members' Statements now takes precedence.*

If there is no change in precedence of business, the business under consideration before the break will resume and no announcement is made by the Chair. If a member was speaking at the time of the suspension, they can continue their speech. If no member was speaking, the Chair will ask if any member is seeking the call. If a new item of business is to commence the Chair will call on the Clerk to read the order of the day.

If the House is in committee of the whole at the time set down for other business, the Chair of Committees will report progress. See paragraph 8.20 for details on reporting progress.

The occupant of the chair may leave the Chair at any time to suit the convenience of members (or in the event of gross disorder) without any question being put.<sup>39</sup>

### Adjourning a sitting

- 7.3 A Minister may move the adjournment of the House at any time. At the conclusion of the 30 minute debate the President puts the question:

*The question is that this House do now adjourn.*

- 7.4 Sessional order provides for an interruption at 10.00 pm to allow the Minister to move the adjournment. The President (or Chair of Committees in the Committee of the Whole debate) states:

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<sup>39</sup> SO 23.

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*It being 10.00 pm proceedings are now interrupted to permit the Minister to move the adjournment motion, if desired.*

If the Minister declines to move the adjournment, business continues.

- 7.5** A sessional order adopted in the 57th Parliament provides for a "hard adjournment" to take place at midnight. If the adjournment debate has not commenced by midnight, the Chair states:

*It being midnight, according to sessional order, proceedings are interrupted. I propose: That the House do now adjourn.*

In this procedure, there is no question before the House, so at the conclusion of the debate the Chair states:

*The House now stands adjourned.*

## Chapter 8 Proceedings on bills

Bills may be introduced in either the Legislative Assembly or the Legislative Council – with the exception of bills that appropriate any part of public revenue or impose any new rate, tax or impost, must originate in the Legislative Assembly. This section of the guide explains the role of the Chair in the passage of legislation through the House.

### Bills originating in the Council

- 8.1** Ministers and members initiate legislation by giving notice of motion at the time allocated during formalities. When the Clerk calls on the notice of motion, the Minister or member states:

*I move, according to notice: That leave be given to bring in a bill for an Act to (reads long title of bill).*

The Chair puts the question on the motion. The Minister or member then states:

*I present the bill and move: That this bill be now read a first time and printed.*

The Chair puts the question on the motion. The Minister or member then states:

*I move that this bill be now read a second time.*

The Minister or member then gives the second reading speech. At the conclusion of the speech, a member (most commonly the Government Whip) states:

*I move: That debate be adjourned for five calendar days.*

The Chair puts the question on the motion.

### Bills originating in the Assembly

- 8.2** Messages from the Legislative Assembly transmitting bills to the Legislative Council are reported as soon as possible after receipt. If the House is sitting the Clerk will retain messages until there is a break in proceedings. The Clerk hands the message and a loq to the Chair who states:

*I report the receipt of a message(s) from the Legislative Assembly forwarding the following bill(s) for concurrence” and then reads the short title(s) of the bill(s).*

- 8.3** Messages received when the House is not sitting are recorded in the President's Program and reported at the commencement of the next sitting day.

## Single bills and cognate bills

- 8.4 As soon as the Chair has announced the message on a single bill, or messages on cognate bills, the minister (or parliamentary secretary) on duty in the House is called on to move the necessary procedural motions. Cognate bills follow the procedures of single bills:

Minister says—

*I move: That this bill/ these bills be now read a first time and printed.*

Chair says—

*The questions is—That this bill/ these bills be now read a first time and printed. All those of that opinion say aye, against say no; I think the ayes have it, the ayes have it.*

If agreed to Clerk reads the short title of the bill(s).

Minister says—

*I move: That standing orders be suspended to allow the passing of the bill(s) through all its/ their remaining stages during the present or any one sitting of the House.*

## More than one message on bills

- 8.5 If more than one bill is received from the Assembly, the Chair may seek the leave of the House for the procedural motions relating to the bills to be dealt with together.

