



**LEGISLATIVE COUNCIL**

**SELECTED RULINGS  
OF THE  
PRESIDENT**

**August 1975**

*(Commencement of the Third Session of the Forty-Fourth Parliament)*

**To**

**November 2017**



## FOREWORD

The standing orders of the Legislative Council regulate procedure, debate and the conduct of members. When 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 President (or the Deputy President or other member occupying the chair at the time) to give a ruling. Rulings generally arise from points of order, however, the President may intervene and give a ruling to uphold the practices of the House without a point of order being taken.

A number of principles tend to guide the making of rulings. Order must be preserved in order to enable business to be conducted properly. The plain or ordinary meaning of words is generally ascribed to terms used in the standing orders. Most importantly, where there is any doubt as to interpretation of a rule or order, the President leans towards a ruling which preserves or strengthens the powers of the House and the rights of all members rather than an interpretation that may weaken or lessen those powers and rights. Likewise, it is the President's duty to see that the powers and immunities of the House are observed.

Whilst rulings are not strictly binding, Presidents tend to follow the decisions of their predecessors, unless rules or orders of the House have changed or particularly important new factors or considerations arise. In this way a consistent body of practice and precedent develops over time.

This document contains significant rulings made since August 1975. The inclusion of rulings prior to the reform of the Legislative Council in 1978 reinforces the continued relevance of many earlier precedents. Rulings from prior to 1975 are published in a separate volume. This volume includes key rulings up to the last sittings of the 55<sup>th</sup> Parliament in November 2014.

This volume is designed to be accessible and user friendly for occupants of the Chair, members in the chamber and clerks-at-the-table during sittings of the House. Reference details are provided for each ruling to enable the full context of each ruling to be found in Hansard. Where there are multiple identical rulings, a sample of references have been included. A detailed index and sub-headings have been included to improve the accessibility of information.

Finally, I would like to acknowledge the careful work of the Procedure team in the Department of the Legislative Council in the compilation of this volume, which builds on significant body of work that went into the last volume, published in 2015.

David Blunt  
Clerk of the Parliaments  
March 2018

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**PRESIDENTS OF THE LEGISLATIVE COUNCIL**

The Hon. Sir Harry Vincent Budd – 9 August 1966 to 5 November 1978

The Hon. John Richard Johnson – 7 November 1978 to 3 July 1991

The Hon. Max Frederick Willis, R.F.D., E.D., LL.B. – 3 July 1991 to 29 June 1998

The Hon. Virginia Anne Chadwick, B.A., Dip.Ed. – 29 June 1998 to 5 March 1999

The Hon. Dr Meredith Anne Burgmann, M.A.(Syd.), Ph.D.(Macq.) – 11 May 1999 to 2 March 2007

The Hon. Peter Thomas Primrose, B SocStud(Syd) – 8 May 2007 to 17 November 2009

The Hon. Amanda Ruth Fazio – 24 November 2009 to 3 May 2011

The Hon. Donald Thomas Harwin BEc(Hons) – 3 May 2011 to 30 January 2017

The Hon. John George Ajaka – 21 February 2017 to present

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## ADJOURNMENT OF DEBATE

### Debate on motion to adjourn debate

SO 101

A member is entitled to oppose a motion for the adjournment of the debate, but may not question the motives of the mover of the motion.

25/11/1976      *PDp. 3546*                      ***Budd***

There may be debate on a motion for the adjournment of the debate, as there may be on almost every other motion that is placed before the House.

30/11/1977      *PDp. 10567*                      ***Budd***

Debate on a motion to adjourn debate is confined to comments as to whether debate should or should not be adjourned. However, the substantive motion can be referred to.

21/10/2009      *PDp. 18351-3*                      ***Primrose***

A motion to adjourn debate on the second reading of the bill for five calendar days can be debated, but comments are restricted to whether the debate should or should not be adjourned.

21/02/2013      *PDp. 17764*                      ***Green (Deputy)***

## ADJOURNMENT OF THE HOUSE

### Adjournment of House to next sitting day

In view of the precedents that have been established over the years, when the House is adjourned after midnight and meets again that same day at a later hour, it is considered to be the next sitting day, and items set down for consideration on the next sitting day may be proceeded with.

1/7/1982      PDp. 205      *Johnson*

### Motion to terminate sitting – debate on

SO 31

Members may speak on more than one subject on the adjournment debate.

10/3/1993      PDp. 555      *Gay (Deputy President)*  
15/11/2006      PDp. 147      *Burgmann*

Members may speak only once on the motion for adjournment.

16/11/1993      PDp. 5378      *Willis*

On the motion to adjourn, members may speak on matters not relevant to the motion.

5/9/2000      PDp. 8652      *Burgmann*

Members may speak on more than one subject in the adjournment debate, but may only speak once to the motion.

26/6/2001      PDp. 15323      *Saffin (Deputy)*

Once the question on the adjournment of the House has been put and agreed to, no further business can take place.

7/6/1995      PDp. 773      *Symonds (Deputy)*

It is disorderly for members to take points of order in the adjournment debate for the sole purpose of eroding another member's time.

30/6/1999      PDp. 1782      *Burgmann*

The adjournment question is put at the end of 30 minutes or at the conclusion of the Minister's remarks if a Minister desires to speak. A Minister is not restricted as to time when speaking in the adjournment debate.

29/8/2000      PDp. 8469      *Saffin (Deputy)*

It is the general practice in this chamber that Ministers speaking in reply in the adjournment debate are not restricted to referring to matters raised by members in their contributions to the motion.

09/06/2005      PDp. 16877      *Fazio (Deputy President)*

When the motion to adjourn the House is moved by a Minister who subsequently leaves the Chamber, the presence of a Parliamentary Secretary is sufficient to satisfy the standing orders, notwithstanding that they have spoken during the adjournment debate.

05/04/2006 PDp. 22100 *Fazio* (Deputy President)

When a Parliamentary Secretary speaks to the adjournment and there is no other Minister or Parliamentary Secretary in the Chamber, the Parliamentary Secretary is speaking in reply and closes debate.

13/05/2008 PDp. 7416 *Primrose*

Members are extended wide latitude during the adjournment debate.

14/02/2012 PDp. 8082 *Gardiner* (Deputy President)

Parliamentary Secretaries have the right to speak to the adjournment motion as private members. However, if they wish to take part in the debate as private members, a Minister or another Parliamentary Secretary must be in the Chamber. I take this opportunity to clarify that if a Parliamentary Secretary moves the adjournment motion and later in the debate speaks again the Parliamentary Secretary will be speaking in reply and will close the debate, regardless of whether there is another Parliamentary Secretary or Minister in the Chamber.

27/03/2012 PDp. 9829 *Harwin*

**Motion to terminate sitting - reply to debate** **SO 33**

No debate is permitted on a ministerial reply made in response to a matter raised in an adjournment debate.

19/4/1989 PDp. 6663 *Johnson*

**As a matter of urgency** **SO 201**

The motion to adjourn the House under standing order 13 [now SO 201] is a procedural motion on which debate may take place to ventilate the matter contained in the notice but it is not a substantive motion which allows the expression of a decision by the House. The essential character of the procedure under standing order 13 is that no issue can be determined, but an opportunity is afforded to spotlight some specific matter which, in the opinion of the House, is of sufficient urgency to warrant immediate consideration.

3/6/1987 PDp 13451 *Johnson*

The motion for adjournment under standing order 13 [now SO 201] is merely a procedural device to provide an opportunity to discuss a matter of public importance. The moving of an amendment to that motion is outside the standing orders.

19/5/1993 PDp. 2250 *Gay* (Deputy President)

When addressing the urgency of the matter, members should restrict their comments to the terms of the motion and not the substance of the matter.

29/05/2007 PDp. 285 *Primrose*

When speaking to any motion, including one seeking urgency, members should bear in mind the comments of President Johnson, who ruled on 26 February and 19 November 1987:

In debating a procedural motion, members should restrict their comments to the terms of the motion and not the substance of the matter.

23/09/2008      PDp. 9720                      *Primrose*

Debate on the motion to adjourn the House (under SO 201) should be confined to remarks as to why the matter is urgent.

12/09/2012      PDp. 14956-60                      *Harwin*

### **Special adjournment**

The provisions in the standing orders to enable the President to recall the House at the request of an absolute majority of members is not altered by the usual resolution for special adjournment adopted at the conclusion of a parliamentary session which fixes the day and time of the next meeting of the House unless the President, or if the President is unable to act on account of illness or other cause the Deputy President, fixes an alternative day or hour of meeting.

03/12/2009      PDp. 20548                      *Fazio*

The special adjournment motion states when the House will resume. Members must direct their contribution to when the House should resume.

5/8/2011              PDp. 3765                      *Harwin*

It is in order for a member to give a brief explanation as to why an alternative special adjournment date is appropriate.

5/8/2011              PDp. 3766                      *Harwin*

## AMENDMENTS

SO 109

There is nothing in standing or sessional orders nor in rulings from the Chair which make it incumbent for amendments originating in the other place to be circulated to members prior to the Committee of the Whole considering them. However, there is a ruling from the Chair relating to amendments which originate in this place, requiring that they be circulated for consideration. The situation was entirely a matter of courtesy between members.

22/5/1997 PDp. 9099 *Willis*

The mover of a motion may not move an amendment to the motion. Amendments must be moved by another member.

04/09/2012 PDp. 14435 *Maclaren-Jones (Deputy)*

### In writing

SO 109

If required by the chair, amendments to any motion shall be in writing.

8/3/2001 PDp. 12445 *Burgmann*

### Latitude of debate on

It is in order for a member's contribution to a motion to canvass both the substantive motion and any amendments moved by other members during the course of debate.

28/05/2015 PDp. 973 *Harwin*

### Relevance to original question

An amendment must be relevant to the subject matter of the motion. An amendment to a special adjournment must relate to the term of the adjournment, such as altering the date of next sitting.

7/12/1999 PDp. 3949 *Burgmann*

### Amendments having the effect of a direct negative

SO 109

The standing orders do not provide clear guidance on what constitutes a direct negative. *New South Wales Legislative Council Practice* states:

“an amendment is only a direct negative if agreeing to it would have exactly the same effect as negating the motion”.

If the amendment proposes an alternative proposition, parliamentary practice dictates that a vote in favour of the amendment does not in itself express a decision against the original motion but only a preference for the alternative proposition.

31/05/2012 PDp. 12380 *Harwin*

**Putting the question on complicated amendments**

**SO 102, 111**

Under standing order 111 the question on an amendment is "That the amendment be agreed to". However, when there are complicated amendments before the House, and members have requested that the questions on the amendments be put sequentially, the old form for putting questions on complicated amendments can be used. The first question is "That the words proposed to be omitted stand a part of the motion". If the question is resolved in the affirmative, the original words stand and the remainder of the amendment lapses. If the question is resolved in the negative, the original words have been omitted and the question is then put on the words proposed to be inserted in their place, in seriatim if so requested.

31/05/2012

*PDp. 12391-2*

*Harwin*

**ANTICIPATION**

**SO 92**

**General**

It is contrary to the rules, customs and practices of the House to anticipate debate. If members restrict remarks to a general discussion without any anticipation or reference to the bill that is expected to come before the House, they are entitled to proceed. Otherwise, they are out of order.

11/9/1980      *PDp. 726*                      *Johnson*

Members may not anticipate debate on a motion of which notice has been given.

12/11/1980      *PDp. 2651*                      *Johnson*  
29/10/1981      *PDp. 60*                              *Johnson*  
29/11/1989      *PDp. 13678*                      *Solomons (Deputy President)*

Members may not anticipate debate on a bill before the House.

19/10/1995      *PDp. 2057*                      *Willis*

Members cannot anticipate debate on legislation that is about to come before the chamber.

22/11/1983      *PDp. 2988*                      *Johnson*  
3/4/1990          *PDp. 1406*                      *Johnson*  
17/10/1990      *PDp. 8525/6*                      *Johnson*

Members may not anticipate debate on a bill that is on the notice paper as an item of business inside the order of precedence.

18/10/2005      *PDp. 18727*                      *Burgmann*

While great latitude is permitted in the budget debate, it is contrary to the practice of the House to anticipate debate on a substantive motion on the notice paper.

14/09/1993      *PDp. 3060*                      *Willis*

Members may not pre-empt debate on a motion which is already on the Business Paper, and which has been set down for resumption the following week.

19/3/1992          *PDp. 1373*                      *Gay (Acting President)*  
20/3/1992          *PDp. 1526*                      *Bull (Deputy)*  
20/3/1992          *PDp. 1528*                      *Gay (Acting President)*

Members may not anticipate debate on an item of business already on the Notice Paper.

17/10/2006      *PDp. 2609*                      *Burgmann*

The rule of anticipation does not apply to a question that relates to a matter the subject of a notice of motion given this day for leave to bring in a bill, as the matter is not yet on the Notice Paper.

27/11/2007      *PDp. 4371*                      *Primrose*

It is in order to refer to government legislation that has been considered by the House, but not to government legislation that is on the Notice Paper.

27/10/2009 PDp. 18675 *Primrose*

A point of order that a member is anticipating debate must be clear as to which item of business is being anticipated.

02/06/2011 PDp. 1981 *Harwin*

It is not anticipation of debate to move a motion under standing order 201 on the same subject as a notice of motion given this day.

09/08/2011 PD. 3902 *Harwin*

As the Appropriation Bill 2011 has been set down for consideration at a later hour, a motion to suspend standing orders to bring on a motion relating to the budget for the Department of Primary Industries amounts to anticipation of the bill and is out of order.

08/09/2011 PD. 5169 *Harwin*

### Notices of motions

A member may give a notice of motion that canvasses the general subject matter of a bill listed on the Notice Paper. The rule regarding anticipation only applies to debate or question time, if a question is asked about something that is the subject of a bill before the House.

02/06/2015 PDp. 1103 *Harwin*

### Principles

Where a member is anticipating debate on a motion of which he has given notice, the Chair has a discretion in determining the likelihood of the motion ever coming on for debate.

27/6/1997 PDp. 11338 *Willis*

It is out of order to refer to any matter in an adjournment debate when there is a real likelihood of the matter becoming the subject of debate in the House.

29/8/2000 PDp. 8469 *Saffin (Deputy)*

Members may refer to matters which are on the Notice Paper if they are unlikely to come before the House in the foreseeable future.

27/09/2001 PDp. 17226 *Tsang (Deputy)*

A motion is out of order if it anticipates debate on a matter contained in a more effective form of proceedings, such as a bill.

4/4/2001 PDp. 13075 *Burgmann*

If a committee report canvasses the same subject matter as that canvassed by a bill currently listed on the Notice Paper, any debate on the committee report that canvasses those matters in the bill will be deemed to be anticipating debate on the bill, as the bill is the more effective form for addressing the matter. However, members may discuss those matters contained in the report that do not traverse the provisions of the bill.

13/10/2015      PDp. 4046      *Khan (Deputy)*

### **Six months amendment**

Debate on a bill that has been subject of “six months” amendment is not subject to anticipation because there is no possibility that the measure will be brought back in the current Session. It is not a matter that is, in practical terms, before the House.

12/4/1994      PDp. 1035      *Willis*

### **Notices of motions**

There is no application of the rule of anticipation in regard to notices as it is not until a motion has been moved and is before the House that the rule is invoked.

09/11/2011      PD. 7083/7110      *Harwin*

### **Questions without notice**

A question without notice which raises a matter currently before the House is out of order.

18/10/1989      PDp. 11307      *Johnson*

It is not anticipation to ask a question regarding an order of the day for an item of private members’ business outside the order of precedence.

27/02/2008      PDp. 5484      *Primrose*

If a Minister’s response to a question anticipates debate on a bill that is currently before the House, the response is out of order, even if the response is relevant to the question asked.

25/06/2008      PDp. 9220      *Primrose*

## BILLS

### Carriage of

A private member's bill remains under the carriage of the member who introduced it into the Legislative Council, notwithstanding that the bill was dealt with by the Minister in the lower House. The actions of the Legislative Assembly have no bearing on the nature of things in this place.

23/11/1995      PDp. 3883/4      *Willis*

### Leave to introduce

SO 136

The motion for leave to be granted for the introduction of a bill is reasonably formal, but debate is possible on whether leave should or should not be given.

13/10/1988      PDp. 2212      *Johnson*

There is no requirement under the standing orders for a bill to be circulated unless the member is proposing to declare the bill an urgent bill.

11/10/2011      PDp. 5877      *Harwin*

### Money bills

A bill which does not specify the appropriation of any amount of public revenue but which may in the future result in some expenditure by the Government is not a money bill and can be introduced in this Chamber.

18/09/2003      PDp. 3566      *Fazio (Deputy President)*

### Second reading

Debate on the motion for the second reading of the bill to stand an order of the day for next sitting day is severely limited and it is out of order to engage in what might be called a full-scale second reading speech at this stage.

10/01/1978      PDp. 10955      *Budd*

Although contributions of members must be relevant to the question before the Chair, during debate on the second reading of a bill members may make wide-ranging contributions.

*Numerous rulings including –*

28/06/2001	PDp. 15690	<i>Kelly (Deputy President)</i>
04/03/2008	PDp. 5724	<i>Primrose</i>
11/05/2010	PDp. 22321	<i>Griffin (Deputy President)</i>
28/10/2010	PDp. 27100, 27101	<i>Westwood (Deputy)</i>
24/11/2010	PDp. 28085	<i>Fazio</i>
25/08/2011	PDp. 4638	<i>Harwin</i>
05/11/2014	PDp. 2069	<i>Maclaren-Jones (Deputy)</i>

This chamber has always allowed wide latitude to members making speeches on the second reading of bills but comments should generally be within the leave of the long title of the bill.

*Numerous rulings including—*

23/10/2002	PD 5728	<b>Kelly</b> ( <i>Deputy President</i> )
01/12/2009	PDp. 20179	<b>Fazio</b>
02/06/2011	PDp. 1911, 1956	<b>Gardiner</b> ( <i>Deputy President</i> )
15/08/2012	PDp. 13715-16	<b>Harwin</b>
25/06/2013	PDp. 21963	<b>Mitchell</b> ( <i>Deputy</i> )
11/09/2014	PDp. 311	<b>Harwin</b>

Although members are granted a great degree of latitude in their comments during the second reading stage, the majority of their speeches should address the bill being debated.

*Numerous rulings including—*

11/9/2001	PDp. 16547	<b>Kelly</b> ( <i>Deputy President</i> )
16/06/2011	PDp. 2447	<b>Harwin</b>
10/08/2011	PDp. 4063	<b>Gardiner</b> ( <i>Deputy President</i> )
13/10/2011	PDp. 6130	<b>Harwin</b>
25/06/2013	PDp. 21963	<b>Mitchell</b> ( <i>Deputy</i> )
13/08/2014	PDp. 30462,3	<b>Khan</b> ( <i>Deputy</i> )
27/05/2015	PDp. 870	<b>Green</b> ( <i>Deputy President</i> )

While wide latitude is extended to members during the second reading debate, comments should generally be within the leave of the long title of the bill.

02/06/2015	PD 1142, 44	<b>Khan</b> ( <i>Deputy</i> )
24/06/2015	PD 1702	<b>Nile</b> ( <i>Assistant</i> )
26/08/2015	PD 2856	<b>Maclaren-Jones</b> ( <i>Deputy</i> )
09/09/2015	PD 3276	<b>Khan</b> ( <i>Deputy</i> )
15/09/2015	PD 3582	<b>Green</b> ( <i>Deputy</i> )
27/10/2015	PD 5049	<b>Maclaren-Jones</b> ( <i>Deputy</i> )
22/03/2016	PDp. 7882	<b>Nile</b> ( <i>Assistant</i> )

It is a tradition in this House for the contributions of members to debate on bills and motions to be wide-ranging. I will not make a ruling the effect of which would prescribe discussion in this House in a way that would make it impossible for members to refer to alternatives to those proposed by a bill or motion.

31/10/2002	PDp. 6311	<b>Burgmann</b>
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During the second reading of a bill, members may not speak in detail to amendments which will be moved in Committee.

25/06/2003	PDp. 2072	<b>Fazio</b> ( <i>Deputy President</i> )
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It is a convention in this House that members may speak to a bill in more general terms than when Ministers respond to questions in question time.

03/07/2003 PDp. 2802 **Burgmann**  
15/11/2005 PDp. 19626 **Burgmann**

A member speaking on behalf of the Opposition in debate on the second reading of a bill may do so in fairly broad terms provided their contribution is relevant to the bill.