Chair says—

*Is leave granted for procedural motions for the first reading, printing, suspension of standing orders and fixing the day for the second reading to be dealt with on one motion without formalities?*

Minister says—

*I move: That standing orders be suspended to allow the passing of the bill(s) through all its/ their remaining stages during the present or any one sitting of the House.*

If agreed to but the Minister does not want further proceedings on the bill to commence immediately—

Minister says—

*I move: That the second reading stand an order of the day for a later hour of the sitting/ next sitting day.*

## **Second reading**

- 8.6** After the first reading, the second reading commences with the member with carriage of the bill moving:

*I move: That this bill be now read a second time.*

- 8.7** If the bill was introduced in the Legislative Assembly, it is not uncommon for the minister (or parliamentary secretary) to seek leave to incorporate his or her second reading speech in Hansard:

*I seek the leave of the House to incorporate my second reading speech in Hansard.*

Chair says—

*Is leave granted?*

If there is no objection the Chair states:

*There being no objection, leave is granted.*

- 8.8** If leave is not granted, the minister (or parliamentary secretary) reads his or her second reading speech. Debate ensues, when no further member seeks the call, the Chair calls on the minister (or parliamentary secretary) to speak in reply.
- 8.9** When debate on the second reading is concluded, the question is put from the Chair—

*The question is—That this bill be now read a second time.*

- 8.10** If the question for the second reading is agreed to, the Clerk then reads the title of the bill.

## **Consideration of the bill in committee of the whole**

- 8.11** If proposed amendments to the bill have been lodged, the next stage in proceedings on the bill is consideration in committee of the whole. (If there are no proposed amendments, the next stage is the third reading of the bill, see paragraph 8.32).

The minister says—

*Mr/Madam President/Deputy President/Assistant President, I move: That you do now leave the Chair and the House resolve itself into a committee of the whole to consider the bill in detail.*

The Chair says—

*The question is—That I do now leave the Chair and the House resolve itself into a committee of the whole for consideration of the bill in detail.*

- 8.12** If agreed to the President leaves the Chair and the Chair of Committees, or Temporary Chair presides over committee of the whole.

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- 8.13** In committee of the whole the President, like any other member, may take part in the debate and vote. The quorum for committee is the same as the House, that is eight members in addition to the member presiding.
- 8.14** When the Chair of Committees takes the Chair, he or she announces the short title of the bill and asks if leave is granted to take the bill as a whole. Taking the bill as a whole allows maximum flexibility in considering amendments and clauses. However, the usual practice is to consider the bill from the beginning to the end, and debating amendments as they occur in the bill. If leave is granted, amendments that form a package or that are related to be considered together, known as 'in globo'.
- 8.15** When there is more than one sheet of amendments from different parties, to make the order of considering amendments clear, the Procedure Office may prepare a running sheet to assist the Chair in calling on amendments for consideration.
- 8.16** For guidance on putting the question on amendments to a bill in committee of the whole see section 5. Reference should also be made to the Procedure Office document: A practical guide to committee of the whole.

### **Reporting progress**

- 8.17** At any time the committee of the whole can decide, on motion, to report progress. A motion is moved, by any member, but without interrupting a member speaking—

*That the Chair do now leave the Chair, report progress and seek leave to sit again—at a later hour of the sitting/ next sitting day.*

- 8.18** The motion is open to debate.
- 8.19** If the motion to report progress is carried, the member in the Chair leaves the Chair and the House resumes. The Chair reports to the member in the Chair of the House as follows—

*Mr/Madam President/Deputy/Assistant President: The committee reports progress and seeks leave to sit again—at a later hour of the sitting/ next sitting day.*

### **Reporting progress when interrupted by an order of the House**

- 8.20** Where debate in committee of the whole is interrupted by an order of the House, for example for Question Time, the Chair of Committees states—

*Order! It being 12.00 pm, according to sessional order proceedings are interrupted for questions. I will now leave the Chair and report progress.*

The President takes the Chair. The Chair of Committees states:

*The committee reports progress.*

The President receives the report and states:

*The committee reports progress. According to sessional order, business is now interrupted for questions.*

## **Reporting outcome of committee of the whole to the House**

- 8.21** After the last amendment to a bill has been considered, the Chair of Committees will then put the question—

*The question is—That the bill as read/as amended be agreed to.*

- 8.22** Once the question has been agreed to, the Deputy Clerk will have the Chair sign a certificate stating that the bill is in accordance with the bill as reported from the committee. The member with carriage of the bill will then move the following motion—

*That the Chair do now leave the Chair and report the bill without amendment/with an amendment/with amendments.*

- 8.23** If the question is agreed to, the House resumes and the Committee Chair reports to the Chair of the House as follows:

*Mr/Madam President/Deputy /Assistant President: The committee reports the bill without amendment/with an amendment/with amendments.*

- 8.24** If the long title of the bill has been amended in committee, that amendment must be specifically reported to the House. This is done by adding to the report of the Chair “including an amendment to the long title.”

## **Adopting the report of the committee**

- 8.25** The Chair of the House then states the following:

*The committee reports the bill without amendment/with an amendment/with amendments (and, where applicable, including an amendment(s) to the long title).*

- 8.26** Subsequently the Chair then calls upon the minister/parliamentary secretary who will move—

*That the report be now adopted.*

- 8.27** The question is then put from the Chair—

*The question is—That the report be now adopted.*

## **Third reading following committee of the whole**

- 8.28** When the motion to adopt the report is agreed to, the minister again rises and, if standing orders have been suspended, moves—

*That this bill/these bills be now read a third time.*

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- 8.29** In the case of a bill which has been introduced in the Council the third reading may proceed immediately after the committee stage with the concurrence of the House. The minister moves—

*With the concurrence of the House, I move that this bill/these bills be now read a third time.*

- 8.30** The Deputy Clerk presents the certificate of the Chair of Committees to the Chair of the House, who states—

*I have a certificate from the Chair of Committees that the bill is in accordance with the bill as reported from the committee of the whole. The question is—That the bill be now read a third time.*

- 8.31** Upon the motion being agreed to, the Clerk reads the bill(s) a third time and the proceedings on the bill(s) are completed.

### **Third reading immediately following the second reading**

- 8.32** The concurrence of the House is required in order to move directly from the second to the third reading of a bill without considering the bill in committee of the whole. When no amendments to a bill have been circulated, the Clerk will advise the Chair of the opportunity to move directly to the third reading after the second reading has been agreed to. The Chair states—

*Is leave granted to move to the third reading of the bill forthwith?*

- 8.33** If leave is granted, the Chair calls on the minister to move the third reading of the bill.

## Chapter 9      Maintaining order in the House

It is the Chair's role to maintain order in the House, including intervening where necessary in debate. Matters of order that frequently arise in the House include the use of disorderly or unparliamentary expressions, interjections in debate, procedural questions and disorderly conduct by members.

### Rulings

- 9.1**      It is the duty of the Chair to give a ruling when a question arises as to the application or interpretation of a standing order, or where a particular circumstance is not accounted for. Rulings generally arise from points of order, however, the Chair may intervene and give a ruling to uphold the practices of the House without a point of order being taken.<sup>40</sup>
- 9.2**      The Chair is not called upon to decide points of law but determines questions relating to the forms and procedures of the House. Where there is doubt as to the interpretation of a standing order the meaning which preserves or strengthens the powers of the Council and the rights of members should be favoured over that which weakens the power of the Council or reduces the rights of members.<sup>41</sup> In determining a point of order, the Chair may make reference to *A concise guide to Rulings of the President and the Chair of Committees*.