22/03/2005 PDp. 14676 **Fazio** (*Deputy President*)

No debate on the subject matter of the bill should take place during debate on a motion for the order of the day for the second reading to be set down at a later hour.

30/11/2005 PDp. 20241 **Burgmann**

Former Presidents have ruled that it is in order for members to explore various alternatives to the leave of the bill being debated. However, it is not in order for members to make broad-ranging comments that are outside that leave.

05/03/2008 PDp. 5852 **Primrose**

Contributions that are within the leave of the long title of the bill and its explanatory notes are in order.

25/06/2008 PDp. 9206 **Primrose**

With regard to debate on bills, the contributions of members must be more than generally relevant; they must be relevant. A determinant of what is relevant is the long title of the bill. Some degree of latitude is given to permit wide-ranging debate on bills, but only if the contributions of members remain relevant to the long title of the bill.

02/12/2008 PDp. 12187 **Primrose**

Members should confine their comments to matters covered by the bill before the House. Members should not speak to other bills that are on the Notice Paper.

27/10/2009 PDp. 18682 **Fazio** (*Deputy President*)

Although, by tradition, debates in this House may be wide-ranging, because the bill before the Chair has in its title the words “education”, “school” and “attendance” does not mean that members are free to range over anything to do with education, school and attendance.

27/10/2009 PDp. 18696 **Primrose**

The contributions of members should remain relevant to the subject matter of the bill. However, during a second reading debate members are extended a fair degree of latitude so long as there is a nexus between what they are saying and the long title of the bill.

31/05/2011 PDp. 1455 **Harwin**

Wide latitude is always extended in debate on the second reading of a bill. However, members' comments should be generally within the objects of the bill. Members should avoid personal observations of other cases that may be outside the context of the bill.

14/03/2012 PDp. 9511 *Green (Deputy)*

Members should confine their remarks to the leave of the bill and not to other matters which might have some relevance to the passage of the bill being debated.

30/05/2012 PDp. 12237 *Gardiner (Deputy President)*

Members must confine their remarks to the bill, but they do not have to take a particular stance in relation to it.

15/08/2012 PDp. 13755 *Gardiner (Deputy)*

The anticipation rule does not come into play when one is referring to proposed amendments. However during a second reading debate it is not in order for members to make detailed comments about amendments to be moved in committee.

15/08/2012 PDp. 13715 *Harwin*

The inclusion of particular words in the title of a bill does not entitle a member to free ranging debate on any matter to do with those words.

13/11/2013 PDp. 25527 *Maclaren-Jones (Deputy)*

Wideranging debate is allowed on the second reading. As Opposition members foreshadowed their amendments during the debate the Minister is in order when replying to their comments.

26/11/2013 PDp. 26404 *Nile (Deputy)*

### **Second reading – amendment to**

An amendment to the second reading of the Succession to the Crown (Request) Bill 2013 to insert at the end:

2. That the House calls for Australia to become a republic.

Ruled out of order as it was not relevant to the motion before the House.

25/6/2013 PDp 21914 *Harwin*

**Short title**

Yesterday a notice of a motion was given for leave to introduce a private member's bill with the short title "Central Coast Water Catchments Protection (No ifs, no buts, a guarantee) Bill 2014". As stated at page 527 of the 24th edition of Erskine May: "The short title must describe the content of the bill in a straightforwardly factual manner. An argumentative title or slogan is not permitted". According to Standing Order 71(8) the notice has been amended by the Clerk and the short title appearing on the Notice Paper for today is the "Central Coast Water Catchments Protection Bill".

A notice of motion for a bill may not include words in the short title that are argumentative or sloganistic.

05/03/2014 PDp. 27017 *Harwin*

**Recommittal**

As the House has not determined that the bill be read a third time there still remains an opportunity to move that the motion for the third reading be amended.

15/03/1978 PDp. 13007 *McKay (Deputy President)*

**Third reading**

**SO 148**

The prime purpose of a third reading of a bill is to ensure a last opportunity to oppose the legislation. The debate upon the third reading of a bill should be confined to that question.

04/05/1989 PDp. 7452 *Johnson*

The prime purpose of a third reading of a bill is to ensure a last opportunity to oppose the legislation. The House should not be treated to a second reading debate speech on the third reading.

04/05/1989 PDp. 7451 *Willis (Deputy)*

Debate on the third reading of a bill should be confined to that question.

29/06/2001 PDp. 15934 *Burgmann*

04/07/2001 PDp. 16191 *Burgmann*

The primary purpose of the third reading of a bill is to give members a final opportunity to oppose it. Comments made should be confined to that question, and should not canvass amendments brought up at the committee stage.

04/07/2001 PDp. 16258 *Nile (Deputy)*

A member contributing to the third reading debate on a bill must state clearly why the bill should or should not be passed and refrain from referring to any other issue.

29/10/2003 PDp. 4304 *Griffin (Deputy)*

At the third reading stage of a bill a member has a last opportunity to state why the bill should not be read a third time. It is not an opportunity to give a speech where the member may have missed the call at the second reading stage.

18/11/2003 PDp. 5108 *Forsythe (Deputy)*

Debate on the motion for the third reading is limited to stating reasons for supporting or opposing the bill.

14/06/2011 PDp. 2172 *Harwin*

The third reading is not an opportunity to state why the bill should be opposed by going through the history of the matter.

16/10/2013 PDp. 24081 *Harwin*

Brief comments advising of a change of position can be made on the motion for the third reading but with limited latitude. The member should confine comments to why the position is now different as a result of the outcome of the committee stage of the bill.

13/11/2013 PDp. 25502 *Harwin*

The third reading is not an opportunity to give a second reading speech. It is the last opportunity for a member to state why they are voting for or against the bill.

27/11/2013 PDp. 26512 *Harwin*

I refer to the ruling of former President Johnson, who stated that the prime purpose of the third reading of a bill is to provide a last opportunity to oppose the legislation. The debate upon the third reading of a bill should be confined to that question.

26/03/2014 PDp. 27873 *Khan (Deputy)*

### **Urgent bills**

**SO 138**

According to sessional order, the question “that the bill be considered an urgent bill” is to be decided without debate, except for a statement not exceeding 10 minutes each by a Minister and the Leader of the Opposition, or a member nominated by the Leader of the Opposition, and a statement not exceeding five minutes each by two crossbench members. As the Leader of the Opposition has spoken, no other member of the Opposition can now speak.

24/11/2009 PDp. 19666 *Griffin (Deputy President)*

A Minister cannot declare a bill to be an urgent bill unless sufficient copies are available in the House.

23/08/2011 PDp. 4365 *Harwin*

**BUSINESS OF THE HOUSE**

**Presence of a Minister**

**SO 34**

A Minister should be within the precincts of the chamber to conduct the business of the House.

20/9/1983      *PDp. 854*                      *Johnson*

In the absence of a Minister or Parliamentary Secretary, according to precedent, the President must leave the Chair until the ringing of a long bell.

24/06/2009      *PDp. 16728*                      *Primrose*

**COMMITTEE OF THE WHOLE**

**Instructions to**

**SO 179**

An instruction to the Committee of the Whole authorising the introduction of amendments which are outside the subject matter of the bill should be cognate with the general purposes of the bill; it is for the House to decide whether an instruction should be carried and for the committee to decide whether it is prepared to accept any amendment.

*30/11/1988*

*PDp. 3917-8*

*Johnson*

## COMMITTEES

Any member is entitled to contribute to a motion to adopt a report on a citizen's right of reply.

26/6/2002      PDp. 3746      **Burgmann**

Members of a committee have no more right than any other member of the chamber to express a view on committee reports, and do not have precedence over other members in relation to receiving the call from the Chair.

23/10/2002      PDp. 5684      **Pezzutti (Deputy)**

## Anticipation

Members may not canvass the findings of a committee of the Parliament that has not yet reported to the House.

26/11/1992      PDp. 10059      **Gay (Deputy President)**

*May's Parliamentary Practice* clearly states that the reference of a matter to a select committee does not stop the House considering the same matter.

2/5/1996      PDp 708      **Willis**

It is in order to move a motion related to the constitution of a standing committee. However, members speaking to the motion may not canvass the substantive issues before the committee.

7/3/2001      PDp. 12282      **Burgmann**

It is not appropriate to debate committee proceedings and the substantive issues before a standing committee before the committee has reported. Issues which are on the public record and which have been stated outside the committee can be referred to.

7/3/2001      PDp. 12286      **Burgmann**

The actual deliberation of a committee cannot be canvassed in debate before the committee has reported to the House.

7/3/2001      PDp. 12301      **Burgmann**  
3/4/2001      PDp. 12993      **Johnson (Deputy)**

Members may not, even when taking points of order, refer to events—even if they are conversations—concerning a committee reference which has not been reported to the House.

26/9/2002      PDp. 5487      **Burgmann**

Although members may refer to matters that are in the public arena, they may not comment on proceedings that are presently before a committee of this House prior to that committee reporting on those matters. Furthermore it is out of order for a member to read from a transcript of evidence before the committee has reported.

22/09/2004      PDp. 11229      **Burgmann**

Members may refer to the publicly available evidence before a committee, but may not draw conclusions prior to the committee reporting.

22/09/2004 PDp. 11248 *Forsythe (Deputy)*

Members may not discuss the direction in which a committee may or may not report. Nor may they refer to evidence taken before a committee that was not taken in public.

24/05/2005 PDp. 15910 *Burgmann*

The rule of anticipation does not apply to an item on the business paper outside the order of precedence. Nor does it apply to an item on the agenda for a committee meeting that has not yet taken place.

06/05/2004 PDp. 8566 *Fazio (Deputy President)*

Under the rule of anticipation a Minister must not debate a subject that is likely to be brought before the House in the foreseeable future. Given that the [committee] report is not going to be discussed in this Parliament in the foreseeable future, the Minister is not contravening the rule of anticipation.

23/11/2006 PDp. 4709 *Burgmann*

#### **Disclosure of evidence before committees**

**SO 224**

Evidence taken by a select committee which has not been reported to the House is privileged and should not be disclosed. However, information that came into the possession of a member prior to it being the property of the committee may be disclosed.

20/10/1988 PDp. 2677 *Johnson*

Where a select committee has authorised the publication of evidence, there is no reason why Members should not be allowed to refer to that evidence in debate.

20/10/1988 PDp. 2677 *Johnson*

Documents before a committee cannot be disclosed except by order of the committee.

7/3/2001 PDp. 12299 *Pezzutti (Deputy)*

Members should not refer to unpublished evidence adduced before a committee until the committee report is tabled.

7/3/2001 PDp. 12300 *Pezzutti (Deputy)*

Unless there is overwhelming evidence to the contrary, the Chair is obliged to accept the advice of the member that they are not reading on to the record in-camera evidence of a committee not reported to the House. However, members should exercise restraint where there is a likelihood that their speech could interfere with the workings of a committee appointed by this House.

8/05/2008 PDp. 7187, 7209 *Primrose*

## DEBATE – RULES OF

### General

It is a convention of this House that members refrain from using acronyms.

25/05/2006 PDp. 375 *Burgmann*

It is a matter of common courtesy that if a mispronunciation is pointed out to a member he or she corrects it so that no offence is taken.

14/03/2013 PDp. 18623 *Harwin*

Debate must be conducted in English

22/10/2014 PDp. 1609 *Harwin*

### Conduct of member speaking

SO 85

Members should address the Chair and not engage in a protracted debate across the chamber.

16/9/1980 PDp. 930 *Johnson*

Members must address their remarks through the Chair.

*Numerous rulings including –*

30/05/2007	PDp. 430	<i>Primrose</i>
26/11/2009	PDp. 20010	<i>Griffin (Deputy President)</i>
17/03/2010	PDp. 21512	<i>Fazio</i>
15/06/2011	PDp. 2303	<i>Harwin</i>
07/05/2013	PDp. 20008	<i>Harwin</i>
16/10/2014	PDp. 1250	<i>Khan (Deputy)</i>
06/05/2015	PDp. 136	<i>Khan (Deputy)</i>
13/05/2015	PDp. 498	<i>Green (Deputy)</i>
02/06/2015	PDp. 1126	<i>Maclaren-Jones (Deputy)</i>
04/06/2015	PDp. 1445	<i>Maclaren-Jones (Deputy)</i>
25/06/2015	PDp. 1862	<i>Maclaren-Jones (Deputy)</i>
15/09/2015	PDp. 3582	<i>Green (Deputy)</i>
21/10/2015	PDp. 4742	<i>Green (Deputy)</i>
29/10/2015	PDp. 5304	<i>Harwin</i>

Members must address their remarks through the Chair and not conduct interrogatories with other members.

*Numerous rulings including –*

27/11/1997	PDp. 2869	<i>Willis</i>
27/05/2003	PDp. 1144	<i>Fazio (Deputy President)</i>
02/06/2004	PDp. 9316	<i>Fazio (Deputy President)</i>
23/02/2005	PDp. 14041	<i>Forsythe (Deputy)</i>
01/12/2005	PDp. 20480	<i>Fazio (Deputy President)</i>
30/03/2006	PDp. 21792	<i>Forsythe (Deputy)</i>

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**Selected President's Rulings: August 1975 to November 2017**

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Members must address their remarks through the Chair as it discourages the other side from interjecting.

17/03/2016      PDp. 8                      ***Khan*** (*Deputy*)

Members speaking should not address remarks to persons in the gallery who have no right of reply. Members should address their remarks to the Chair.

31/3/1993      PDp. 1005                      ***Willis***  
13/05/2004      PDp. 8965                      ***Burgmann***  
03/12/2009      PDp. 20540                      ***Fazio***

Members should not converse across the table but should address the Chair when speaking.

14/09/1993      PDp. 3060                      ***Willis***  
30/05/2007      PDp. 409                        ***Primrose***  
10/09/2009      PDp. 17678                      ***C. Robertson*** (*Deputy*)  
11/11/2010      PDp. 27658                      ***Fazio***

Members with the call who are uncomfortable with other members addressing remarks at them directly rather than through the Chair should ignore the remarks and look at the Chair while making their speeches rather than at members sitting opposite them. I note, however, that some members with the call prefer to speak directly to those sitting opposite them in the chamber.

06/04/2005      PDp. 15046                      ***Griffin*** (*Deputy*)

Members must not address members across the Chamber while the Chair is attempting to rule on a point of order.

28/10/2010      PDp. 27065                      ***Fazio***  
11/11/2010      PDp. 27645                      ***Fazio***

Members should treat one another civilly and with respect even when they are addressing a point of view put by another member with which they do not agree.

10/11/2010      PDp. 27469                      ***Griffin*** (*Deputy President*)

Members should show respect to the member with the call by listening to their contribution in silence.

11/11/2010      PDp. 27684                      ***Griffin*** (*Deputy President*)

Members must not direct comments to one another across the floor of the House.

27/09/2006      PDp. 2313                        ***Nile*** (*Deputy*)

A member must be on the floor of the Chamber to be entitled to make an objection.

21/11/2006      PDp. 4413                        ***Donnelly*** (*Deputy*)

There is no standing order that prohibits sarcasm.

29/05/2007      PDp. 304                         ***Primrose***

Members are not required to physically look at the Chair while making a speech. However, they must address their comments to the Chair and not directly to another member. Members may make a general address to the Chamber provided that they do not engage in a private conversation or discussion with another member.

30/10/2008 PDp. 10900 *Primrose*

The prime privilege of members is to be heard. All members must respect the right of members to exercise that privilege. Members should temper their emotions and respect the rights of other members when the House is dealing with emotional issues.

12/11/2009 PDp. 19482 *Primrose*

Members must direct their comments through the Chair. However, that does not mean that the member must look at the Chair.

09/08/2011 PDp. 3907 *Harwin*  
15/08/2012 PDp. 13734 *Harwin*

The rule that members must direct their remarks through the Chair was adopted for good reason, to depersonalise debate in the Chamber to ensure that members concentrate on playing the issue rather than the person.

24/08/2011 PDp. 4527 *Harwin*

As former President Primrose ruled, in the course of debate when members canvass the opinions and conduct of their opponents, they must expect criticism. However, Parliament is a place where orderly debate should be conducted with some degree of civility. Personal abuse is unacceptable.

08/05/2013 PDp. 20115 *Harwin*

There are no previous President's rulings in this Parliament or the Senate relating to the correction of mispronunciation, or the imitation of a member's accent. This subject has received attention in the House of Representatives where it has been ruled disorderly to imitate the voice or manner of a member, or to make remarks in relation to a member's stature or physical attributes. I am reluctant to unduly stifle the robustness of debate in the House. However, the robustness of that debate should be about contested ideas, policies and public administration, not about the personal attributes of members.

4/04/2017 PDp. 2 *Ajaka*

### **Debate on motion to discharge an order of the day**

As the standing orders do not prohibit debate on the motion to discharge an order of the day from the Notice Paper, and as this is a House of review, members should be able to debate such a motion.

02/09/2009 PDp. 17064 *Primrose*

### Debate on motion to suspend standing and sessional orders

On a motion to suspend standing orders, members must confine their remarks to debating whether standing and sessional orders should be suspended, and not debate the substantive motion.

*Numerous rulings including –*

29/10/2003	PDp. 4267	<b>Burgmann</b>
05/04/2006	PDp. 22038	<b>Burgmann</b>
21/10/2009	PDp. 18349	<b>Primrose</b>
22/06/2010	PDp. 24400	<b>Fazio</b>
02/06/2011	PDp. 3735	<b>Harwin</b>
10/09/2014	PDp. 121	<b>Harwin</b>

Members must abide by the standing orders and confine their remarks to establishing urgency.

*Numerous rulings including –*

31/08/2006	PDp. 1213	<b>Burgmann</b>
22/06/2010	PDp. 24399, 401	<b>Fazio</b>
15/09/2011	PDp. 5751	<b>Harwin</b>
15/02/2012	PDp. 8157	<b>Harwin</b>
27/03/2013	PDp. 19440	<b>Harwin</b>
11/09/2014	PDp. 324	<b>Khan (Deputy)</b>

Unless an amendment relates to the timing of the motion to give urgency to a matter, it should not be referred to in the debate on urgency. Remarks must be confined to urgency.

31/08/2006	PDp. 1213	<b>Burgmann</b>
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The case for urgency is not made by a member repeating the words, “This matter is urgent because” and then speaking on the substantive motion.

05/06/2007	PDp. 686/7	<b>Primrose</b>
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Arguing the importance of the matter is not the same as arguing its urgency.

25/03/2009	PDp. 13691	<b>Primrose</b>
22/11/2017	PDp. 8	<b>Ajaka</b>

When making a case for suspending standing and sessional orders, members should not address the substantive issues of the matter any more than is necessary to justify the suspension of standing and sessional orders.

28/11/2007	PDp. 4471	<b>Primrose</b>
13/05/2009	PDp. 15087	<b>Primrose</b>
28/10/2009	PDp. 18822	<b>Primrose</b>

Arguing the importance of the matter is not the same as arguing its urgency.

25/03/2009	PDp. 13691	<b>Primrose</b>
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**Selected President's Rulings: August 1975 to November 2017**

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The ruling of President Willis on 15 September 1993 relating to the latitude of debate when establishing urgency of a matter of public interest is not relevant to the latitude of debate on the suspension of standing orders. (*See 'Matter of Public Importance' for Willis ruling.*)

25/03/2009      PDp. 13692                      ***Primrose***

The only comments that are in order are those that relate to why one item of business should proceed and other items should consequently be delayed. Members must confine their remarks to why their item is more urgent than other items on the Notice Paper.

*Numerous rulings including –*

24/06/2009      PDp. 16649                      ***Primrose***

11/03/2010      PDp. 21273                      ***Fazio***

24/06/2010      PDp. 24728                      ***Griffin*** (*Deputy President*)

When speaking on the motion for the suspension of standing orders, members should speak only about the urgency of the matter, not about the motives of the member in moving the motion.

21/10/2010      PDp. 26533                      ***Fazio***

12/08/2011      PDp. 4320                        ***Harwin***

06/09/2012      PDp. 14713                      ***Maclaren-Jones*** (*Deputy*)

When speaking for the suspension of standing orders, members should address why an item of business is more important than any other item on the Notice Paper

18/10/2009      PDp. 18821                      ***Primrose***

12/11/2009      PDp. 19472                      ***Primrose***

13/05/2010      PDp. 22629                      ***Fazio***

Members should direct their remarks to the matter of urgency. However, in doing so, they are not precluded from speaking about parts of the motion.

23/06/2010      PDp. 24557                      ***Fazio***

01/09/2010      PDp. 24942                      ***Fazio***

When speaking on a motion to suspend standing orders, members' comments should be directed to establishing the priority of the matter.

15/09/2011      PDp. 5750                        ***Harwin***

When speaking to the motion for the suspension of standing orders members may only discuss whether standing and sessional orders should be suspended and whether the matter is more urgent than other business on the Notice Paper.

21/11/2012      PDp. 17143                      ***Harwin***

09/05/2013      PDp. 20297                      ***Harwin***

30/05/2013      PDp. 21275                      ***Harwin***

6/11/2014        PDp. 2226                        ***Harwin***

Adding the word 'urgent' does not mean that a member is confining their comments to the question of urgency.

27/03/2014 PDp. 27998 *Khan (Deputy)*

### **Dilatory motions**

Members must make it clear to the House when the motion they are moving is a dilatory motion. The motion of the member "That this debate be now adjourned" is out of order as the member did not make his intentions clear.

25/02/2010 PDp. 20921 *Fazio*

### **Explanations of speeches**

**SO 89**

Under standing order 71 [now SO 89] members may rise to speak a second time in debate to make an explanation in reply to some material point on which they have been misquoted or misunderstood.

24/11/2000 PDp. 10826 *Burgmann*

28/6/2001 PDp. 15633 *Burgmann*

### **Latitude of debate**

**SO 92**

It is permissible to complain that certain matters have not been dealt with in a bill but not to go to considerable length and build up a case to support that contention.

10/03/1977 PDp. 5041 *Budd*

It is reasonable to give reasons why a select committee should not be revived, but not to the point of giving a full-length speech, covering all the pros and cons of the matter at issue.

18/08/1977 PDp. 7379 *Budd*

### **Latitude of debate – address in reply**

**SO 92**

Although the practice has been to permit the address in reply debate to be wide ranging, members remarks should be relevant to something in the Governor's speech.

20/9/1983 PDp. 852 *Johnson*

23/8/1989 PDp. 256 *Solomons (Deputy President)*

In the address in reply debate, members are entitled to great latitude in their contributions. Members should keep within the ambit of the Governor's speech and draw on matters outside that ambit only to support their contributions.

1/3/1990 PDp. 546 *Johnson*

14/3/1991 PDp. 957 *Johnson*

### **Latitude of debate – budget debate**

It is standard practice for members speaking to the budget debate to be allowed wide latitude.

2/11/1983      PDp. 2214      *Johnson*  
14/11/1989      PDp. 12194      *Johnson*  
20/5/1997      PDp. 8802      *Gay (Deputy President)*

Traditionally, there has been a free ranging debate on the budget. The practice has been that when a member is speaking to the budget he will to some degree direct his remarks to the papers.

21/10/1987      PDp. 14832      *Healey (Deputy President)*

### **Manner of delivery**

It is against the philosophy of the chamber for members to make a speed-reading contribution and say as much as possible in the time available on the adjournment debate, merely to have it published in Hansard. When appropriate the Chair will interrupt those members and suggest that they slow down their delivery.

12/10/1993      PDp. 3590      *Gay (Deputy President)*

The purpose of members addressing the House is fundamentally to inform members of the House and not to have matters recorded in Hansard. It is therefore important that members deliver their speeches with appropriate volume, speed and clarity so that other members are readily able to understand.

16/11/1993      PDp. 5376      *Willis*

An adjournment debate enables members to put issues to the House, but not in a manner that other members cannot understand. Members are requested to speak slowly so that Hansard and other members can understand.

21/9/1994      PDp. 3435      *Gay (Deputy President)*  
27/02/2008      PDp. 5510, 11      *Primrose*

Debate must be conducted in the English language.

5/12/1994      PDp. 6379      *Willis*

Members should read at a speed that enables other members to understand what is being said.

1/4/1998      PDp. 3544      *Gay (Deputy President)*  
01/07/2003      PDp. 2434      *Fazio (Deputy President)*

Members should address their comments to the Chair, use the microphone when given the call and not mumble.

06/09/2006      PDp. 1456      *Fazio (Acting President)*

Members should speak loudly enough for Hansard to hear them.

02/06/2011 PDp. 1935 *Nile* (Assistant President)

### Quotations / Reading extracts

SO 91

It is not in order to quote from a *Hansard* report of speeches made in another place in this session. According to Erskine May's *Parliamentary Practice* (p 414 18<sup>th</sup> ed.) this rule prevents fruitless arguments between members of two distinct bodies who are unable to reply to each other, and guards against recrimination and offensive language in the absence of the party assailed: but it is mainly founded upon the understanding that the debates of the other House are not known, and that the House can take no notice of them. If members were to read whole speeches made by members in another place it could not fail to have a stultifying effect on the status and character of the House as a completely independent body.

29/09/1976 PDp. 1144 *Budd*

30/09/1976 PDp. 1246, 1247 *Budd*

It is in order to refer to what a member said in debate on a previous occasion.

15/03/1978 PDp. 13034 *Manyweathers* (Acting)

02/06/2011 PDp. 1878 *Gardiner* (Deputy President)

Members may refer to debates of the previous Session.

5/12/1978 PDp. 1242 *Johnson*

Members should supply the official name from a document from which they are quoting.

26/3/1980 PDp. 5924 *Johnson*

Members are not required to give the authorship and page number of a book from which they are quoting.

26/5/1988 PDp. 642 *Johnson*

Nothing in the standing orders says members must quote everything in the document from which they are quoting.

9/11/1988 PDp. 2918 *Johnson*

While reasonable quotation is perfectly proper in order to emphasise a member's argument, Members should generally curtail quotations as far as possible. Members should also clearly state when they are quoting and when they are not.

13/6/1990 PDp. 5530 *Willis* (Deputy)

The House is more interested in the arguments of members than in those of other people. Where documents are a part of the public record, it is suggested that members would best serve the purpose of the House by giving a synopsis of these documents, rather than delivering lengthy quotations.

13/6/1990 PDp. 5533 *Willis* (Deputy)

It is a waste of Parliamentary funds that members should quote extensively from material which is readily available in the Parliamentary Library.

10/8/1989 PDp. 9675 *Johnson*

There is no point of order involved in failing to reveal the nature of a document from which a member seeks to quote.

27/2/1990 PDp. 176 *Johnson*

Members should not attempt to read onto the record comprehensive lists, but instead give a precis of a number of examples.

23/10/1991 PDp. 3075 *Gay (Deputy President)*

For the purpose of Hansard, members should source the document from which they are quoting and identify the beginning and end of quotations.

24/3/1992 PDp. 1715 *Willis*

25/3/1992 PDp. 1821 *Willis*

22/9/1992 PDp. 6103 *Willis*

If a document is a public document and is readily accessible it should be referred to and simply paraphrased or certain sections of it quoted which are pertinent to the debate. Alternatively, a member may seek leave to have it incorporated in Hansard. That question is then determined on another basis. Protracted reading from a document is not appropriate.

17/11/1993 PDp. 5506 *Willis*

Quotes from an extract should be relevant to the subject matter of the Bill. Members should quote extracts and not read the entire contents.

17/11/1993 PDp. 5539 *Willis*

It is the practice and precedent of this House that members when quoting from a document should identify the document, precis its contents and quote selectively and briefly.

18/6/1996 PDp. 3013 *Willis*

Reading from a document that is readily available is contrary to the Standing Orders.

18/6/1996 PDp. 2990 *Johnson (Deputy)*

It is proper for members to read onto the record letters or quotations. If they are lengthy and it takes a member more than 30 seconds to read, members should simply refer to the source and essence of the documents, and then seek leave to incorporate them in Hansard.

28/5/1997 PDp. 9356 *Willis*

Members may cite newspapers in support of their argument.

22/11/1977 PDp. 9945 *Budd*

23/11/1977 PDp. 10099 *Budd*

30/6/1999 PDp. 41 *Burgmann*

It is difficult to fully comprehend the minutes of a meeting of a committee on which many members of this chamber do not serve. If the member wishes to refer to a document that she states has been made public through the committee process, it is a matter for the honourable member to vouch whether that is correct. If the honourable member wishes to use that document on the basis that it has been made public, that is a matter for the honourable member.

09/12/2004 PDp. 13687 *Griffin (Deputy President)*

Members should quote selectively from documents and not read large extracts.

15/11/2005 PDp. 19628 *Fazio (Deputy President)*

While standing order 91(4) provides that a member may read reasonable extracts from books, newspapers, publications or documents, members should not read lengthy extracts.

18/10/2006 PDp. 2783 *C. Robertson (Deputy)*

15/11/2006 PDp. 3939 *Sharpe (Deputy)*

15/11/2006 PDp. 3952 *C. Robertson (Deputy)*

Members should not attempt to read onto the record comprehensive lists but instead should give a précis of a number of examples. The member should make a statement about the comments of views of the individuals or organizations she is referring to, and the number of individuals or organizations, rather than simply listing them.

02/06/2011 PDp. 1769 *Gardiner (Deputy President)*

It is the practice and precedent of the House that when quoting from a document members should identify the document, précis its contents and quote selectively and briefly from that document.

02/06/2011 PDp. 1898 *Harwin*

If a document is a public document and readily available it should be referred to and paraphrased, or certain sections of it quoted which are pertinent to the debate.

02/06/2011 PDp. 1862 *Harwin*

It is not out of order for members to quote from Hansard of the other place. Reasonable quotations are permissible, however members should identify the document, précis its contents and quote selectively and briefly.

02/06/2011 PDp. 1905 *Harwin*

Members may make limited reference to extracts of books to emphasise their argument.

12/10/2011 PDp. 5991 *Harwin*

Standing order 91 states that a member may read reasonable extracts from books, newspapers, publications or documents. Be they boring repetition or not, members are entitled to read from such material.

12/10/2011 PDp. 6017 *Green (Deputy)*

Members are permitted to read from newspapers during their contributions to the House, however members are not permitted to use newspapers as props.

08/05/2012 PDp. 11183 *Harwin*

### Reading speeches

SO 91

Although the reading of speeches is contrary to the practice of the House, nothing in the standing orders prevents a member from quoting from copious notes.

12/11/1975 PDp. 2520 *Budd*  
11/01/1978 PDp. 10983 *Budd*  
26/3/1981 PDp. 5256 *Johnson*

The rules of the House quite clearly provide that a member is not entitled to read a speech but a member is entitled to quote from a document, book, article, provided that document is noted and that quotes are acknowledged.

27/2/1990 PDp. 163 *Solomons (Deputy President)*

Members should not read their speeches and should not read lengthy extracts from books. However members may refer to copious notes.

02/04/2009 PDp. 14370 *Primrose*

### Reference to the Assembly

Members cannot discuss what was done in another place, nor can they question why something was done and cast reflection upon it.

10/03/1977 PDp. 5040 *Budd*

The House takes no carriage of what happens in the other place.

13/4/2000 PDp. 4667 *Johnson (Deputy)*

### Reference to the Clerks

It is not in order for members to refer to advice tendered by the Clerks.

9/11/1988 PDp. 2940 *Johnson*

A member who uses written advice from the Clerk in a speech in the chamber is making that advice the member's own statement; it is not to be taken as a statement of the Clerk on the bill.

27/10/1994 PDp. 4782 *Gay (Deputy President)*

Members should refrain from referring to advice given to them by the Clerk, as such advice is given in confidence.

17/03/2004 PDp. 7382 *Nile (Deputy)*

## Repetition

SO 94

Standing order 85 [now 94] is directed to tedious repetition in debate and does not relate to questions asked in the House of Ministers of the Crown.

11/11/1980 PDp. 2506 *Johnson*

A member is not entitled to present a speech which is identical to one delivered earlier by another member.

22/09/2004 PDp. 11255 *Forsythe (Deputy)*

The Chair is reluctant to declare the contribution of any member boring, tedious or repetitious unless it is absolutely necessary to do so. However, members must ensure that their remarks do not simply reiterate the same points.

19/06/2008 PDp. 8819 *Primrose*

Members should make debating points and not simply reiterate comments made earlier in their speech.

01/06/2011 PDp. 1630 *Nile (Assistant)*

## Reply

SO 90

Once a Minister is called on to reply, he cannot then yield to give the opportunity to another member to address the House.

22/11/1983 PDp. 3042 *Johnson*  
1/12/1994 PDp. 6071 *Willis*

There is no right of reply on a procedural motion (for Assembly's Message to be considered in Committee of the Whole forthwith), but a member may speak to the amendment.

23/11/1995 PDp. 3887 *Willis*

Under the standing orders, a member cannot speak in reply to debate on a motion moved by another member unless that member seeks leave to do so.

1/3/2001 PDp. 12159 *Kelly (Deputy President)*

## Right to speak

A member who has been excluded from the House under standing order 192 is not able to continue speaking after the period of exclusion has expired. The termination of a member's speech is a consequence of the activation of standing order 192. If the member wishes to make an additional contribution to the debate after the period of exclusion has expired, the member may only do so with the leave of the House.

08/05/2013 PDp. 20115 *Harwin*

**Speaking in reply**

**SO 90**

When speaking in reply members should relate their remarks as far as possible to the debate that has already taken place.

25/3/1980	PDp. 5755	<b>Johnson</b>
2/8/1989	PDp. 8952	<b>Solomons</b> (Deputy President)
22/5/1990	PDp. 4058	<b>Johnson</b>

It is highly improper for a member to introduce new matter in reply.

17/9/1980	PDp. 1067	<b>Johnson</b>
22/5/1990	PDp. 4056	<b>Johnson</b>
10/05/2006	PDp. 22866	<b>Gardiner</b> (Deputy)

When speaking in reply, a member is entitled to reply to assertions that have been made by other members during debate.

25/3/1981	PDp. 5137	<b>Johnson</b>
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In reply, a member may speak on any matter relevant to the question before the Chair, whether or not the member or any other member previously referred to that matter.

21/3/2002	PDp. 933	<b>Kelly</b> (Deputy President)
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When speaking in reply, the Minister is in order in responding to comments made during the debate.

24/06/2003	PDp. 1873	<b>Burke</b> (Deputy)
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It is highly irregular for the mover of a motion to seek leave to amend a motion when speaking in reply. Such an amendment is inadmissible.

17/11/2005	PDp. 19934	<b>Fazio</b> (Deputy President)
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As the contributions of members to second reading debates may be wide ranging, equally any reply to those contributions may also be wide ranging.

24/06/2009	PDp. 16691	<b>Primrose</b>
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Traditionally, wide-ranging debate is encouraged in this place thus enabling members to speak as broadly as possible. However, members speaking in reply should endeavour to speak only to matters that have been raised in the debate by other members. President Johnson ruled that when speaking in reply a member is entitled to reply to assertions that have been made by other members during debate. He ruled also that when speaking in reply, members should relate their remarks as far as possible to the debate that has already taken place. Members should not introduce new material when speaking in reply but may reply to assertions made by members in their contributions, whether implied or specific.

10/09/2009 PDp. 17686 *Primrose*

### Seeking the call

SO 85

Members wishing to contribute to the debate must rise to their feet and address the Chair.

1979 PDp. 2875/6 *Johnson*

When seeking the call, members should rise to their feet and address the Chair. Only when a member receives the call should they proceed to address the Chair and the House generally.

*Numerous rulings including –*

6/4/1982	PDp. 3449	<i>Johnson</i>
21/09/1982	PDp. 902	<i>Johnson</i>
22/11/1983	PDp. 3042	<i>Johnson</i>
31/5/1988	PDp. 743	<i>Johnson</i>
24/5/1989	PDp. 8393	<i>Johnson</i>
24/06/2003	PDp. 1904	<i>Forsythe (Deputy)</i>

To avoid inconvenience, members who wish to address the Chair should rise and call “Mr President”, “Mr Deputy President”, or “Mr Chairman of Committees”, as is appropriate. The onus is upon the member who wants to speak to attract the attention of the Chair.

1/12/1981 PDp. 1102 *Johnson*

If members wish to join the debate, they should seek the call and contribute from the table and not from their seats.

20/3/2002 PDp. 760 *Saffin (Deputy)*

Standing orders state clearly that members must rise and seek the call.

*Numerous rulings including –*

18/9/2003	PDp. 3544	<i>Burgmann</i>
09/05/2006	PDp. 22693	<i>Burgmann</i>
25/05/2006	PDp. 372	<i>Burgmann</i>
21/06/2007	PDp. 1459	<i>Primrose</i>
25/03/2014	PDp. 27717	<i>Maclaren-Jones (Deputy)</i>

When members seek the call they should stand in their place and call out something akin to the words "Mr President". A member will then be given the call and can either speak from where he or she is standing or, preferably, come forward and address the House from the table.

06/06/2007 PDp. 801 *Primrose*  
10/04/2008 PDp. 6797 *Primrose*  
24/06/2009 PDp. 16615 *Primrose*

Members should seek the call by rising in their place and asking for it rather than standing and remaining silent.

04/05/2011 PDp. 72 *Harwin*

Members should seek the call by saying "Mr President". The President may then infer that they are seeking the call and not just stretching their legs.

30/05/2011 PDp. 1353 *Harwin*

### Speaking from the table

SO 85

It is not incumbent upon a member to speak from the table. Members may speak from any position in the chamber they desire.

24/5/1989 PDp. 8397 *Johnson*

### Speaking more than once

SO 87

Members may not speak a second time in debate on the same motion.

20/09/1977 PDp. 7993 *Budd*

No member may speak more than once to a question before the House.

29/10/1986 PDp. 5611 *Johnson*

A member who has already spoken in debate may not speak again except by leave.

20/11/1997 PDp. 2183 *Willis*  
25/11/1997 PDp 2367 *Willis*

A member may speak a second time if the remarks are strictly confined to matters upon which the member feels they have been misunderstood. The member may not introduce new matter.

02/06/2011 PDp. 1735-36 *Harwin*

### Speaking to an amendment

Pursuant to the standing orders of the House, a member may not speak twice on a matter before the House. However, where new material has been introduced by way of amendment, members who have already spoken may speak again to that matter, provided they limit their speeches to the material introduced after they have first spoken.

17/11/1988 PDp. 3599 *Solomons (Deputy President)*

Members who have already spoken to a motion do not require leave to speak a second time in debate in order to speak to an amendment to the motion, but must confine their remarks to the content of the amendment.

10/05/2012      PDp. 11468      *Maclaren-Jones (Deputy)*

When a member moves an amendment to a motion, members who have previously spoken in the debate are able to speak again to the amendment only. However, members who have not yet contributed to the debate will not be able to speak twice – they must address the amendment in their contributions.

31/05/2012      PDp. 12375      *Harwin*

When speaking a second time to an amendment, members must ensure that they speak only to amendments moved after their contribution to the substantive motion.

31/05/2012      PDp. 12385      *Harwin*

**DIVISIONS**

**SO 112**

Where only one voice calls for the noes, no division is required.

17/10/1990 PDp. 8583 *Johnson*

A member outside the Chamber cannot participate in a vote. The only voice calling for a division was that of a member who was not in the Chamber, and is therefore not in order.

23/11/2010 PDp. 27844 *Fazio*

**Ringing of bells**

**SO 114**

The usual arrangement is that if the two Whips of the major parties have indicated that the total complement of their members is present, the Chair calls for the doors to be locked. This practice does not take account of the presence in the House of Independents and minor party members. If those members are not present in the House, and the Chair has had no indication that they will not attend, it is incumbent upon the Chair to have the bells rung for the full period of time allocated under the sessional order.

9/4/1984 PDp. 5431 *Johnson*

**Ringing of bells for one minute only**

**SO 114(4)**

There is no provision in the standing orders to withdraw leave given under SO 114(4) for bells to be rung for one minute only.

28/11/2007 PDp. 4524 *Fazio (Deputy President)*

**Voting in division**

**SO 113**

A member may speak against a motion and then vote for the motion. Standing Order 125 [now SO 113] only prevents a member voicing with the ayes or noes and then voting the reverse in division.

2/3/1989 PDp. 5568 *Johnson*

Members must vote in division in accordance with their vote by voice. However, members who have called for a division do not have to remain in the Chamber to vote in the division.

02/03/2006 PDp. 20944 *Burgmann*

The requirement for members to be seated when a division is called takes effect when the Chair gives the call as to what side of the Chamber the ayes will pass and what side of the Chamber the noes will pass. Until that moment members are permitted to take their seats.