### Dissent from a ruling of the Chair

- 9.3**      If a ruling is given from the Chair and no objection is taken in the House, that ruling stands and must be complied with. However, procedures are available for the House to dissent from a ruling. If any objection is taken to a ruling or decision of the Chair, it must be taken at once.<sup>42</sup> Debate on the dissent may be adjourned until a later hour or the next sitting day or month, or proceed immediately until determined by the House.
- 9.4**      On a member indicating his or her intention to dissent from the ruling, the Chair will call the member, who moves:
- That the House dissent from the ruling of the President.'*
- 9.5**      The mover may speak to the motion of dissent and debate proceeds in the normal way. At the conclusion of debate, the question on the motion is put in the usual way.
- 9.6**      A member may dissent from a ruling given by the Chair of Committees. The dissent must be made immediately in writing. The member then states:

*I move: That you do now leave the Chair and report such objection to the House so that the matter may be laid before the President.*

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<sup>40</sup> SO 95 (3).

<sup>41</sup> *Oggers Senate Practice*, 13th ed, p 35. The forward of the *Selected Rulings of the President* also has guidance on this issue.

<sup>42</sup> SO 96.

The Chair responds:

*(Name of member) has taken objection to my ruling and stated the objection in writing. (He/she) has moved that I do now leave the Chair and report the objection to the House so that the matter may be laid before the President.*

Debate may ensue. If the committee so resolves, the Chair of Committees leaves the Chair and the House resumes. Once the President has dealt with the matter, the House can resolve into committee and resume the earlier proceedings.

## **Points of order**

- 9.7** A member may rise at any time to draw the attention of the Chair to what he or she believes is a breach of order. This is called taking a point of order. When a member takes a point of order the Chair interrupts proceedings to hear the member's argument and then gives a ruling on the point of order.
- 9.8** In coming to a decision the Chair is able, if he or she wishes, to hear argument on the point of order that has been taken. Alternatively, the Chair may make a ruling immediately, without argument being entertained. The fact that both options are entirely within the discretion of the Chair has great advantages. On the one hand, if a point of order is frivolous or obviously unsustainable, or is clearly correct, the Chair's ability to rule immediately, without the requirement to hear argument, ensures that the business of the House continues with minimal interruption. On the other hand, if a point of order is complex, the opportunity afforded the Chair to hear further argument gives the Chair an opportunity to think out its implications and to consult the Clerk. It also enables light to be shed on the question by members that choose to contribute to the determination of the point of order.<sup>43</sup>
- 9.9** The Chair also has the option to reserve his or her ruling to consult further, and provide the ruling at a later time.

## **Naming and suspension of member**

- 9.10** Disorderly conduct by members is dealt with in different ways depending on its severity. The more common procedure is for the Chair to call a member to order. On three calls to order the Chair may order the member's removal under SO 192, until the end of the sitting. The Clerk maintains a daily tally of the members who have been called to order. The tally of calls to order is independent of whether the incident occurred in the House or in committee of the whole.
- 9.11** On the third call to order, the Chair states:

*I call the Honourable (name of member) to order for the third time and in accordance with standing order 192, I direct the Usher of the Black Rod to remove the member from the chamber. The member is excluded from the chamber [for the period stated].*

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<sup>43</sup> SO 95.

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- 9.12** The period may be until the conclusion of Question Time, until the dinner adjournment, until debate on the bill/motion is completed but may not be beyond the termination of the sitting.
- 9.13** For more serious cases of disorder as defined under standing orders 190 and 191, the House may order that the suspension have effect until the House terminates the suspension, until the member apologies, or both.
- 9.14** In committee of the whole, if the Chair names a member for being guilty of serious disorder under SO 190, the Chair will leave the Chair and report the matter to the President and the House will then determine the matter.

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## Appendix 1 Sample President's Program

**DRAFT PROGRAM**  
**Subject to late changes**



**No. 27**

### **Legislative Council**

TUESDAY 22 OCTOBER 2019

- 1 President takes the Chair at 2.30 pm. Prayers are read.