22/11/2017 PDp. 74 *Ajaka*

**FORMAL BUSINESS**

**SO 44**

When objection is taken to a motion proceeding as formal business under standing order 57 [now SO 44], the matter may not proceed at that time.

25/5/1988      *PDp. 439*                      *Johnson*

An item of business to which objection was taken to the matter proceeding as a formal motion is not, for the purposes of Standing Order 65 (3)(a), a matter that has been debated “within the current session”.

08/05/2008      *PDp. 7206*                      *Primrose*

Leave granted for a motion to be moved under standing order 44 cannot be withdrawn. When objection is taken, it is not to the substance of the motion, but to whether the matter can proceed as formal business. If no objection is taken, and the motion moved, it is within the rights of members to vote against the motion.

08/05/2013      *PDp. 20096*                      *Harwin*

Members have a right to note an objection, but not to give a reason for their objection.

21/11/2017      *PDp. 13*                              *Ajaka*

## HANSARD

### Alterations to

Although the elimination of obvious errors and inaccuracies from the Hansard report of their speeches is permissible, members should not make corrections so as to alter the sense or meaning of what was in fact said in debate, nor may they introduce new matter.

28/2/1990      PDp. 343/4      *Johnson*

### Incorporation of material

In past years various types of material have been included in Hansard by leave of the House. In addition to the incorporation of statistical data and extracts from published works, there have been occasions when a map, a graph or photographs have been reproduced in the bound volumes of Debates. The incorporation of material in Hansard is a matter that must concern all members. It is a practice that has direct bearing on the flow and quality of debate in the chamber, and the House should always be alert to see that the courtesy extended to members in this regard is not abused.

15/8/1979      PDp. 150/1      *Johnson*  
24/8/1983      PDp. 403      *Healy (Deputy President)*

It is not within the province of the Chair to determine what shall or shall not be incorporated in Hansard; it is within the province of the House to grant leave for the incorporation of material. Provided that there are no technical problems that would prevent the Government Printer including the material in Hansard, it is quite in order for a member to seek the permission of the House to incorporate it.

22/8/1979      PDp. 444      *Johnson*

Members wishing to have documents incorporated in Hansard should make copies available prior to seeking leave to incorporate, so that the likelihood of leave being granted is increased.

19/9/1979      PDp. 956      *Johnson*

A member may not give reasons when objecting to the incorporation of material in Hansard.

27/11/1979      PDp. 3869      *Johnson*

It is within the prerogative of a member to read an entire document if leave has been denied for its incorporation in Hansard.

16/9/1980      PDp. 939      *Johnson*  
25/11/1980      PDp. 3368      *Johnson*

The resources of the State should not be used to reprint a document which is readily available to members.

18/2/1982      PDp. 2157      *Johnson*  
7/04/1982      PDp. 3581      *Johnson*

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Selected President's Rulings: August 1975 to December 2014

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24/08/1982	PDp. 342	<i>Healey</i> (Deputy President)
23/11/1982	PDp. 2704	<i>Johnson</i>
30/03/1983	PDp. 5417	<i>Johnson</i>
05/03/1984	PDp. 4087	<i>Johnson</i>
17/11/1993	PDp. 5512	<i>Gay</i> (Deputy President)

Incorporation of material in Hansard is generally undesirable unless it serves to assist the understanding of material that is used in debate such as graphs and tables that are difficult to comprehend unless they are in visual form. Hansard should be kept as near as possible to a true record.

30/03/1983      PDp. 5369      *Johnson*

If documents are available in the parliamentary library or from other sources, it is preferable for the source to be identified in the member's report rather than have the document incorporated. However, it is a matter for the House to decide.

15/06/1988      PDp. 2003/4      *Johnson*  
14/04/1989      PDp. 6374      *Solomons* (Deputy President)

It is not appropriate for members to incorporate documents in Hansard if they are publicly available.

19/6/1997      PDp. 10715      *Willis*

There are no rules regarding requests for material to be incorporated in Hansard. However members should consider whether they want to grant leave for material to be incorporated in Hansard that they have not seen.

09/05/2013      PDp. 20309      *Mitchell* (Deputy)

## INTERJECTIONS

SO 95

Members are entitled to be heard in silence.

*Numerous rulings including –*

05/11/1975	PDp. 2258	<b>Manyweathers</b> ( <i>Acting President</i> )
03/04/1979	PDp. 3476	<b>Johnson</b>
29/10/1980	PDp. 2271	<b>Johnson</b>

Members should refrain from excessive interjecting.

*Numerous rulings including –*

17/03/1976	PDp. 4345	<b>Budd</b>
31/03/1977	PDp. 6144	<b>Budd</b>
11/01/1978	PDp. 11048	<b>Budd</b>
09/03/1978	PDp. 12753	<b>McKay</b> ( <i>Deputy President</i> )

Members who wish to contribute to debate should, instead of interjecting, consult the Whip and have their name added to the list of speakers.

19/09/1979	PDp. 951	<b>Johnson</b>
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It is not in the interest of members to interject; neither is it in the interest of the member speaking to encourage such interjection.

30/10/1979	PDp. 2373	<b>Johnson</b>
23/11/2017	PDp. 15	<b>Ajaka</b>

Interjections are disorderly at all times.

*Numerous rulings including—*

25/3/1980	PDp. 5749	<b>Johnson</b>
18/6/1996	PDp. 3014	<b>Willis</b>
19/6/1997	PDp. 10356	<b>Sham-Ho</b> ( <i>Deputy</i> )
25/11/2009	PDp. 19813, 19819	<b>Fazio</b>

Members should be aware of the high standards that have been set over many years in the House. Those standards will be lowered if members continue to conduct themselves in a disorderly fashion. Members are to contain themselves while another member has the call.

26/8/1981	PDp. 566	<b>Johnson</b>
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Members may not enter into the debate from outside the chamber.

5/3/1992	PDp. 481	<b>Gay</b> ( <i>Acting President</i> )
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Under standing order 93 [now SO 84] no interjections are permitted. However, the Chair may exercise discretion and allow interjection provided it does not interfere with the contribution of the member with the call.

29/4/1993	PDp. 1789	<b>Gay</b> ( <i>Deputy President</i> )
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It is contrary to the standing orders for members to interject whilst a member has the call. The Chair accepted that this tends to be honoured more in the breach than in its observance. However, when such activity reaches a height at which no-one, particularly members of Hansard, can hear the proceedings and the House dissolves into a disorderly rabble, the Chair is forced to take some action. Members on both sides of the House should give consideration to the proper dignity and operation of the chamber.

23/11/1994 PDp. 5628 *Willis*

Personal explanations are serious matters and are generally heard in silence. Members should honour tradition and listen to the member in silence.

23/10/1996 PDp. 5205 *Willis*

The Chair will not tolerate interruptions to personal explanations. It is gross discourtesy to interrupt a member on a matter of considerable seriousness.

30/10/1996 PDp. 5513 *Willis*

If members want to contribute to the debate, they should seek the call at the appropriate time rather than interject on the member who has the call.

15/11/2007 PDp. 4233 *Fazio (Deputy President)*  
26/10/2010 PDp. 26741 *Fazio*

Members should be careful when interjecting as their comments may be misinterpreted.

23/11/2010 PDp. 27829 *Fazio*

Members should allow Ministers to answer their questions without interruption.

05/12/2007 PDp. 5067 *Primrose*  
02/04/2009 PDp. 14320 *Primrose*

Although strictly disorderly, interjections are tolerated if they facilitate debate and meaningful discussion across the chamber. Interjections will not be tolerated if disruptive, such that members are unable to hear the responses of Ministers to questions asked of them.

23/10/2008 PDp. 10459 *Primrose*

As noted in Odgers' *Australian Senate Practice*, interjections are contrary to the standing orders and are disorderly at all times. By tradition, the Chair tolerates interjections that are not disruptive, particularly if they facilitate the exchange of views and arguments in debate. However, the Chair will not tolerate disruptive interjections.

28/06/2007 PDp. 2072 *Primrose*  
25/10/2007 PDp. 3363 *Primrose*

Members will not be prevented from interjecting when it is part of the flow of debate, only when it interferes with debate.

02/04/2009 PDp. 14326 *Primrose*

A practice has developed in this House of members acknowledging interjections, which are disorderly at all times. In accordance with tradition the Chair tolerates interjections that facilitate debate and argument. However, the fundamental privilege of the member with the call to speak freely and be heard is breached when other members continually interject. The Chair will not interfere so long as the interjections facilitate debate and do not cause disruption and infringe on a member's fundamental privilege to be heard.

24/06/2009 PDp. 16631 *Primrose*  
14/11/2017 PDp. 15 *Ajaka*

Members should allow the free flow of debate in this Chamber. The prime privilege of members in this place is the ability to be heard. Members should not interject solely for the purpose of preventing another member from expressing a point of view.

24/09/2009 PDp. 18093 *Primrose*

The level of interjection should not be such that Ministers answering questions have to shout to be heard.

24/11/2009 PDp. 19648 *Primrose*

Question time is for the asking of questions and the giving of answers. Members must not interject. There are other forms of the House, such as the adjournment debate, available to members in which they may reply to comments they do not like.

11/08/2011 PDp. 4205 *Harwin*

The sledging of members during question time, whether it was intended that the sledging be heard or not, is unparliamentary and unhelpful. Members should resist the temptation to engage in that sought of behaviour.

11/11/2011 PDp. 7421 *Harwin*  
23/11/2011 PDp. 7630 *Harwin*

Although interjections are disorderly they can be offensive and the subject of points of order.

30/05/2012 PDp. 1297 *Harwin*

Action will not be taken on comments between members when neither of them had the call. Interjections are disorderly at all times.

05/03/2014 PDp. 27045 *Harwin*

Although interjections are disorderly, a member who is making a contribution may choose to acknowledge an interjection because he or she may think it adds to the debate.

15/08/2012 PDp. 13711 *Harwin*

Members must remain silent while a member is asking a question. The President must be able to hear the member with the call in the event that a ruling is required.

22/08/2012 PDp. 14156 *Harwin*

Members must not interject in order to prevent a Minister from responding to a question that has been asked by a member

06/09/2012 PDp. 14723 *Harwin*

Interjections must not be disruptive such that members are unable to hear the responses of Ministers to questions asked of them. While question time is robust, the level of interjection should not disrupt Ministers or prevent them from being heard when they are giving answers.

18/09/2012 PDp. 15249 *Harwin*

Although the occasional interjection can facilitate debate, constant disruption does not.

24/10/2012 PDp. 16275 *Harwin*

It is grossly discourteous for members to interject when other members are asking questions.

14/11/2012 PDp. 16755,6 *Harwin*

If members disagree with the comments of a member during their speech they should respond to the comments in a speech and not by constant interjection.

14/11/2012 PDp. 16772 *Nile (Assistant)*

It is extremely discourteous for members to interject when other members are giving notices of motions.

15/11/2012 PDp. 16888 *Harwin*

Interjections are tolerated if they facilitate debate and meaningful discussion across the Chamber. Interjections will not be tolerated if they are disruptive.

22/11/2012 PDp. 17355 *Harwin*

While interjections are disorderly at all times, nevertheless they sometimes add to the debate. However, when interjections disrupt a speaker and limit the capacity of the speaker to make a cogent argument, they are disorderly.

24/10/2013 PDp. 24658 *Harwin*

Points of order can be taken about interjections and it is not necessary for a member to have the call for the Chair to regard their comments as unparliamentary.

19/03/2014 PDp. 27438 *Harwin*

It is disorderly to solicit an interjection from another member.

27/05/2014 PDp. 29021 *Harwin*

Members should refrain from making interjections during debate on a condolence motion.

15/05/2014 PDp. 28876 *Khan (Deputy)*

Interjecting solely for the purpose of preventing another member from expressing a point of view is extremely disorderly. Members who do so will be called to order.

28/05/2015 PDp. 964, 71 *Harwin*

03/06/2015 PDp. 1246 *Harwin*

Members will not be prevented from interjecting when it is part of the flow of debate, however members should not use interjections for the purpose of being argumentative.

04/06/2015 PDp. 1435 *Harwin*

It is disorderly for members to interject when other members are giving notices of motions.

12/08/2015 PDp. 2352 *Harwin*

### Acknowledgement of

Members are not to reply to any interjections.

11/9/1980 PDp. 776 *Johnson*

18/10/1991 PDp. 2636 *Evans (Deputy)*

It is not disorderly for a Minister to answer an interjection.

23/06/2004 PDp. 9890 *Burgmann*

Interjections are disorderly, whether acknowledged or not.

19/06/2007 PDp. 1180 *Primrose*

Members should ignore interjections.

*Numerous rulings including—*

12/05/2010 PDp. 22510 *Fazio*

24/11/2010 PDp. 28060 *Griffin (Deputy President)*

Members giving notices of motions must not respond to interjections.

01/12/2010 PDp. 28626 *Fazio*

Interjections are disorderly at all times, as are responses to them by the member with the call.

22/08/2012 PDp. 14156 *Harwin*

20/03/2014 PDp. 27592 *Harwin*

25/08/2015 PDp. 2714 *Khan (Deputy)*

14/10/2015 PDp. 4174 *Green (Deputy)*

It is out of order for a minister to respond to interjections when answering a question.

12/11/2013 PDp. 25314 *Harwin*

The member speaking should ignore interjections.

12/09/2013	PDp. 23402	<i><b>Gardiner</b></i> (Deputy)
13/11/2013	PDp. 25522	<i><b>Maclaren-Jones</b></i> (Deputy)
06/05/2015	PDp. 154	<i><b>Harwin</b></i>
13/05/2015	PDp. 466	<i><b>Harwin</b></i>
08/09/2015	PDp. 3115	<i><b>Harwin</b></i>

**MATTERS OF PUBLIC INTEREST**

**SO 200**

When moving for the discussion of a matter of public interest, members are required to establish a degree of urgency sufficient for the House to agree to the motion. Often in matters of this nature it is necessary to give some indication of the substance of the debate to follow in order to establish the degree of urgency necessary. In putting their case members should make statements that bear on the question of urgency rather than on the substantive issue.

15/09/1993

*PDp. 3123*

*Willis*

## MEMBERS

### Activities outside the House

Members must not use the address of the parliamentary institution for the registration of companies with the Corporate Affairs Commission or the Stock Exchange. It is also highly undesirable for members to use Parliament House as their address for the registration of motor vehicles or for their driver's licences.

20/10/1988      PDp. 2704                      *Johnson*

Political slogans should not be posted within the precincts of the Parliament.

5/3/1980              PDp. 5073                      *Johnson*

### Assurances of Members

The House must accept the word of a member that a matter is in the public domain.

6/6/2001              PDp. 14404                      *Burgmann*

### Conduct

#### *General*

Members are to sit upon the seats of the chamber and not upon the steps.

05/03/1980      PDp. 5076                      *Johnson*

Members may not converse with people in the public gallery.

*Numerous rulings including –*

18/5/1993	PDp. 2155	<i>Gay (Deputy President)</i>
12/9/1996	PDp. 4071	<i>Willis</i>
24/10/2007	PDp. 3177	<i>C. Robertson (Deputy President)</i>
28/08/2008	PDp. 9655	<i>Primrose</i>
27/10/2010	PDp. 26888	<i>Fazio</i>

Members may not contribute to debate when they are in the gallery area of the chamber.

15/12/1995      PDp. 5078                      *Gay (Acting President)*

Members of Parliament occupy a very special and privileged position in our society, and nowhere more so than within the precincts of the Parliament. Parliament is not a school: there are no prefects; there are no schoolmasters; and the good and orderly conduct of the Parliament depends on the common sense, courtesy and observation of propriety by members. If that were not the case it would be open to any member to do things which may be found to be excessive by his or her colleagues. This line of propriety is very fine and completely ill defined. It relies entirely upon the good sense and courtesy of members.

It is not conducive to the proper conduct of the Parliament and the administrative aspects of it that animals be brought into the parliamentary precincts, whether such animals be feral,

domestic, endangered or of any other kind, notwithstanding the strong feelings that individual members may have in relation to those particular causes that are dear to their hearts. If the espousing of those causes were to be let run rampant, other than through the normal processes of the proceedings of the Parliament, this place would become chaotic.

14/10/1992 PDp. 6793 *Willis*

It is unparliamentary to use props in Parliament.

*Numerous rulings including—*

21/09/2005 PDp. 18012 *Burgmann*

13/11/2007 PDp. 3892 *Primrose*

25/02/2010 PDp. 20908 *Fazio*

17/06/2011 PDp. 2658 *Harwin*

16/02/2012 PDp. 8396, 8399 *Harwin*

29/08/2013 PDp. 23017 *Harwin*

Members are not permitted to use newspapers as props.

08/05/2012 PDp. 11183 *Harwin*

31/05/2012 PDp. 12405 *Harwin*

20/06/2013 PDp. 21783 *Harwin*

Members may not chew gum in the chamber.

11/5/1994 PDp. 2227 *Evans (Deputy)*

It is in order for a member to refer to a newspaper article during debate, but it is not appropriate to display the article.

23/09/2010 PDp. 25952 *Fazio*

Members yelling out in chorus the word “boring” is not acceptable behaviour in a parliamentary chamber.

20/5/1997 PDp. 8810 *Gay (Deputy President)*

There is no standing order that requires members to tell the truth.

20/3/2002 PDp. 735 *Burgmann*

Members must show due respect for the Chair, and be silent when the Chair is speaking. It is not the role of a member to tell other members to sit down. When taking a point of order, the member must wait until they are given the call before speaking.

03/07/2003 PDp. 2819 *Fazio (Deputy President)*

Question time is not for intimate conversation across the chamber.

16/10/1996 PDp. 4832 *Willis*

Members should remain seated while the member with the call is speaking.

05/06/2007	PDp. 685	<i>Primrose</i>
21/06/2007	PDp. 1451	<i>Primrose</i>
27/06/2007	PDp. 1811	<i>Primrose</i>
09/09/2009	PDp. 17530	<i>Primrose</i>

Members should be in the Chamber if they wish to contribute to debate and not shout from the President's Gallery.

05/05/2011	PDp. 204	<i>Harwin</i>
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Members must use parliamentary language at all times.

27/05/2011	PDp. 1279	<i>Harwin</i>
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While debate in the Chamber is robust, members should reflect on the importance of civility in respect of protecting speech.

12/05/2015	PDp. 342	<i>Harwin</i>
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It is unparliamentary to use props in Parliament.

27/05/2015	PDp. 843	<i>Harwin</i>
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Selfies in the Chamber are completely inappropriate.

15/10/2015	PDp. 4329	<i>Harwin</i>
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As a matter of courtesy, members should be referred to as “the honourable”.

17/03/2016	PDp. 7665	<i>Khan (Deputy)</i>
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### Reading newspapers

Members should read newspapers in the reading room rather than in the House.

15/9/1994	PDp. 3014	<i>Willis</i>
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The reading of newspapers is not covered by the standing orders; it is a precedent of the House that members are not permitted to read newspapers or magazines when debate is in progress.

22/11/1995	PDp. 3693	<i>Kirkby (Deputy)</i>
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Reading a newspaper in the chamber is not acceptable and is disorderly.

*Numerous rulings including—*

8/6/1995	PDp. 899	<i>Willis</i>
17/6/1997	PDp. 10351	<i>Sham-Ho (Deputy)</i>
21/5/1998	PDp. 4990	<i>Chadwick</i>
07/06/2006	PDp. 683	<i>Burgmann</i>
27/06/2013	PDp. 22048	<i>Harwin</i>
18/06/2014	PDp. 29738	<i>Khan (Deputy)</i>
20/09/2017	PDp. 17	<i>Ajaka</i>

Members must not read either newspapers or magazines in the House. The reading by members of other material, including comic books, is also not permitted. However, there is no prohibition in either the standing orders or previous rulings on the reading of books by members.

20/10/2004 PDp. 11650 *Fazio* (Deputy President)

The reading of newspapers in the Chamber is out of order. However, the reading of photocopies of documents that are the subject of debate is not disorderly.

31/08/2006 PDp. 1221 *Burgmann*

### **Betting in the Chamber**

The chamber is not a gambling casino. Bets between members are out of order.

7/11/1979 PDp. 2605 *Johnson*

The chamber is not a gambling casino, nor is it a place for settling gambling debts. It is contrary to law to wager on an election result. Members should know better than to suggest otherwise.

3/11/1982 PDp. 2125 *Johnson*

Placing bets in the Chamber is against the standing orders.

03/12/2009 PDp. 20536 *Fazio*

### **Conduct – members called to order**

**SO 192**

Members who have been called to order remain on those calls to order until the conclusion of the sitting day, even if the sitting day continues for more than one calendar day.

02/06/2011 PDp. 1966 *Harwin*

### **Conduct – noise or interruption in chamber**

**SO 84**

If members wish to converse they should do so outside the chamber.

*Numerous rulings including—*

25/03/2009	PDp. 13659,66	<i>Primrose</i>
22/09/2010	PDp. 25818	<i>Fazio</i>
02/06/2011	PDp. 1832, 88	<i>Harwin</i>
14/06/2012	PDp. 12797	<i>Harwin</i>
19/06/2013	PDp. 21622	<i>Mitchell</i> (Deputy)
19/06/2014	PDp. 29865	<i>Khan</i> (Deputy)

Too much audible conversation in the chamber is disorderly.

*Numerous rulings including—*

2/12/1975	PDp. 3386	<b>McKay</b> ( <i>Deputy President</i> )
23/03/1977	PDp. 5492	<b>Budd</b>
8/11/1979	PDp.2761	<b>Johnson</b>
14/11/2006	PDp. 3749	<b>C. Robertson</b> ( <i>Deputy</i> )
02/06/2011	PDp. 1742, 1855	<b>Harwin</b>
13/08/2014	PDp. 30420	<b>Harwin</b>

Audible private conversations make it difficult for the Chair and members to hear contributions to debate. Members wishing to engage in private conversations should retire to the members' lounge. Such behaviour is disrespectful not only to the member with the call but to the Chamber as a whole.

24/09/2009	PDp. 18114	<b>Fazio</b> ( <i>Deputy President</i> )
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When conversation must be conducted in the chamber it should not be done across the table but behind the President's Chair.

1/12/1983	PDp. 4116	<b>Johnson</b>
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Members should be heard in silence.

*Numerous rulings including—*

30/05/2007	PDp. 413	<b>Primrose</b>
25/11/2009	PDp. 19832	<b>Griffin</b> ( <i>Deputy President</i> )
02/09/2010	PDp. 25098,116	<b>Fazio</b>
16/06/2011	PDp. 2449-50	<b>Harwin</b>
06/03/2012	PDp. 8924	<b>Maclaren-Jones</b> ( <i>Deputy</i> )
19/06/2014	PDp. 29886	<b>Harwin</b>

The attention of members listening to debate should not be distracted by constant interruption from other members in the President's gallery.

29/11/2007	PDp. 4646	<b>Primrose</b>
04/12/2007	PDp. 4827	<b>Primrose</b>

The member with the call should speak through the Chair and all other members should listen to the contribution without interruption.

26/11/2008	PDp. 11773	<b>Primrose</b>
22/10/2009	PDp. 18527	<b>Primrose</b>

Members who persist with disrupting behaviour will be prevented from participating further in the debate. Despite a divergence of views, members should respect the traditions of the House and allow debate to proceed in an orderly manner.

24/06/2008	PDp. 9065	<b>Primrose</b>
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It is not appropriate to clap in the Chamber.

25/02/2010 PDp. 20928 *Fazio*

Members must keep conversation to an absolute minimum so that the Chair can hear the member with the call.

02/06/2011 PDp. 1831 *Gardiner (Deputy President)*

25/08/2011 PDp. 4633 *Harwin*

It is understandable that from time to time it is necessary for members to conduct conversations. However, members engaged in conversations should be as quiet as possible so that Hansard and other members can hear the speech of the member with the call.

02/06/2011 PDp. 1886 *Harwin*

Members may consult their staff in the President's gallery, but they should not disturb the proceedings in the Chamber.

21/06/2011 PDp. 2933 *Harwin*

When members leave the Chamber at the conclusion of formal business, they should do so quickly and quietly and not interrupt the debate in progress.

31/05/2012 PDp. 12366 *Harwin*

To assist Hansard, members should not engage in audible levity in the Chamber.

27/05/2014 PDp. 28998 *Harwin*

Members will keep conversations below audible levels or preferably take them outside so that members can be heard in silence.

26/08/2015 PDp. 2810 *Harwin*

15/09/2015 PDp. 3602 *Maclaren-Jones (Deputy)*

Members wishing to engage in private conversations should do so outside of the Chamber.

25/06/2015 PDp. 1887 *Harwin*

21/10/2015 PDp. 4669 *Khan (Deputy)*

22/10/2015 PDp. 4869 *Maclaren-Jones (Deputy)*

29/10/2015 PDp. 5317 *Khan (Deputy)*

15/03/2016 PDp. 7338 *Nile (Assistant)*

### **Conduct – when President rises**

**SO 83**

There is a tradition that members be seated when the Chair is on his or her feet. Members are required to give their attention to what the Chair is saying and doing in order that the proceedings of the House may be conducted efficiently and expeditiously.

7/5/1997 PDp. 8137 *Willis*

Members must not interrupt the President while he is making a ruling.

20/08/2013 PDp. 22367

*Harwin*

23/10/2014 PDp. 1773

*Maclaren-Jones (Deputy)*

### **Conflict of interest**

**SO 113, 210**

The standing orders of this House refer to pecuniary interest not to conflict of interest, and they prohibit members from voting in a division or serving on a committee inquiry into matters in which they have a direct pecuniary interest not in common with the general public or matters of public policy... The disclosure of pecuniary interest by a member is designed to prevent any potential conflict of interest developing between a member's public and private interests. The fact that a member's spouse, child, mother, grandparent, nephew or cousin is standing for election to another Parliament does not amount to a conflict of interest and does not require disclosure in the pecuniary interests register.

17/10/2007 PDp. 2679

*Primrose*

A member may not vote in any decision on a question in which the member has a direct pecuniary interest, unless it is in common with the general public or it is on a matter of state policy.

14/11/2007 PDp. 4062

*Primrose*

### **Courtesy to the Chair**

**SO 84**

The bells are rung for the Parliament to commence at respective times. Ministers and a quorum should be present at those times in order that the President may enter the chamber in accordance with the standing orders and sessional orders. The amount of noise emanating from members in the chamber should be kept to a reasonable level. It is within the power of the House to remove members who behave in a disorderly manner. Members should pay the courtesies which are due to the occupants of the Chair.

13/12/1988 PDp. 4720

*Johnson*

02/03/1989 PDp. 5533

*Johnson*

The Chair should be recognised and addressed. All comments should be made through the Chair and not the opposite side of the chamber. A member cannot expect the protection of the Chair if that member does not acknowledge and address the Chair. Replies to interjections should, by courtesy, be made through the Chair otherwise cross-talk between individuals can develop into a morass of interruptions and that debases the debate.

13/6/1990 PDp. 5426

*Willis*

For some time there has been a tendency for members to show no obeisance to the Chair. This has occurred irrespective of who has occupied the Chair. A number of members walk in and out of the chamber without making obeisance to the Chair. The Chair will take action against the members who do not pay the Chair the respect that is due to it.

10/5/1984 PDp. 525/6

*Johnson*

When members cross in front of the Chair they must acknowledge the Chair, and when leaving the House they should also acknowledge the Chair.

9/3/1993 PDp. 420 *Evans (Deputy)*

Members should not turn their backs on the Chair.

5/4/1989 PDp. 5850 *Johnson*  
13/4/1989 PDp. 6396 *Johnson*  
30/5/2001 PDp. 13920 *Burgmann*  
10/05/2007 PDp. 187 *Fazio (Deputy President)*

### **First (maiden) speeches**

The tradition is that members do not interject during a maiden speech.

23/11/1982 PDp. 2731 *Johnson*

It is usual to extend normal courtesies to members making a maiden speech.

25/10/1995 PDp. 2272 *Gay (Deputy President)*

The making of a personal explanation does not preclude a new member from making what would be his or her maiden speech at some later stage.

27/2/1986 PDp. 521 *Johnson*

Members who re-enter the Council and have during previous service made a maiden speech, are not accorded, a second time, the courtesies usually accorded to a maiden speaker.

27/2/1986 PDp. 821 *Johnson*

The customary courtesies are expected during the inaugural speech of a member.

19/11/2001 PDp. 16801 *Burgmann*

### **Members' attire**

The size of badges worn in this House should not exceed the size of the Legislative Council badge.

20/5/1997 PDp. 8805 *Gay (Deputy President)*  
20/09/2012 PDp. 15533-34 *Gardiner (Deputy President)*  
16/10/2012 PDp. 15651 *Harwin*  
18/10/2012 PDp. 15996 *Harwin*

Erskine May says that members are not permitted to wear decorations in the House. Accordingly the wearing of a uniform or military insignia is contrary to the long-established custom of the House.

1/7/1999 PDp. 1795 *Burgmann*

In the chamber members may not wear badges that are larger than the Legislative Council badge.

20/10/1999	<i>PDp. 1602</i>	<b><i>Burgmann</i></b>
11/4/2001	<i>PDp. 13557</i>	<b><i>Burgmann</i></b>
22/09/2004	<i>PDp. 11262</i>	<b><i>Burgmann</i></b>
16/11/2005	<i>PDp. 19711-19712</i>	<b><i>Burgmann</i></b>

Male members must wear jackets in the chamber.

27/3/2001	<i>PDp. 12569</i>	<b><i>Nile (Deputy)</i></b>
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The attire of members should conform to standards of neatness, cleanliness and decency, but the call cannot be denied to a member simply because he or she is dressed in a manner that departs from tradition in some way. To prevent a member from speaking or voting would be to interfere unnecessarily with the right of a member to represent his or her constituents.

10/4/2001	<i>PDp. 13377</i>	<b><i>Burgmann</i></b>
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As commemorative ribbons are generally worn for just one day, they do not constitute a badge for the purposes of the general rule that applies to the size of badges that may be worn in the Chamber.

16/10/2012	<i>PDp. 15651</i>	<b><i>Harwin</i></b>
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There is nothing in the standing orders in relation to the wearing of badges. There is a body of precedence that members may not wear badges that are larger than the Legislative Council badge. However, a number of members in this Chamber have clearly worn badges larger than the Legislative Council badge and members have not been directed to remove those badges as no point of order has been taken.

I am also uncomfortable with the distinction that has sometime been drawn between badges and commemorative ribbons and other emblems, which are worn by many members at the same time on a regular basis.

If members choose to wear a badge which appears contrary to past rulings, and a point of order is taken, the President or Chair may rule on the appropriateness of the badge based not only on the size of the badge but also whether in essence it is modest, inoffensive and maintains the dignity of the House.

20/09/2017	<i>PDp. 27</i>	<b><i>Ajaka</i></b>
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#### **Use of electronic devices and cameras**

For the same reason that it is regarded as discourteous for members to read newspapers in the Chamber, it is discourteous also for members to use electronic devices.

23/10/2007	<i>PDp. 3025</i>	<b><i>Primrose</i></b>
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The principle to be observed in relation to the use of electronic devices in the Chamber is that their use should not interrupt or disturb proceedings. Members can bring mobile phones and BlackBerry devices into the Chamber provided they are set on silent mode, and can use them to send messages and emails. The use of laptops in the Chamber is acceptable, including the reading of newspapers online, provided that their use does not interrupt the proceedings of the House. The use of cameras by members in the House when the House is sitting is not acceptable, this includes the use of camera phones.

05/03/2009 PDp. 13014 *Primrose*

Members must not use mobile phones to take or receive calls and the taking of photographs in the Chamber with a mobile phone is prohibited.

10/11/2010 PDp. 27415 *Fazio*

Members must ensure that their mobile phones are set to silent.

26/11/2009 PDp. 19990 *Fazio*

02/12/2009 PDp. 20381 *Fazio*

09/11/2010 PDp. 27252 *Fazio*

Members must not engage in telephone conversations whilst addressing the House.

02/06/2010 PDp. 23525 *Moselmane (Deputy)*

Members must not play music via their laptop.

13/03/2012 PDp. 9380 *Harwin*

Members are permitted to read from a Blackberry.

02/04/2012 PDp. 10272 *Maclaren-Jones (Deputy)*

Members should be vigilant in ensuring that the proceedings of the House are not disturbed by electronic devices.

14/10/2015 PDp. 4167 *Harwin*

Members should endeavor to keep their electronic devices on silent mode to avoid disturbing the House.

15/10/2015 PDp. 4329 *Harwin*

### **Suspension of member for gross disorder**

**SO 192**

A member, in refusing to withdraw remarks ruled offensive by the Chair, is guilty of gross disorder.

21/06/2007 PDp. 1464, 67 *Primrose*

Grossly disorderly conduct includes inappropriate behaviour the result of intoxication by alcohol or some other substance.

Members' behaviour, both in and outside the Chamber, reflects directly on the dignity and reputation of the Legislative Council. The Code of Conduct adopted by this House in 2007 outlines the standards expected of members. In particular, the Code of Conduct requires that members "maintain the public trust placed in them by performing their duties with honesty and integrity, respecting the law and the institution of Parliament".

The House has provided in the standing orders mechanisms for dealing with the conduct of members. Any member who obstructs the orderly conduct of the business of this House or who refuses to comply with an order of the Chair may be suspended from the House for a period determined by the House. In particular I draw members' attention to the provisions of Standing Order 192. Under that standing order a member may be removed from the Chamber if that member conducts himself or herself in a "grossly disorderly manner".

I take this opportunity to make it absolutely clear that grossly disorderly conduct includes inappropriate behaviour as a result of intoxication by alcohol or any other substance. Any member who displays such behaviour should therefore expect to be summarily dealt with under the standing orders.

04/03/2014      PDp. 26911                      *Harwin*

The suggestion that the President was "running interference for the Government" ruled grossly disorderly.

19/06/2014      PDp. 29883                      *Harwin*

**MINISTERIAL STATEMENTS**

**SO 48**

There is no provision in the standing orders for anyone other than the Leader of the Opposition or a member appointed on his behalf to speak in response to a Ministerial Statement. Other members may not speak unless they have the leave of the House.

18/11/2004      *PDp. 13138*                      *Griffin (Deputy)*

**MOTIONS**

**SO 75**

It is not possible to move a motion if another motion is already before the Chair.

*30/11/1976 PDp. 3801 Budd*

## NOTICES OF MOTIONS

### Content

A notice of motion for leave to bring in a bill is not out of order on the basis that it relates to a Federal matter and not one on which a State Parliament should legislate. Although there is substantial authority on how to deal with the adjudication upon points of law, this is not at issue at this time as the members have only given notice that on the next sitting day they will move that leave be given to bring in a bill.

20/11/2012 PDp. 17024 *Harwin*

The term “moronic” is unparliamentary and contrary to the rules of debate of this House. A notice of motion referring to the comments of a minister as “moronic” is contrary to the standing orders and will be amended to remove the word “moronic”.

13/03/2013 PDp. 18435,63-64 *Harwin*

A motion for the suspension of standing orders was moved, the question put and a division called. As the member had not given a contingent notice of the motion for the suspension of standing orders the division was called off.

27/03/2014 PDp. 279997 *Khan (Deputy)*

Notice of motions containing images are contrary to precedent and are to be removed from the motion.

9/03/2016 PDp. 7087 *Harwin*

### Date for setting down

SO 71

A notice of motion may not be set down for a day later than four weeks from the day of giving notice. Notice will not be placed on the business paper of any motion so scheduled.

3/3/1981 PDp. 4270 *Johnson*

### Giving of

SO 71

For the efficient and fair operation of the House, by practice members may not give notice of more than one substantive motion at a time when notices of motions are called for.

24/5/1995 PDp. 81 *Willis*

Members have the right to read notices of motions in their entirety, even if they are lengthy.

05/05/2004 PDp. 8263 *Burgmann*

The standing orders allow members to simply state what their notice of motion is about. However, if members wish a notice of motion to be read in full, it will be read in full.

30/08/2006 PDp. 1077 *Burgmann*

Members should not engage in discussion and debate, or respond to interjections, when giving

notice of a motion.

11/05/2010 PDp. 22274 *Fazio*  
07/09/2010 PDp. 25214 *Fazio*

The giving of notices is not an opportunity for debate. The standing orders allow members to give notices of motions, which can sometimes be lengthy. Members should listen to the member giving their notice of motion in silence.

22/06/2011 PDp. 3035 *Harwin*

The giving of notices is not an opportunity for debate.

16/08/2012 PDp. 13872 *Harwin*  
17/10/2014 PDp. 543 *Harwin*

By convention the President gives priority to Ministers and the Leader of the Opposition then the order is one each on rotation, beginning with the Opposition.

27/08/2013 PDp. 22721 *Harwin*

It is disorderly for a member to respond to an interjection while giving a notice of motion.

27/05/2015 PDp. 825 *Harwin*

Members will be heard in silence when giving notices of motions. Members are afforded opportunities under the standing orders to debate the motion when it is called on.

10/09/2015 PDp. 3404 *Harwin*

Members may read lengthy notices in an abridged form and give them to the Clerks. The full text of notices of motions is available online or in the Notice Paper the following day.

15/06/2016 PDp. 7330 *Harwin*

### **Giving of under standing order 71**

Once leave has been granted for a notice of motion to be given after the House has proceeded to business on the Notice Paper, and the member has commenced giving the notice, leave cannot be withdrawn.

12/09/2013 PDp. 23374 *Harwin*

**OFFENSIVE EXPRESSIONS**

**SO 91**

**General**

It is contrary to the standing orders to make an offensive remark about a member. It is also contrary to May's *Parliamentary Practice*, which states that it is most unparliamentary to make a charge of uttering a deliberate falsehood against another member.

23/11/1977      *PDp. 10117*                      ***Budd***

When Members wish to raise a point of order they should direct the attention of the Chair to the words which are considered offensive or disorderly. It is then for the Chair to determine whether the words complained of are offensive or disorderly and should be withdrawn.

Offensive words must be offensive in the generally accepted meaning of that word. Whether particular words are offensive or disorderly may often depend on the context in which they are used. If the Chair is of the opinion that words complained of are offensive or disorderly, the Member concerned will be called upon to conform to the rules of the House and retract the offensive expression and, in a serious case, make an apology to the House if required by the Chair. When ordered to withdraw a statement, a Member must withdraw without qualification or reservation. The request for withdrawal of an offensive expression must come from the Member reflected upon and must be made at the time the remark was made and cannot be raised some time later.

31/03/1987      *PDp. 9586*                      ***Johnson***

The withdrawal of offensive remarks is not conditional; either the member withdraws or does not withdraw.

5/12/1994      *PDp. 6376*                      ***Willis***  
24/05/2012      *PDp. 11908*                      ***Mitchell (Deputy)***

It is for the Chair to determine whether the words complained of are offensive or disorderly and should be withdrawn. The Chair should place himself in the place of the member who claims to be offended. If the Chair consequently believes the words to be offensive they should be then withdrawn.

18/10/1989      *PDp. 11371*                      ***Johnson***

Remarks deemed offensive that refer to the actions of a member raising a matter of privilege are to be withdrawn.

24/4/1979      *PDp. 4990*                      ***Johnson***

Exception to a remark made in debate must be taken by the member to whom the remark is directed.

11/11/1980      *PDp. 2508*                      ***Johnson***  
04/06/2009      *PDp. 15779*                      ***Primrose***

Members must not make sexist and racist remarks.

30/5/2001	PDp. 13916	<b>Burgmann</b>
15/12/2005	PDp. 20604	<b>Burgmann</b>
17/10/2006	PDp. 2595	<b>Burgmann</b>

When a person is in public life and a Member of Parliament, the risk of being criticised in a political way must be taken. Politics is not an area for sensitive persons. In the course of debate when Members canvass the opinions and conduct of their opponents, they must expect criticism.

01/04/2009	PDp. 14180	<b>Primrose</b>
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A member cannot take a point of order that a member was using an offensive expression if the member was addressing a member privately and not addressing the House at the time the expression was used.

24/11/2009	PDp. 19647	<b>Fazio</b>
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The member against whom a comment has been made must take offence in order for a comment to be ruled offensive.

28/02/2013	PDp. 18176	<b>Green (Deputy)</b>
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The word “boofhead” is offensive only if the member against whom it is said finds it offensive.

27/02/2013	PDp. 18028	<b>Harwin</b>
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### **Applies to individuals, not groups**

Offensive words must be offensive in some personal way. When a person is in political life it is not offensive that things are said about him or her politically. There may be occasions on which remarks offensive to an identifiable member may not be regarded as unparliamentary when applied to a group where members cannot be identified.