President says—

“I acknowledge the Gadigal clan of the Eora nation and its elders and thank them for their custodianship of this land.”

- 2 **NEW MEMBER SWORN—THE HONOURABLE SAMUEL JACOB FARRAWAY**

President says—

“At a joint sitting held on 17 October 2019 Samuel Jacob Farraway was elected to fill the vacancy in the Legislative Council caused by the resignation of the Honourable Niall Mark Blair.

Would the Honourable Samuel Jacob Farraway come forward and take the pledge of loyalty as required by law and sign the roll of the House.”

- 3 **ASSENT TO BILL**

President says—

“I report the receipt of a message from the Governor notifying Her Excellency’s assent to the Racing Legislation Amendment Act 2019.”

2

**4 REPORT OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION**

President says—

“According to the Independent Commission Against Corruption Act 1988, I table the annual report of the Independent Commission Against Corruption for the year ended 30 June 2019.

Under the Act, the report has been authorised to be made public.”

Minister says—

“Mr President—

I move: That the report be printed.”

QUESTION PUT

**5 FORMAL BUSINESS**

President says—

“**According to sessional order, I shall now call over formal business—**

Private members’ business item No. 289 outside the order of precedence, Mr Moselmane

(Bushfires in Lebanon)

Is there any objection to this being taken as formal business?”

IF THERE IS NO OBJECTION

President says—

3

“There being no objection the honourable member may proceed.”

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## 6 PAPERS

President says—

“Are there any papers?”

- Mr Khan to table a report of the Legislation Review Committee.
- Mrs Maclaren-Jones to table a report of the Selection of Bills Committee.

[Mrs Maclaren-Jones, or another member of the committee, to move a motion without notice to implement the recommendations of the committee.]

- The Clerk to table statutory rules and instruments to Friday 18 October 2019.

## 7 REPORT OF PORTFOLIO COMMITTEE NO. 4 - INDUSTRY

Clerk says—

“According to standing order, I announce receipt of Report No. 41 of Portfolio Committee No. 4 – Industry entitled ‘Right to Farm Bill 2019’, dated October 2019, together with transcripts of evidence, tabled documents, submissions and correspondence.

Under the standing order, the report has been authorised to be printed.”

[Mr Banasiak to move a take note motion]

Minister says—

“Mr President—

I move, that the Right to Farm Bill 2019 be read a first time and printed.”

Question put.

Minister says—

“Mr President—

I move, according to sessional order: That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.”

Debate may ensue.

Question put.

Minister then says—

“I move, that the second reading of the bill stand an order of the day for a later hour of the sitting.”

Debate may ensue.

Question put.

## **8 PETITIONS**

President says—

“Are there any petitions?”

**9 NOTICES OF MOTIONS**

President says—

“Are there any notices of motions?”

**Order to be taken –**

Ministers

Leader of the Opposition

Private members: (1 each on rotation)

Opposition

Cross-bench

Government

**10 POSTPONEMENT OF BUSINESS**

President says—

“Are there any postponements?”

**11 ANSWER TO SUPPLEMENTARY QUESTION WITHOUT NOTICE**

President says—

“I inform the House of the publication in today’s Hansard of a written answer to an additional supplementary question without notice lodged with the Clerk.”

**12 BUSINESS OF THE HOUSE – Notice of motion**

President calls on business of the House - notice of motion no. 1, Mr Primrose.

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**13 GOVERNMENT BUSINESS – Order of the day**

President says—

“The Clerk will read the order of the day.”

**14 QUESTIONS**

At 4.00 pm—

President says—

“According to sessional order, business is now interrupted for questions.

Are there any questions?”

*At the end of Questions ...*

President says—

“Do Ministers have any further answers?”

President then says—

“According to sessional order, are there any supplementary questions for written answer?”

**15 TAKE NOTE OF ANSWERS**

President says—

“Does any member wish to move a motion to take note of answers?”