31/3/1987	PDp. 9586	<b>Johnson</b>
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A remark is offensive only if it was made with respect to an individual and not to a group.

20/10/1988	PDp. 2684	<b>Johnson</b>
23/10/2007	PDp. 3010	<b>Primrose</b>
21/10/2009	PDp. 18356	<b>Primrose</b>
03/12/2009	PDp. 20526	<b>Fazio</b>
12/08/2011	PDp. 4326	<b>Gardiner (Deputy President)</b>
14/03/2012	PDp. 9556	<b>Harwin</b>

The standing orders that refer to offensive language apply to an individual not a group. President Willis said offensive words must be offensive in some personal way. When a person is in political life it is not offensive that things are said about him or her politically. There may be occasions on which remarks offensive to an identifiable member may not be regarded as unparliamentary when applied to a group where members cannot be identified.

26/06/2003 PDp. 2201 *Burgmann*

To suggest the Government has treated the community in a cheap, deceitful and disgraceful way is not unparliamentary language if used in a collective sense.

06/05/2004 PDp. 8566 *Fazio (Deputy President)*

Reference to the Opposition as behaving like ruffraff would be acceptable parliamentary language. However, reference to the Opposition as ruffraff is unparliamentary.

12/06/2002 PDp. 2975 *Burgmann*

A number of Presidents have ruled that, with some exceptions, collective insults are allowed.

03/04/2008 PDp. 6346 *Primrose*

There is a distinction between expressions applied to an individual member and those applied to a group of members. However, some expressions may be so offensive that even when applied to a group rather than an individual they may be regarded as unparliamentary. All members should seek to use good temper and moderation when canvassing the opinions and conduct of opponents in debate.

29/10/2009 PDp. 18989 *Primrose*

Remarks are offensive only if they are directed at an individual. If the remarks are directed at the Opposition, the Government or a political party they cannot be ruled to be offensive. The President may on occasion ask members to voluntarily withdraw their remarks, however the member cannot be directed to withdraw their remarks unless they are ruled to be personally offensive in some way.

15/06/2011 PDp. 2297 *Harwin*

A remark is offensive only if it is made with respect to an individual and not to a group. However, the right of free speech in this Chamber with the protection of privilege is an important right that members need to do their jobs effectively. Orderly debate is the basis of the right to free speech. The long tradition of rulings in relation to groups should not be taken as license to flout other provisions relating to reflections upon members.

20/10/2011 PDp. 6817 *Harwin*

### **Quotation of offensive words**

The quotation of offensive words, if pertinent to a question, are in order subject to the enforcement of standards of good taste by the House. A Member who goes beyond the bounds of good taste must accept the consequences.

24/10/1989 PDp. 11593/4 *Johnson*

**Expressions ruled offensive**

The expression “a shabby manoeuvre” ruled out of order when used against another member of the House.

25/11/1976 PDp. 3545 *Budd*

The expression “punch-drunk dream” ruled offensive when exception was taken.

18/8/1977 PDp. 7367 *Budd*

To suggest that a member has subjected the chamber to filth is unparliamentary and should be withdrawn.

11/01/1978 PDp. 11028 *Budd*

The word “lie” is not offensive when used in general terms and not in reference to a specific person. When such an allegation is made against a specific person, the remark should be withdrawn.

15/2/1983 PDp. 3965 *Johnson*

Members may not refer to another member of the House as “a liar” or as “lying”.

*Numerous rulings including –*

22/10/1987 PDp. 15008 *Healey (Deputy President)*

2/5/1990 PDp. 2115 *Johnson*

19/4/1994 PDp. 1352 *Gay (Deputy President)*

07/12/2004 PDp. 13331 *Burgmann*

12/11/2008 PDp. 11153 *Primrose*

13/11/2014 PDp. 2709 *Harwin*

The expression “He deliberately lied” is offensive and should be withdrawn.

19/11/1997 PDp. 2062 *Gay (Deputy President)*

A distinction is to be made between the terms “a liar” and “untruth”. A person who repeats an untruth that has been related to him is not necessarily a liar.

6/12/1988 PDp. 4434 *Johnson*

The interjection “It is because you tell lies” is offensive and should be withdrawn.

29/3/1990 PDp. 1292 *Johnson*

To suggest that the reasons given by the member were either lies or distortions of the truth is disorderly.

22/09/2004 PDp. 11271 *Griffin (Deputy)*

It is unparliamentary to call another member a “liar”, but it is not unparliamentary for a member to refer to “lies”.

25/10/2010 PDp. 28255 **Primrose**

The statement “It ill behoves the Leader of the Opposition, posing as a democrat, to praise authoritarian regimes and the way they undercut markets” is offensive and should be withdrawn.

29/9/1983 PDp. 1394/5 **Johnson**

To say that a member is “inciting riots” is out of order and should be withdrawn.

21/10/1987 PDp. 14852 **Healey (Deputy President)**

The probability is that the word “prostituted” is unparliamentary and should be avoided.

9/11/1988 PDp. 2924 **Solomons (Deputy President)**

It is out of order to call a member of the other House a “red-necked troglodyte”.

2/3/1989 PDp. 5571 **Solomons (Deputy President)**

Term “redneck” ruled offensive when applied to any member of the House.

5/5/1994 PDp. 1959 **Willis**

Referring to the Premier as a drug addict carries certain connotations, and is offensive, despite the explanation that the reference was to an addiction to tobacco.

16/9/1992 PDp. 5748 **Willis**

While it is unparliamentary to use offensive words about a member of another chamber, the Chair would have to be persuaded much more strongly that “idiot” is an offensive word.

15/9/1994 PDp. 3005 **Willis**

The term “idiot” is offensive.

26/6/2001 PDp. 15278 **Burgmann**

To call another member “stupid” is offensive.

21/5/1997 PDp. 8926/27 **Willis**

To call a Minister of the Crown “a dill” is disrespectful and unparliamentary.

8/4/1998 PDp. 3831 **Sham-Ho (Deputy President)**

The imputation that a member is dumb ruled unparliamentary.

19/9/2002 PDp. 5021 **Burgmann**

The statement that the member took steps to avoid what was seen as duty to his country at the time is offensive and must be withdrawn.

21/5/1997 PDp. 8928/29 **Willis**

“Treachorous turncoat” ruled to be offensive.

9/9/1999 PDp. 208 **Saffin** (*Deputy President*)

“Unpatriotic” deemed unparliamentary.

20/11/2003 PDp. 5387 **Burgmann**

Calling the action of a Minister cowardly is very close to using unparliamentary language and casting aspersions on the Minister’s character.

19/3/1992 PDp. 1376/7 **Gay** (*Acting President*)

Calling a member “tutti-frutti” is an offensive expression.

17/6/1998 PDp. 5947 **Willis**

It is unparliamentary to call members of the House names. The term “Tutti Frutti Pezzutti” ordered to be withdrawn.

22/11/1994 PDp. 5494 **Goldsmith** (*Deputy President*)

“Rat” ruled to be offensive.

27/10/1999 PDp. 2040 **Burgmann**

12/4/2000 PDp. 4498 **Burgmann**

Reference to a member as “sexist” deemed offensive.

31/10/2002 PDp. 6306 **Kelly** (*Deputy President*)

Members may not make sexist comments or sexist noises in the House. Cat noises made when women members are speaking is extremely sexist, and such behaviour will not be tolerated.

19/11/2002 PDp. 6917 **Burgmann**

Reference to a member as a fishwife ruled offensive.

18/10/2001 PDp. 17573 **Burgmann**

“Sit down, you fish wife” is sexist and unparliamentary.

02/07/2003 PDp. 2522 **Fazio** (*Acting President*)

Reference to a member as “a most unpleasant person” ruled offensive.

18/10/2001 PDp. 16630 **Kelly** (*Deputy President*)

A request for two members to “talk dirty” ruled unparliamentary.

31/10/2002 PDp. 6306-6307 **Kelly** (*Deputy President*)

Reference to a member as affected by alcohol ruled unparliamentary.

5/12/2002 PDp. 7867 **Burgmann**

“Minister Monsanto” deemed unparliamentary.

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Selected President's Rulings: August 1975 to November 2017

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01/04/2004 PDp. 7946-7947 *Fazio (Deputy President)*

“Thug boy” deemed unparliamentary.

11/05/2004 PDp. 8670 *Burgmann*

To suggest that a member of a committee is doing the Government’s bidding is offensive and should be withdrawn.

22/09/2004 PDp. 11261 *Burgmann*

The expression “his Greek generals’ fascist connections” is disorderly and should be withdrawn.

03/06/2004 PDp. 9544 *Burke (Deputy)*

Referring to a member as a “nong” is unparliamentary.

21/10/2004 PDp. 11807 *Burgmann*

“Duplicitous Labor lapdog” ruled unparliamentary.

18/11/2004 PDp. 13159 *Fazio (Deputy President)*

“Minister for Road Kill” ruled offensive.

28/02/2006 PDp. 20653 *Burgmann*

To suggest that members of a political party are usually at the bar is offensive.

07/06/2006 PDp. 686 *Burgmann*

Members may refer to the policies or strategies of other members as fruitcakes, but they must not refer to the members themselves as fruitcakes.

26/09/2006 PDp. 2157 *Burgmann*

Referring to a member as “an idiot” and “a buffoon” ruled unparliamentary.

06/06/2007 PDp. 796 *Primrose*

An allegation that the member supported the Federal Treasurer in dodging taxes ruled offensive.

21/06/2007 PDp. 1467 *Primrose*

Referring to a member as a “grub” ruled offensive.

23/10/2007 PDp. 3009 *Primrose*

Accusing a member of involvement in organised crime ruled offensive.

23/10/2007 PDp. 3010 *Primrose*

“Absolute crap” ruled unparliamentary.

23/10/2007 PDp. 3015 *Primrose*

Accusing a member of having been in the staff bar ruled offensive.

03/04/2008 PDp. 6374 **Primrose**

Referring to a member as “a two-faced, backstabbing, double-dealing bastard” ruled unparliamentary.

11/11/2008 PDp. 11067 **Primrose**

Indicating that a member had “bowed to blackmail” ruled offensive.

03/12/2008 PDp. 12324 **Primrose**

Referring to a member as “the *Underbelly* of the Labor Party” ruled offensive.

10/09/2009 PDp. 17677 **C. Robertson (Deputy)**

Referring to a member as a “dunderhead” ruled offensive and withdrawn.

12/11/2009 PDp. 19465 **Primrose**

“Whinger” ruled offensive and withdrawn.

11/03/2010 PDp. 21257 **Fazio**

Allegation that a member was “working to wind down the activities of the forest industry” ruled offensive and withdrawn.

12/05/2010 PDp. 22445 **Fazio**

“Cowboy” ruled offensive and withdrawn.

13/05/2010 PDp. 22659 **Fazio**

“Bovver boy” ruled unparliamentary.

20/05/2010 PDp. 23193 **Griffin (Deputy President)**

Referring to a member as being “happy as a proverbial pig” ruled unparliamentary and withdrawn.

10/11/2010 PDp. 27468 **Griffin (Deputy President)**

Referring to a member's “lies” ruled offensive but referring to a “smear” ruled not unparliamentary.

25/11/2010 PDp. 28256 **Fazio**

Exception taken to a description of a member as “the mouthpiece of the egg corporation” and should be withdrawn.

02/06/2011 PDp. 1727 **Harwin**

“Fraud and a hypocrite” ruled unparliamentary and withdrawn.

02/06/2011 PDp. 1748 *Harwin*

Suggestion that a member was “squawking” ruled offensive and withdrawn.

02/06/2011 PDp. 1842 *Harwin*

A suggestion that a member "doesn't get it" withdrawn.

02/06/2011 PDp. 1860 *Harwin*

Offence taken to a suggestion that a member negotiated with the Government concerning his notices of motions for bills. Imputation withdrawn.

02/06/2011 PDp. 1981 *Harwin*

Offence taken to a suggestion that a member did not want to be known as a member of his political party and the comment withdrawn.

02/06/2011 PDp. 1911 *Gardiner (Deputy President)*

Offence taken to a suggestion that a member was crying crocodile tears and comment withdrawn.

02/06/2011 PDp. 2040 *Harwin*

Suggestion that a member is “loose with the truth” ruled offensive and withdrawn.

20/06/2011 PDp. 2746 *Harwin*

11/05/2016 PDp. 22 *Harwin*

Offence taken to the statement “There is no one as stupid as someone who does not want to learn”. Statement withdrawn.

02/08/2011 PDp. 3343 *Harwin*

Referring to a member as “mumbling into her beard” ruled offensive and withdrawn.

10/08/2011 PDp. 4056 *Harwin*

Offence taken to being called “a piece of work”. Words withdrawn.

12/08/2011 PDp. 4334 *Gardiner (Deputy President)*

“Hypocrite” ruled offensive and withdrawn.

12/10/2011 PDp. 6002 *Harwin*

11/10/2014 PDp. 310 *Harwin*

21/10/2014 PDp. 1385 *Harwin*

“Lying prick” ruled unparliamentary and withdrawn.

15/09/2011 PDp. 5743 *Harwin*

Referring to “the corrupt member in the other place” ruled unparliamentary.

15/02/2012 PDp. 8172 *Harwin*

“You never tell the truth” ruled offensive and withdrawn.

02/04/2012 PDp. 10283 *Harwin*

Remarks are offensive only if they are directed at an individual. However, the use of provocative language such as "scumbag" is extremely disorderly and does not improve the dignity of the Chamber.

04/04/2012 PDp. 10614 *Harwin*

Offence taken to the reference to a member in the other House as “Robert Road Crash”, and words withdrawn.

23/05/2012 PDp. 11738 *Harwin*

Offence taken to being referred to as “low-life gutter scum”, and words withdrawn.

23/05/2012 PDp. 11780 *Gardiner (Deputy President)*

Offence taken to being called “a disgrace”, and comment withdrawn.

24/05/2012 PDp. 11908 *Mitchell (Deputy)*

While the word “gutless” may not be offensive, referring to a member as gutless is an imputation.

15/08/2012 PDp. 13761 *Gardiner (Deputy President)*

Offence taken to being called “Corncob Joe” and comment withdrawn.

04/09/2012 PDp. 14449 *Harwin*

Offence taken to allegation that a member “has no comprehension of the importance of Australia’s history”, and comment withdrawn.

06/09/2012 PDp. 14699 *Green (Deputy)*

“Grub” ruled offensive and withdrawn.

04/09/2012 PDp. 14445-47 *Harwin*

22/09/2016 PDp. 34 *Harwin*

30/05/2017 PDp. 22 *Ajaka*

Offence taken to being called a “nutcase”, and comment withdrawn.

11/09/2012 PDp. 14847 *Harwin*

“Wimp” is an imputation and is out of order.

17/10/2012 PDp. 15768 *Harwin*

“Bully” ruled offensive and withdrawn.

24/10/2012 PDp. 16284 *Harwin*

25/10/2012 PDp. 16499 *Harwin*

Reference to members as “the North Korean faction” ruled offensive and withdrawn.

13/11/2012 PDp. 16656 *Mitchell (Deputy)*

“Racist” ruled offensive and withdrawn.

22/11/2012 PDp. 17331 *Harwin*

Describing a member as a “fraud” ruled offensive and withdrawn.

25/03/2013 PDp. 19173 *Harwin*

Referring to a member as a "squawker" ruled offensive and withdrawn.

20/06/2013 PDp. 21788 *Harwin*

“Idiot” ruled offensive and withdrawn.

26/06/2013 PDp. 22022 *Harwin*

A remark that a member was “the greatest rorter of all time” withdrawn at the President’s suggestion.

29/08/2013 PDp. 23014 *Harwin*

Use of the words “hypocrite” or “hypocritical” in relation to a person ruled unparliamentary and withdrawn.

14/11/2013 PDp. 25728 *Harwin*

The imputation that a member is “against clean politics” ruled offensive.

15/05/2014 PDp. 28890 *Maclaren-Jones (Deputy)*

Referring to a member of the other place as a “bludger”, a “liar”, a “parasite” and a “hypocrite” ruled unparliamentary.

18/06/2014 PDp. 29749 *Harwin*

“Koala killer” ruled offensive and withdrawn.

16/09/2014 PDp. 460 *Harwin*

“Losers’ lounge” ruled unparliamentary.

12/05/2015 PDp. 340 *Harwin*

Members may not refer to another member of the House as “a liar” or as “lying”.

11/10/2016 PDp. 22 *Harwin*

“Racist” and the phrase “covering up for a racist” ruled offensive.

4/04/2017 PDp. 22 *Ajaka*

It is disorderly to refer to another member as “a disgrace”.

14/11/2017 PDp. 22 *Ajaka* [Note: Also ruled *not* offensive.]

### Expressions ruled not offensive

The word deceptive can be capable of an innocent interpretation; that is, a thing can be deceptive although it is not intended to be deceptive. Therefore, it is not an unparliamentary expression.

11/01/1978 PDp. 11033 *Budd*

To suggest that a member’s comments were stupid ruled not unparliamentary.

11/01/1978 PDp. 10992 *McKay* (Deputy President)

It is not unparliamentary for a member to allege in debate that another member has misled the House. Such an allegation can be dealt with later in the debate or by way of a personal explanation at the appropriate time.

25/3/1992 PDp. 1822,23 *Willis*

It is for the Chair to determine whether words complained of are offensive or disorderly and should be withdrawn. The word “gag” if used in the colloquial sense is not offensive.

4/4/1990 PDp. 1596 *Johnson*

It is not offensive for a member to state that another has “changed his or her mind four times in one hour”. It is a matter which could be construed as being grounds for a personal explanation or for refutation of that allegation in debate.

15/10/1992 PDp. 7033 *Willis*

The expression “mafia” is not unparliamentary because it refers to the general and not the particular, which is the basis upon which members may take objection.

12/4/1994 PDp. 1022 *Willis*

To refer to another member as a “monster” might be seen as unparliamentary language. To refer to what a member does as “monsterring” is robust language, but not unparliamentary.

28/2/2001 PDp. 11968 *Burgmann*

An allegation that a member is of unsound mind not deemed to be unparliamentary.

5/12/2002 PDp. 7868 *Burgmann*

For a word to be deemed offensive it must be offensive in a personal sense. It is in order for a member to make comments of a political nature about another member.

14/11/2002 PDp. 6778 *Sham-Ho* (Deputy)

The term “mud-slinger” is not unparliamentary.

5/12/2002 PDp. 7867 **Burgmann**

It is not parliamentary for one member to accuse another of being immoral. It is not unparliamentary for a member to say to another member that it is for that member to decide whether his or her actions are moral.

12/10/1993 PDp. 3553 **Willis**

The term “boofhead” ruled not unparliamentary unless the member so referred to finds it offensive.

07/04/2005 PDp. 15214 **Burgmann**

A remark is offensive only if it relates directly to a member rather than to a member’s tactic or strategy. To say a member is using a “terrorist tactic” is not offensive.

30/11/2005 PDp. 20253 **Burgmann**

The term “tangentially challenged” does not have a plain meaning that would be generally understood in the House or elsewhere. Accordingly, it cannot be ruled to be offensive.

20/06/2011 PDp. 2756 **Harwin**

To state that a member “knows why you go blind and lose your hearing” ruled not to be offensive as none of the words used are offensive and it is impossible to impute some other meaning to the words other than that found in the dictionary.

08/11/2011 PDp. 7011 **Harwin**

While the word “dope” may be unparliamentary, it is not offensive.

07/03/2012 PDp. 9054 **Harwin**

Suggestion that a minister had “professed” sympathy ruled not to be offensive.

03/05/2012 PDp. 11075 **Harwin**

Statement that a member had “come in like a bully bovver boy... fresh from victory... to try to threaten democracy in this House” ruled not to be unparliamentary.

07/05/2013 PDp. 19996 **Harwin**

“Dopey” ruled not to be offensive.

22/05/2013 PDp. 20554 **Harwin**

Describing a member as a “disgrace” ruled not to be unparliamentary.

20/08/2013 PDp. 22349 **Harwin**

10/09/2014 PDp. 185 **Harwin**

Referring to a member as “slippery Mick” ruled not to be offensive or unparliamentary.

04/03/2014 PDp. 26923 **Harwin**

“Losers” ruled not to be unparliamentary used in the context of collective disparagement.

12/05/2015 PDp. 340 *Harwin*

“Lazy” ruled not to be unparliamentary.

12/05/2015 PDp. 342 *Harwin*

“Gutless” ruled to be an imputation, but not offensive.