*Member may say—*

7

*“I move: That the House take note of answers to questions this day.”*

*At the expiration of 27 minutes ...*

President says—

“According to sessional order, proceedings are interrupted to allow a Minister to speak.”

*At the conclusion of the Minister’s three minutes ...*

President says—

“The time for debate has expired.

The Question is: That the motion be agreed to.”

QUESTION PUT

## **16 COMMITTEE REPORTS AND GOVERNMENT RESPONSES - ORDERS OF THE DAY**

President says—

“The Clerk will read the order of the day.”

## **17 GOVERNMENT BUSINESS – Orders of the day**

President says—

“The Clerk will read the order of the day.”

## **18 INTERRUPTION FOR ADJOURNMENT**

President says—

“It being 10.00 pm proceedings are now interrupted to permit the Minister to move the adjournment motion, if desired.”

## 19 HARD ADJOURNMENT

If the adjournment motion has not been moved by 12 midnight ...

President says—

“It being midnight, according to sessional order proceedings are interrupted. I propose that the House do now adjourn.”

Debate may ensue.

*At the conclusion of 30 minutes ...*

President then says—

The House now stands adjourned.

## 20 ADJOURNMENT

**Order of Speakers -**  
Government  
Opposition  
Crossbench

	Monday	Tuesday	Wednesday	Thursday	Friday
1st	OPPN	GOVT	OPPN	XBENCH	GOVT
2nd	GOVT	OPPN	XBENCH	GOVT	OPPN
3rd	XBENCH	XBENCH	GOVT	OPPN	XBENCH

## Appendix 2 Sample scripts (Loqs)

### Receipt of a bill from the Legislative Assembly



LEGISLATIVE COUNCIL

MESSAGE ON SINGLE BILL FROM ASSEMBLY

(All Stages – according to sessional order)

President to say—

I report the receipt of a message from the Legislative Assembly forwarding the  
(short title of bill) for concurrence.

Minister says—

Mr President:

I move according to sessional order: That standing orders be suspended to allow the passing of the bill through all its stages during the present or any one sitting of the House.

QUESTION PUT.

Minister says—

Mr President:

I move: That the bill be now read a first time and printed.

QUESTION PUT.

Clerk reads short title of bill.

### Receipt of multiple bills from the Legislative Assembly



## LEGISLATIVE COUNCIL

### MESSAGES ON BILLS FROM ASSEMBLY WITHOUT FORMALITIES

President says—

I report the receipt of messages from the Legislative Assembly forwarding the following bills for concurrence: *read from messages*

President says—

Is leave granted for procedural motions to be dealt with on one motion without formalities?

There being no objection the Honourable Minister may proceed.

Minister says—

Mr President:

I move: That the bills be read a first time, printed, standing orders suspended according to sessional order for remaining stages, and the second reading of the bills stand as orders of the day for [a later hour of the sitting/next sitting day].

QUESTION IS PUT

*Clerk reads short title of bills for a first time.*

Minister says—

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**A practical guide for Occupants of the Chair**

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Mr President:

I move: That the second reading of the bill stand an order of the day for a later hour of the sitting.

Debate may ensue.

QUESTION PUT.

or:

I move: That this bill be now read a second time.

(Make Speech or seek leave to incorporate the second reading speech in Hansard.)

**Legislative Council**  
**A practical guide for Occupants of the Chair**

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## Appendix 3 Time limits for debates

<b>Government Bills</b> (sessional order adopted 8 May 2019)	
<u>Second and third readings</u>	
Minister/Lead Opposition/ first crossbench speaker:	40 mins
All other speakers	20 mins
Minister in reply:	20 mins
Note: A member may move that their time limit be extended by not more than 10 mins. Question is put without debate.	
<u>Committee of the Whole</u>	
All other speakers:	15 mins
Note: The member speaking may seek the leave of the Committee to continue speaking for a period of no longer than 15 mins.	