10/11/2015 PDp. 5432 *Harwin*

“Sleazy” ruled not to be unparliamentary.

25/02/2016 PDp. 6845 *Harwin*

“Gibbering” ruled not to be unparliamentary in the circumstances.

23/02/2017 PDp. 22 *Ajaka*

“Fair dinkum” ruled not to be unparliamentary.

19/09/2017 PDp. 2 *Ajaka*

**ORDERS OF THE DAY**

The motion for debate on a committee report moved earlier in the day and adjourned until a later hour, can resume at a later hour of the same sitting day, even though it is not on the Notice Paper. After the mover's speech, debate must be adjourned until the next sitting day.

14/02/2012      PDp. 8061                      *Harwin*

## PAPERS

### Claims of privilege

SO 52

It is not appropriate for the Chair or other members of the House to question the member with the call when that member has assured the House that the matter being read onto the record is not material provided to the House under standing order 52 and subject to a claim of privilege.

03/09/2009 PDp. 17266 *Primrose*

### Order for Papers—Administration of Justice

SO 53

The Crown Solicitor has advised that all papers which contain material relating to the administration of justice fall within the terms of standing order 19 [now SO 53]. Papers which make reference to actual court proceedings would be papers having reference to the administration of justice. Papers which contain material relating to the administration of justice, whether it be material touching upon or concerning papers relating to court proceedings or the police investigation leading to such, may be papers having reference to the administration of justice. The administration of a sentence on conviction and the orders made may be related to the administration of justice by the courts of the Crown. This is particularly so where material concerns conditions of custody where such could be seen as giving effect to or are closely connected with the sentence of the court.

09/04/2002 PDp. 1194,95 *Burgmann*

The production of papers concerning the administration of justice must only be called for by address to the Governor.

21/10/2004 PDp. 11765 *Burgmann*

Documents relating to legal action fall within the administration of justice. Under standing order 53, they may only be requested in the form of an address to the Governor.

24/06/2009 PDp. 16638 *Primrose*

### Power to call for documents

SO 52

It is long and firmly established precedent that both Houses of this Parliament take the view that the respective Houses have inherent or implied power to call for documents. The number of precedents in this regard is so overwhelming that if one were to regard them in any common law context they would constitute “part of the Law of the Parliament”.

02/05/1996 PDp. 705/6 *Willis*

### Tabled documents

SO 54

Under standing order 20 [now SO 54] all papers and documents laid upon the table of the House by a Minister shall be considered public and may be ordered to be printed on motion without notice. Where there is no doubt that it is a public document, members are entitled to view it and take extracts from it. The same applies to the general public. It is a public document; it attracts privilege.

22/05/1990 PDp. 4054 *Johnson*

When documents are tabled in this Parliament for members of this chamber only to peruse, members may not quote from them or reveal any of their contents until and unless the House has resolved to make the documents public.

05/12/2002 PDp. 7750 *Burgmann*

Members may not seek leave to table documents during question time. The appropriate time to do so is at the conclusion of question time when there is no business before the House.

21/11/2012 PDp. 17159 *Harwin*

### **Tabling of documents quoted in debate**

**SO 56**

There is nothing in standing order 56 that determines the time a document ordered to be tabled must be tabled. The House does not have the power to determine the timing of the tabling of the document under the standing orders.

07/09/2006 PDp. 1617 *Fazio (Acting President)*

The Chair has no responsibility to judge the accuracy or correctness of a document tabled.

07/09/2006 PDp. 1620 *Donnelly (Deputy)*

Standing order 56 applies only to documents quoted by Ministers in debate and not to documents quoted by private members.

10/09/2009 PDp. 17672 *C. Robertson (Deputy)*

Members must wait until the conclusion of a Minister's answer to a question before moving that a document quoted be tabled under standing order 56.

16/02/2012 PDp. 8391 *Harwin*

A Minister can table a document quoted in an answer either at the end of question time or following the answer in response to an order of the House under standing order 56.

16/02/2012 PDp. 8392 *Harwin*

22/11/2012 PDp. 17364 *Harwin*

If a Minister is quoting from a specific document as part of his answer, the document can be the subject of a motion under the standing order. However, if the Minister is quoting from copious notes in answer to a question it does not fall into the same category.

23/02/2012 PDp. 8823 *Harwin*

Under Standing Order 56 a document relating to public affairs quoted by a Minister may be ordered to be laid on the table, unless the Minister states that the document is of a confidential nature or should more properly be obtained by order.

19/03/2014 PDp. 27431 *Harwin*

**PERSONAL EXPLANATIONS**

**SO 88**

**Purpose of**

A member is entitled to make a personal explanation to correct some wrong statement that has been made and which casts some reflection upon him. That is the purpose of making a personal explanation.

11/9/1975      *PDp. 1009*                      ***Budd***

Personal explanations should allow the member concerned to explain a matter reflecting on the honour, character or integrity of that member, or to explain any matter which reflects upon the member in a personal way. They should not be used to explain matters on behalf of any other person. The matter which is the subject of the personal explanation should not be amplified or debated. Provocative or disputative language should not be used. The use of personal explanation to reply to or explain a matter upon which a member has been misquoted or misunderstood is outside the scope of Standing Order 70. That type of explanation is covered by the provisions of Standing Order 71.

27/2/1986      *PDp. 521*                              ***Johnson***

The ruling of President Johnson of 27/02/1986 is a reminder to all members about the form in which personal explanations should be given.

12/10/2011      *PDp. 5999-6000*                      ***Harwin***

Personal explanations should be confined to the parameters set down by President Johnson, namely: to explain a matter reflecting on the honour, character or integrity of a member; to explain any matter which reflects upon the member in a personal way; should not be used to explain matters on behalf of any other person; the matter should not be amplified or debated.

18/11/1992      *PDp. 9095/6/7*                      ***Willis***

The purpose of a personal explanation is not to canvass views expressed by another member. The sole purpose of a personal explanation is to correct a misquotation or a misinterpretation of something that the member seeking to make the personal explanation believes occurred.

17/11/1994      *PDp. 5188*                              ***Willis***

Personal explanations are an opportunity for members to correct the record if they have been misrepresented; they are not an opportunity for members to debate an issue. Members should confine their remarks purely to correcting the record and not to making a lengthy preamble.

20/02/2013      *PDp. 17646*                              ***Harwin***

When making a personal explanation it is out of order to debate the matter. It is only in order to correct the record by way of a personal explanation.

29/10/2013      *PDp. 24812*                              ***Harwin***

30/10/2013      *PDp. 24978*                              ***Harwin***

Personal explanations must not be used to make debating points.

23/06/2015 PDp. 1596 *Harwin*

### General

A personal explanation may only be given with the indulgence of the House.

16/2/1982 PDp. 1883 *Johnson*

A member making a personal explanation may not debate or amplify the matter.

*Numerous rulings including—*

5/3/1981 PDp. 4483 *Healey (Deputy President)*

22/10/1985 PDp. 8203 *Johnson*

11/9/1990 PDp. 6822 *Johnson*

28/6/2001 PDp. 15633 *Burgmann*

In making a personal explanation, a member must demonstrate to the House that they have been misrepresented or that some aspersion has been cast upon them. They may not debate the matter.

22/10/1987 PDp. 15013 *Healey (Deputy President)*

The making of a personal explanation does not preclude a new member from making what would be his or her maiden speech at some later stage.

27/2/1986 PDp. 521 *Johnson*

In making a personal explanation a member is entitled to defend himself but not others.

26/2/1986 PDp. 383 *Johnson*

A personal explanation should not contain an explanation of the conduct of another person.

12/10/1988 PDp. 2057 *Solomons (Deputy President)*

The House can withdraw leave to give a personal explanation after it has been given.

21/9/1988 PDp. 1533 *Johnson*

15/11/1988 PDp. 3217 *Johnson*

Members must not attempt to make personal explanations under the guise of points of order.

22/10/1997 PDp. 1156 *Willis*

01/12/2005 PDp. 20420 *Burgmann*

A personal explanation under the standing orders is a series of facts outlined by the speaker. Discussion and justification cannot be part of the personal explanation.

02/06/2004 PDp. 9278 *Burgmann*

A personal explanation may only be made when there is no business before the Chair.

Selected President's Rulings: August 1975 to November 2017

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1/7/1999      PDp. 1880      *Burgmann*  
28/11/2001    PDp. 18949     *Burgmann*  
08/12/2004    PDp. 13462     *Burgmann*

Personal explanations must be within the leave granted by the House.

29/05/2007    PDp. 306      *Primrose*

A member may, with the leave of the House, explain how his or her honour, character or integrity has been reflected upon but must not debate the subject matter of the explanation. Leave may be withdrawn at any time if the member contravenes the standing order.

23/10/2008    PDp. 10468     *Primrose*

Even where objection was not taken at the time the member commenced making a personal explanation, leave can be withdrawn at any time.

15/11/2012    PDp. 16928     *Harwin*

**PETITIONS**

**SO 69**

Petitions must conform with the rules of practice. The wording of a petition should be confined to facts or material allegations to support the prayer of the petition. Further, the use of the Legislative Council crest on the printed form of a petition is inappropriate as it could imply that the petitions has the endorsement of the House.

2/8/1989      *PDp. 9112*      *Johnson*

Petition ruled out of order because it was a photocopy of signatures.

19/4/1994      *PDp. 1307*      *Willis*

There is no requirement that a petition be submitted to the Clerks before it is presented to Parliament. However, submitting a petition to the Clerks will ensure that the petition is in order. Members may vote against the motion that a petition be presented if they are of the opinion that it has not been presented in a suitable form.

26/10/2006      *PDp. 3507*      *Burgmann*

No debate is allowed when a petition is being received.

14/11/2013      *PDp. 25692*      *Harwin*

**Irregular petitions – change in procedure for suspending standing orders**

Previously, members sought the leave of the House to move a motion to suspend standing orders to allow the presentation of an irregular petition. In future, if a member obtains the leave of the House to suspend standing orders, that will be considered sufficient to allow the member to present the irregular petition.

23/02/2010      *PDp. 20675*      *Fazio*

The standing orders provide in what form a petition should be presented. No petition contrary to the standing orders may be presented to this House unless the standing orders are suspended. Members should not assume that leave to suspend standing orders will be granted. That in itself is grossly discourteous to other members.

27/11/2013      *PDp. 26449*      *Harwin*

**POINTS OF ORDER**

SO 95

**Taking a point of order, rules for**

Members may not use points of order to make a debating point.

*Numerous rulings including –*

07/09/2000	PDp. 8741	<b>Burgmann</b>
01/04/2004	PDp. 7941	<b>Fazio</b> (Deputy President)
30/11/2005	PDp. 20197	<b>Burgmann</b>
14/06/2012	PDp. 12830	<b>Harwin</b>
21/03/2013	PDp. 19038	<b>Mitchell</b> (Deputy)
29/05/2014	PDp. 29385	<b>Khan</b> (Deputy)
02/06/2015	PDp. 1115	<b>Harwin</b>
27/08/2015	PDp. 2995	<b>Harwin</b>
10/09/2015	PDp. 3447	<b>Harwin</b>

It is not a point of order for a member to claim that he or she has been misrepresented.

*Numerous rulings including –*

03/06/2004	PDp. 9512	<b>Burgmann</b>
08/06/2005	PDp.16534	<b>Burgmann</b>
07/06/2006	PDp. 687	<b>Burgmann</b>
25/10/2006	PDp. 3314	<b>Burgmann</b>
20/10/2010	PDp. 26289	<b>Fazio</b>

There is no point of order on misleading the House.

*Numerous rulings including –*

30/10/2008	PDp. 10903	<b>Primrose</b>
13/11/2008	PDp. 11338	<b>Primrose</b>
12/11/2009	PDp. 19465	<b>Primrose</b>
02/09/2010	PDp. 25100	<b>Fazio</b>
09/05/2011	PDp. 399	<b>Harwin</b>
08/05/2014	PDp. 28427	<b>Harwin</b>

If a member wishes to raise a point that somebody has a pecuniary interest they cannot do it on a point of order. They must do so by substantive motion

30/11/1976	PDp. 3799	<b>Budd</b>
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It is disorderly for members to take points of order in the adjournment debate for the sole purpose of eroding another member's time.

30/6/1999	PDp. 1782	<b>Burgmann</b>
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When members take points of order they should direct attention to the breach of order, where possible citing the relevant standing order. Members should desist from taking unnecessary or frivolous points of order merely to disagree with something, to contradict a statement or to correct an apparent error in debate. Matters relating to the accuracy or truthfulness of answers

should not be raised by point of order, because no question of order is involved.

11/4/2002 PDp. 1372 **Burgmann**

Members must not take points of order and then proceed to debate the issue. Points of order must relate to rules governing debate in this Chamber.

01/03/2006 PDp. 20759 **Burgmann**

If members want to take points of order they should indicate their intention to do so, not just stand up.

02/05/2006 PDp. 22328 **Fazio (Acting President)**

A member wishing to speak to a point of order must stand in his place and seek the call.

09/05/2006 PDp. 22693 **Burgmann**

The member cannot take a point of order on a matter that is ruled not a point of order.

02/05/2006 PDp. 22332 **Fazio (Acting President)**

Members must not take frivolous points of order.

18/10/2007 PDp. 2858 **Primrose**

A point of order is not required for the Chair to rule that a question is in contravention of the standing orders.

15/05/2008 PDp. 7647 **Primrose**

There is no point of order that a member distorted facts.

02/12/2008 PDp. 12193 **Fazio (Deputy President)**

There is no point of order that a member distorted what another member said.

03/12/2008 PDp. 12359 **Primrose**

Members who wish to take a point of order must wait until they are given the call before they speak.

20/10/2010 PDp. 26359 **Fazio**

A point of order in relation to an answer to a question without notice must be confined to whether the answer complies with standing orders.

06/03/2012 PDp. 8934 **Harwin**

Members must not take frivolous points of order. There are forms of the House that are appropriate for the members should they wish to respond to remarks at which they have taken offence.

09/05/2012 PDp. 11315 **Harwin**

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**Selected President's Rulings: August 1975 to November 2017**

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Members should not make debating points when taking a point of order. Specifically, members should not use such words as “non-answer from the Minister”.

11/09/2012      *PDp. 14848*                      ***Harwin***

When members take a point of order they should state succinctly how the standing orders have been breached and not engage in argument.

20/09/2012      *PDp. 15520*                      ***Harwin***

Members may not seek to make personal explanations by way of points of order.

22/11/2012      *PDp. 17359*                      ***Harwin***

It is out of order to take a point of order for the purpose of using up a Minister’s time for an answer.

27/03/2013      *PDp. 22081*                      ***Harwin***

Once a Minister has commenced his answer, no further point of order can be taken on the question.

27/08/2013      *PDp. 22737*                      ***Harwin***

Members must not interrupt the flow of the debate by taking inappropriate points of order.

29/05/2014      *PDp. 29391*                      ***Khan (Deputy)***

Members must not take points of order while the President is giving a ruling.

20/11/2014      *PDp. 3185*                        ***Harwin***

Points of order should not be used to reflect on members.

8/05/2014      *PDp. 28421*                      ***Harwin***

Members may not take points of order to claim that he or she has been misrepresented. Members may however use the other procedures available, such as a personal explanation, to draw a misrepresentation to the attention of the House.

11/08/2015      *PDp. 2234*                        ***Barham (Deputy President)***

Members may not shout over other members when taking points of order.

16/09/2015      *PDp. 3717*                        ***Harwin***

There is not point of order on misleading the House.

17/03/2016      *PDp. 7658*                        ***Khan (Deputy)***

**Debate on**

A member may not, on a point of order, seek to introduce material which was ruled out of order in the earlier debate on the same matter.

13/12/1988 PDp. 4714 *Solomons (Deputy President)*

It is no longer the practice of the House to restrict a member to speak only once on a point of order. Rulings by previous Presidents to the contrary are to be disregarded.

9/5/1989 PDp. 7580 *Johnson*

Members must relate their remarks on a point of order to the point of order.

24/5/1989 PDp. 8304 *Willis (Deputy)*

When speaking on a point of order, a member cannot introduce material into the debate that is to do with the substantive issue.

26/09/2002 PDp. 5486 *Burgmann*

A member wishing to speak to a point of order must wait until the member with the call has finished speaking, unless they wish to object and take a point of order on the member with the call.

03/12/2003 PDp. 5659 *Burgmann*

Members must relate a subsequent point of order to the original point of order.

13/11/2007 PDp. 3898 *Primrose*

14/11/2007 PDp. 4019 *Primrose*

In speaking to a point of order it is not in order for a member to comment on the quality or otherwise of the point of order raised.

23/09/2008 PDp. 9747 *Fazio (Deputy President)*

Members must speak to the point of order, not to the substantive comments that were the subject of the point of order.

21/10/2009 PDp. 18397 *Fazio (Deputy President)*

Members must speak to the point of order, not to the substantive comments that were the subject of the point of order.

21/10/2009 PDp. 18397 *Fazio (Deputy President)*

**Procedure on**

When a member takes a point of order it must be dealt with, even if the time for debate expires while the matter is being dealt with.

21/3/2002 PDp. 911 *Burgmann*

A question must be successfully asked within the time limit prescribed. Debate on a point of order, and a ruling on it, may go on past the time limit.

5/6/2001 PDp. 14279 *Burgmann*

When a point of order is taken on a point of order, the second point of order is decided first.

08/06/2006 PDp. 887 *Burgmann*

When a point of order is being taken all members except the member taking the point of order must resume their seats.

26/09/2006 PDp. 2154 *Burgmann*

When a point of order is taken, the member who has been interrupted must resume their seat.

02/12/2010 PDp. 28810 *Fazio*

### **Procedure on taking – duration Question Time**

Usher of the Black Rod directed to stop the clock on all occasions on which a point of order is taken during Question Time for the duration of the 56th Parliament.

12/05/2015 PDp. 338, 342 *Harwin*

### **Rulings of the President**

The President is under no obligation to rule on matters immediately. It is appropriate that careful consideration be given to certain matters, particularly when a matter arises for the first time in the term of a President.

20/09/2017 PDp.1 *Ajaka*

Past rulings of the President are not strictly binding. There are circumstances in which past rulings are to be observed where past rulings can change and evolve as and when required.

20/09/2017 PDp. 2 *Ajaka*

**POSTPONEMENT**

**SO 45**

It has been the longstanding practice of the House to postpone notices of motions by way of substantive motion rather than by leave.

*25/5/1995*

*PDp. 215*

*Willis*

## **PRESIDENT**

### **Casting vote**

**SO 116**

A casting vote should always vote for further discussion where this is possible. Where no further discussion is possible, the decision should not be made except by the majority.

16/5/1990      *PDp. 3405*                      *Johnson*

The Chair should always vote for further discussion where this is possible. Where no further discussion is possible, the decision should be taken by the majority. The casting vote on an amendment to a bill should leave the bill in its existing form.

Applying these principles to the stages in the passage of a bill, the Chair should give its casting vote in favour of the first and second readings of the bills and in favour of motions that the bill be considered in committee. The Chair would oppose the third reading of a bill on the basis that it would limit discussion.

In relation to subordinate legislation, the practice of the House is governed by the principle that no proposal to reject or amend a bill or instrument in the form in which it is before the House shall be agreed to unless there is a majority in favour of such rejection or amendments.

30/5/1990      *PDp. 4756/7*                      *Johnson*

It is clear the only situation provided for in the standing orders, the Constitution Act and by practice, where the casting vote is exercised in the House is where there is an equality of votes after a division. To assert that the casting vote has any relevance to the recall of the House is a misunderstanding of the concept of the recall.

26/6/1990      *PDp. 5564/5*                      *Johnson*

According to tradition, the Chair casts its vote to allow further debate.

18/9/2001      *PDp. 16620*                      *Burgmann*

When there is an equality of votes the Chair casts its vote so as to maintain the status quo.

28/11/2001      *PDp. 18945*                      *Burgmann*

The Chair should always vote for further debate where this is possible. Where no further debate is possible, decisions should not be taken except by a majority. A decision to adjourn the House to have a discussion is a decision which, in my view, should not be taken except by the majority.

09/08/2011      *PDp. 3904/5*                      *Harwin*

### **Participation in debate**

**SO 86**

The fact that a member becomes President does not deny him the right to participate in debate. As the same standing orders apply to other Presiding Officers who assume the Chair in my absence, that does not deny them the right to participate in debate should they wish to do so. I am sure that anyone who occupies the Chair would take full cognisance of the standing orders

and not contravene them.