<b>Question time (SO64)</b> (sessional order adopted 8 May 2019)	
Question:	1 min
Answer:	3 mins
Answer to supplementary:	2 mins
Note: A Minister may seek the leave of the House to extend the time for an answer by one minute.	

<b>Take note of Answers to Questions</b> (sessional order adopted 8 May 2019)	
Debate	30 mins
Speakers:	3 mins
Debate interrupted 3 minutes before end of debate time (ie. after 27 mins) to allow a minister to speak, if desired.	

<b>Committee reports &amp; government responses</b> (SO232) (sessional order adopted 8 May 2019)	
Chair/Mover:	15 mins
All other speakers:	10 mins
Chair/Mover in reply:	10 mins

<b>Private members' bills (SO187)</b>	
<u>Leave to bring in bill</u>	
Debate:	60 mins
Speakers	10 mins
Debate interrupted ten minutes before end of debate time (ie. after 50 mins) to allow mover to speak in reply.	
Mover in reply:	10 mins
<u>Second and third readings</u>	
Debate:	no overall time limit
Mover:	30 mins
All other speakers:	20 mins
Mover in reply:	20 mins

<b>Private members' motions (SO186)</b> (sessional order adopted 8 May 2019)	
Debate:	120 mins
Mover:	20 mins
All other speakers:	15 mins
Debate interrupted after 120 mins to allow mover to speak in reply	
Mover in reply:	5 mins
Note: On interruption, the mover or any member who has not already spoken may move a motion to extend overall debate time and set speaker time limits. Question is put without debate, but may be amended.	

<b>Private Members' short form motions</b> (sessional order adopted 8 May 2019)	
Debate	30 mins
Mover	5 mins
Speakers:	3 mins
Debate interrupted after 30 mins to allow mover to speak in reply.	
Mover in reply:	3 mins

<b>Members' statements</b> (sessional order adopted 8 May 2019)	
Debate	30 mins
Speakers:	3 mins

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**Disallowance motions (SO78)**

Debate:	90 mins
Mover/Minister:	15 mins
All other speakers	10 mins
Debate interrupted after 90 mins to allow mover to speak in reply	
Mover in reply:	10 mins

**Cut-off dates for Government Bills**

(sessional order adopted 8 May 2019)

<u>Question of urgency</u>	
Minister/Opposition	10 mins
2 Crossbench members from different parties	5 mins

**Matters of Public Importance (SO200)**

<u>Question of urgency</u>	
Mover/Minister:	10 mins
<u>Debate</u>	
Debate:	90 mins
Mover/Minister/Lead Opposition*:	15 mins
All other speakers	10 mins
Debate interrupted after 90 mins to allow mover to speak in reply	
Mover in reply	10 mins

\* Only when motion moved by a Government member

**Selection of Bills Committee Report**

(resolution adopted 8 May 2019)

Debate:	30 mins
Speakers:	5 mins
Debate interrupted after 30 mins to allow mover to speak in reply.	
Mover in reply:	5 mins

**Consideration of a document (SO57)**

(sessional order adopted 8 May 2019)

Debate	60 mins
Chair/Mover:	15 mins
All other speakers:	10 mins
Debate interrupted after 60 minutes to allow mover to speak in reply	
Mover in reply:	10 mins

**Urgency Motions (SO201)**

<u>Question of urgency</u>	
Mover/Minster:	10 mins
<u>Debate</u>	
Mover/Minister/Lead Opposition*:	15 mins
All other speakers:	10 mins
Mover in reply:	10 mins

\*only when motion moved by a Government member

**Ministerial Statements (SO48)**

(count up/count down)

Minister:	no time limit
Opposition:	equal time to respond

**Suspension of standing orders (SO198)**

(sessional order adopted 8 May 2019)

Debate:	30 mins
Speakers:	5 mins
<u>SSO for SO52 or SO53</u>	
Mover/Minister only:	5 mins

**Adjournment of the House (SO31)**

Debate:	30 mins
Speakers:	5 mins