11/5/1989 PDp. 8039/40 *Johnson*

### Role of the Chair

SO 83

The President is not only the Master of the House, he is the Servant of the House, and as the Servant of the House he usually intervenes when his Masters tell him. The Chair does not intervene very often. If something is right outside the standing orders he will intervene.

1/8/1989 PDp. 8737 *Johnson*

The only person in the Chamber able to direct members what to do is the Chair.

17/10/2006 PDp. 2595 *Burgmann*

It is not the practice of the Chair to seek to intervene in debate. However, it is the practice of the Chair to seek to uphold the standing orders of the House.

13/11/2007 PDp. 3895 *Primrose*

It is open to the President to rule as to whether a matter is within the standing orders, regardless of whether there is a point of order before him.

27/03/2014 PDp. 28018 *Harwin*

14/08/2014 PDp. 30627 *Harwin*

### Canvassing the Chair's ruling

Members may not canvass or flout rulings of the Chair.

*Numerous rulings including –*

10/03/1977	PDp. 5047	<i>Budd</i>
1/12/1982	PDp. 3629	<i>Johnson</i>
09/12/2004	PDp. 3679	<i>Fazio (Deputy President)</i>
14/11/2006	PDp. 3709	<i>Burgmann</i>
23/09/2008	PDp. 9739	<i>Fazio (Deputy President)</i>
10/11/2010	PDp. 27425	<i>Fazio</i>

## PRIVILEGE

### Assault on member

An assault on a member not occurring in his coming or going from the House and not on account of his behaviour in Parliament is not a matter of privilege.

12/8/1980      *PDp. 18/19*                      *Johnson*

### Comity between the Houses

A notice of motion for a select committee to inquire into and report on the effectiveness of current laws, practices and procedures in protecting Government employees who make allegations against government officials or parliamentarians, with particular reference to the treatment by the Legislative Assembly of a former employee, is in contravention of the principle of sole cognisance of the Houses, and the principles of comity and mutual respect between the Houses, and is out of order.

04/06/2008      *PDp. 8100/1*                      *Primrose*  
18/06/2008      *PDp. 8620/1*                      *Primrose*

A notice of motion given by a member of Legislative Council which calls on a member of the Legislative Assembly to undertake certain actions does not contravene the principle of comity between the Houses.

03/06/2015      *PDp. 1241*                          *Harwin*

### Contempt

SO 190

Although conduct may not fall within the categories of contempt outlined in the standing orders, the conduct may nevertheless constitute contempt.

9/11/1988      *PDp. 2941-2*                      *Johnson*

Members refusing to comply with the ruling of the President may be found guilty of contempt and suspended from the services of the House.

18/10/1989      *PDp. 11372-3, 11379-82* *Johnson*

The mere fact that a notice of motion to censure a member of the House has been given, but not moved, does not constitute contempt; it is not an act or omission obstructing or impeding a member in the discharge of his duties.

30/5/1990      *PDp. 4735*                          *Johnson*

Demands and threats by individuals calculated to intimidate a member into an undesirable course of action is a contempt of Parliament.

26/11/1997      *PDp. 2494*                          *Willis*

**Hansard**

SO 51

Usually, the day after a debate has taken place galley proofs of the Hansard reports are provided to members. The copies of the report of the debates that are available a short time later are also proof copies. Only those proofs and the bound volumes of Hansard are privileged documents. Members should take care when they quote, copy or distribute the galleys, the proofs or extracts from the volumes, that they take particular note of the fact that only those documents detailed are privileged.

11/11/1980      *PDp. 2517*                      *Johnson*

**Member prevented from entering the Chamber**

A matter of privilege arises if a member who intends to speak in debate is physically prevented from entering the Chamber.

23/06/2009      *PDp. 16468*                      *Primrose*

**Court process within parliamentary precincts**

It is a breach of the privileges of the House for a member to be served with a process issued by court within the parliamentary precincts. Such an action constitutes a serious contempt of the rights and privileges of members of the House.

1/6/1988              *PDp. 953*                      *Johnson*

## PROCEDURAL MOTIONS

### Adjournment as a matter of urgency

SO 201

The motion for adjournment under standing order 13 [now SO 201] is merely a procedural device to provide an opportunity to discuss a matter of public importance. The moving of an amendment to that motion is outside the standing orders.

19/5/1993      PDp. 2250      *Gay (Deputy President)*

### Committal - no debate allowed

SO 141

The motion that the House resolve itself into a Committee of the Whole is a purely formal motion on which no debate is allowed.

29/10/1986      PDp. 5668      *Johnson*

### Latitude of debate

In debating a procedural motion, members should restrict their comments to the terms of the motion and not the substance of the matter.

26/2/1987      PDp. 8875      *Johnson*  
19/11/1987      PDp. 16385      *Johnson*

Debate on the motion to adjourn debate on a matter must be confined to the reasons for and against the debate being adjourned, and not canvass the substantive issue.

19/4/1989      PDp. 6726, 6728, 6732      *Johnson*

The debate on adjournment must be confined to the adjournment motion only. Second Reading material should not be introduced.

8/8/1989      PDp. 9505      *Solomons (Deputy President)*

Debate on a procedural motion should be confined to the substance of the procedural matters under consideration.

11/09/2014      PDp. 315      *Harwin*

## QUESTIONS AND ANSWERS

### General

The levels of gamesmanship tolerated in Question Time during previous years will not be tolerated during the 56th Parliament.

06/05/2015 PDp. 117 *Harwin*

Question Time is not a time for debate but a time for seeking information. The following matters will be made a priority for the duration of Question Time in the 56th Parliament.

Firstly, members should ensure that interjections made are civil in tone. Free speech leans heavily on civility in public debate.

Secondly, to address the practice of members taking points of order during questions and answers to prevent members completing their questions and ministers from completing their answers, the Clerk will be ordered to stop the clock if a point of order is taken during a question or an answer. The clock will resume once debate on the point of order has concluded and the President has ruled on the matter. This practice will be closely monitored to ensure that the number of questions asked does not fall.

The final matter concerns the 'general elucidation question'. There is a body of Presidents' Rulings dating back to 1988 which assist in defining the scope of appropriate supplementary questions. The general elucidation question is not consistent with the purpose of supplementary questions, which should relate to the principle subject matter of the original question and must relate to or arise from the answer originally provided. To be ruled in order, a supplementary answer must seek an elucidation of an answer that has been given by a minister.

12/05/2015 PDp. 338 *Harwin*

As former President Budd reminded members, questions should seek information. However, as President Johnson ruled, questions should be concise and not contain any material, quotations or statements of fact unless they are strictly necessary to the asking of the question. Questions should be interrogatory in nature but should not be used as a means of entering debate on an issue. Question time is not an opportunity for members to make an adjournment speech. Questions are for seeking information.

26/05/2015 PDp. 719 *Harwin*

Members other than ministers may have questions asked of them relating to a matter connected with the business on the Notice Paper of which that member has charge. Otherwise, it is not in order for members to ask other members questions. Questions should seek information as opposed to opinion. Finally, questions must relate to matters within the minister's responsibility or to any matter of administration for which the minister is responsible. Questions may be put to ministers relating to public affairs for which the minister is officially connected

27/05/2015 PDp. 844 *Harwin*

**Questions to Ministers and other members**

**SO 64**

Questions directed to Parliamentary Secretaries are out of order.

27/05/2015      PDp. 844      *Harwin*

It is in order for members to ask any question of the Leader of the Government as he represents the Premier in the Legislative Council.

25/08/2015      PDp. 2698      *Harwin*

***Questions to ministers concerning public affairs*      SO 64(1)**

While there are limits to the content of questions, it is not possible to say where they are without considering a specific question. It is impossible to lay down a rule about what might go beyond the limits and what the contents of a question should be. Broadly, questions should seek information. It is the habit of many members on both sides of the House when asking questions to give information at the same time. Members more or less ask a Minister to agree with what they are saying. That is an abuse of the privilege of asking questions but it is an abuse that is practiced every time the House meets. It is impossible to be strict about what the contents of a question should be but if anything occurred which was an abuse, the Chair should certainly intervene.

17/3/1976      PDp. 4296      *Budd*

For a question to be admissible it must comply, inter alia, with Standing Orders 29 and 32A [now SO 64 & 65]. Those standing orders provide, first, that to be in order a question addressed to a Minister must relate to public affairs. This implies that a question must relate to a matter within the government's responsibility or which could be dealt with by an administrative or legislative action. Second, a question should not give more information than is necessary to explain the question itself and should not contain argument or express opinions. Questions should be concise and not contain any material, quotations or statements of fact unless it is strictly necessary to the asking of the question. Third, questions should be interrogatory in nature and should not be used as a means of indulging in debate on an issue. Apart from these rules there are a number of other rules concerning the content of questions which need to be brought to the attention of members. A question should not, in effect, be a short speech or mainly limited to giving information. Questions may not contain inferences or imputations, epithets, ironical or offensive expressions. In addition, a question may not contain hypothetical matter and may not ask for an expression of opinion or a legal opinion. Lengthy or involved questions and questions outside the immediate knowledge of Ministers should be placed on the Notice Paper. All members should appreciate that the principle object of questions is to seek information, or press for action by a Minister.

22/10/1986      PDp. 5094/95      *Johnson*

Members should confine their questions to matters that can be attended to by members of the Cabinet of the New South Wales Government.

15/3/1983      PDp. 4544      *Healey (Deputy President)*

Standing orders 29 and 30 [now SOs 64 & 65] relate to the asking of questions. Standing order 29 states that questions may be put to Ministers of the Crown relating to public affairs. That does not cover public affairs of any place outside the jurisdiction of New South Wales. Similarly, question time is not a medium to seek the opinion of a Minister on something that does not relate to public affairs.

14/5/1997      *PDp. 8535*                      *Willis*

The purpose of questions without notice is to elicit information from Ministers of the Crown concerning the public administration of the State. Although it is customary for members to preface questions with a setting for their questions, such prefaces should be contained and not made a feature providing information that is otherwise publicly available.

21/9/1995      *PDp. 1258*                      *Willis*

Questions must be addressed to one Minister relating to that Minister's portfolio or to the portfolio represented by that Minister. If a member has a question relating to another Minister, it will have to be the subject of a second question.

30/11/1994      *PDp. 5953*                      *Willis*

Questions may be put to Ministers relating to public affairs with which the Minister is officially connected, to proceedings pending in the House or to any matter of administration for which the Minister is responsible.

*Numerous rulings including –*

25/05/2006	<i>PDp. 384</i>	<i>Burgmann</i>
23/11/2006	<i>PDp. 4709</i>	<i>Burgmann</i>
06/05/2009	<i>PDp. 6950</i>	<i>Primrose</i>
20/10/2010	<i>PDp. 26296</i>	<i>Fazio</i>
16/09/2014	<i>PDp. 455</i>	<i>Harwin</i>

Questions must relate to the conduct of public affairs within the government's responsibility which could be dealt with by legislative or administrative action.

31/8/2000      *PDp. 8551*                      *Burgmann*

A question not affecting the public affairs of New South Wales is out of order.

28/5/1997      *PDp. 9329*                      *Willis*

Questions relating to the affairs of a Minister's department or office are in order, however references in a question to the affairs of a political party are not in order.

02/11/2000	<i>PDp. 9589</i>	<i>Burgmann</i>
22/10/2013	<i>PDp. 24339</i>	<i>Harwin (quoting Burgmann 2000)</i>
18/03/2014	<i>PDp. 27317</i>	<i>Harwin</i>
06/05/2014	<i>PDp. 28135</i>	<i>Harwin</i>

Questions about issues outside the responsibility of a Minister are out of order.

*Numerous rulings including –*

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15/10/1986 PDp. 4727 *Johnson*  
24/11/1987 PDp. 17118 *Johnson*  
13/11/2003 PDp. 4910 *Burgmann*  
31/03/2004 PDp. 7761 *Burgmann*  
13/05/2004 PDp. 8962 *Burgmann*

Questions may be put to Ministers relating to public affairs with which the Minister is officially connected. Matters relating to a foreign government do not come under the purview of a Minister in this House.

31/03/2009 PDp. 14025 *Primrose*

A question relating to the rewriting of a political party's platform is out of order as it is not a question relating to the public affairs with which a Minister is officially connected, to proceedings pending in the House, or to any matter of administration for which a Minister is responsible.

01/04/2009 PDp. 14177 *Primrose*

It is a tradition that each day that a Minister is absent an announcement is made in the House about which Minister will respond to questions for that portfolio.

29/08/2013 PDp. 23009 *Harwin*

It is in order for members to ask any question of the Leader of the Government as he represents the Premier in the Legislative Council.

10/09/2014 PDp. 127 *Harwin*

***Questions to members other than Ministers*** SO 64(2)

A member may ask a question of another member provided that it concerns a bill, motion or other public matter connected with the business of the House in which the member is concerned.

03/05/1990 PDp. 2332/4 *Johnson*

Questions may be put to members relating to any matter connected with business on the Notice Paper of which the member has charge

03/07/2001 PDp. 16106 *Burgmann*

Questions to private members should be relate to the timing or progression of a bill or motion on the Notice Paper of which the member has charge. While Standing Order 64 (4) allows discussion of an item of private members' business outside the Order of Precedence, if the answer to a question would require the member to anticipate what he or she might say in a speech on the matter, the question is anticipating debate and would be out of order.

02/04/2012 PDp. 10286 *Harwin*

If the member starts to discuss the substance of the bill before the House in any way other than just the issue of timing then the member will be ruled out of order. There are very narrow limits as to what can be said.

18/03/2014 PDp. 27309 *Harwin*

A question may only be put to the Leader of the Opposition if the question relates to an item of private members' business on the Notice Paper in the name of the Leader of the Opposition.

20/11/2014 PDp. 3214 *Harwin*

Questions may be put to members relating to any matter connected with business on the Notice Paper of which the member has charge. Former rulings of the President do not place restrictions on questions being asked regarding items inside or outside the order of precedence. In answering a question, the member must not go to the substance of the item, and may only speak to the timeframe within which the item may be brought on.

25/06/2015 PDp. 1887 *Harwin*

#### *Questions to Chair of a committee*

*SO 64(3)*

It is not competent under standing order 29 [now SO 64] for members to canvass the findings of a committee in relation to a matter upon which it has not reported. It is, however, competent for a member to ask of a committee Chair questions relating to the administrative operations of the committee.

30/5/1996 PDp. 1776 *Willis*

Questions may be put to Chairs of committees that relate to the activities of a committee, but that question must not attempt to interfere with the committee's work or anticipate its report.

28/6/2001 PDp. 15625 *Burgmann*

A question may be put to the Chair of a committee in regard to an inquiry on which the committee has not yet reported if it is in relation to the administrative operations of the committee.

29/10/2009 PDp. 18949, 50 *Primrose*

A question to a Chair must be about the administrative operations of the committee, and so must the response. The latitude given to Ministers in answering a question is not extended to other members of the House. If the response moves beyond the administrative operations of the committee and draws conclusions, it is arguably anticipating the report of the committee. If the response is confined to the administrative operations it is in order.

28/08/2013 PDp. 22851 *Harwin*

#### **Content of questions**

Longstanding practice and rulings made by successive Presidents make clear that once an answer has commenced, the time for challenging whether a question is in order has passed.

27/05/2015 PDp. 849 *Harwin*

It is possible for members to provide some background material to render a question intelligible. However, for a question to comply with the standing orders a member should not include too much background material.

22/10/2015 PDp. 4876 *Harwin*

***Must not contain argument***

Questions must not contain arguments.

27/05/2015 PDp. 845 *Harwin*

13/10/2015 PDp. 4030 *Harwin*

The Chair will generally be tolerant of member who include argument within their question for dramatic effort. Ministers are expected to answer that part of the question that does not contain argument. However, members should be mindful of the standing orders and endeavor not to include argument in their questions.

22/10/2015 PDp. 4881 *Harwin*

***Must not ask for expression of opinion***

A question may not ask for an expression of opinion.

15/10/2015 PDp. 4359 *Harwin*

***Questions concerning the administration of Parliament***

The administration and domestic affairs of the Department of the Legislature or the Parliament do not fall within the ambit of Standing Order 29. May's *Parliamentary Practice* (21st edition, p. 285) states that in the House of Commons the Speaker does not allow this. Questions to the Speaker are addressed by private notice and written or oral questions to the Speaker are not permitted. Therefore, members should not direct any written or oral questions to the President relating to the administration of the Legislature or the Department of the Legislative Council.

11/10/1995 PDp. 1541 *Willis*

It is not an appropriate use of question time to address to the Chair matters relating to the administration of Parliament; rather these should be brought to the President's attention in chambers.

14/10/1992 PDp. 6786 *Willis*

Questions addressed to the Chair regarding the administration and domestic affairs of the Parliament are not in order under Standing Order 29, nor are they in order according to Erskine May's *Parliamentary Practice*.

25/10/1995 PDp. 2269 *Willis*

It is not appropriate to ask questions at question time relating to the domestic affairs of the Parliament.

17/09/1997 PDp. 52 *Willis*

It is out of order to address questions to the Chair regarding the administration and domestic affairs of Parliament. The President is available to discuss such matters of concern to members privately.

31/10/2000 PDp. 9326 *Burgmann*  
31/10/2000 PDp. 9328 *Burgmann*  
1/11/2000 PDp. 9451 *Burgmann*

It is out of order to address questions to the Chair regarding the administration and domestic affairs of Parliament. However, questions may be addressed to the President privately.

2/11/2000 PDp. 9585 *Burgmann*

Questions regarding matters of parliamentary administration are out of order during Question Time. Members wishing to discuss such matters should consult the President privately.

12/05/2015 PDp. 347 *Harwin*

### *Questions concerning members' entitlements*

Questions concerning parliamentary entitlements of a member should properly be put either to the Presiding Officer or to the Parliamentary Remuneration Tribunal. However, I will not respond in this place to answers directed to me about the administration of Parliament. The member is welcome to speak to me in my office.

10/05/2006 PDp. 22843 *Burgmann*

### *Questions concerning pecuniary interest disclosures*

It is in order for members to ask questions to do with the pecuniary interests disclosed in the Pecuniary Interest Register by members and Ministers, but it is not in order to ask questions about a member's background unless it is connected with something in the Pecuniary Interest Register.

10/11/1999 PDp. 2547 *Burgmann*

While questions may be asked about entries in a member's Pecuniary Interest Register, the question must be directly related to the entry in the pecuniary interest register.

04/09/2002 PDp. 4489 *Burgmann*  
24/10/2002 PDp. 5850 *Burgmann*

Questions to do with a Minister's private affairs must be directly related to the Minister's entry in the Pecuniary Interest Register

4/9/2002 PDp. 4486 *Burgmann*

Members do not have to answer for the actions of their families, only questions relating to the Minister's own pecuniary interests.

24/10/2002 PDp. 5850 *Burgmann*

A Minister may be asked questions to do with public affairs or relating to his or her portfolio. Questions relating to a Minister's pecuniary interests may also be asked. However, as the

Pecuniary Interests Register does not require a declaration by relatives of members, only questions relating to the Minister's own pecuniary interests may be asked.

12/11/2002 PDp. 6418 *Burgmann*

### Supplementary questions

SO 64(4)

#### *General*

A supplementary question which is a new question is out of order.

21/10/2015 PDp. 4657 *Harwin*

10/11/2015 PDp. 5422 *Harwin*

Members may not use supplementary questions to make debating points.

28/10/2015 PDp. 5156 *Harwin*

#### *Must seek to elucidate answer*

It is acceptable to ask supplementary questions, within due limits, so long as they are necessary for the elucidation of the answers that have already been given.

13/10/1988 PDp. 2226 *Johnson*

At the discretion of the President one supplementary question may be put immediately by the member who asked a question to elucidate an answer.

4/12/2001 PDp. 19357 *Burgmann*

Supplementary questions must be directly related to the answer given by the Minister and must seek to elucidate, that is, make the answer clearer.

*Numerous rulings including—*

20/05/2003 PDp. 638 *Burgmann*

12/11/2009 PDp. 19470 *Primrose*

31/08/2010 PDp. 24849 *Fazio*

23/11/2011 PDp. 7622 *Harwin*

14/03/2013 PDp. 18625 *Harwin*

13/08/2014 PDp. 30418 *Harwin*

8/03/2017 PDp. 6 *Ajaka*

A member asking a question again may be regarded as that member seeking elucidation, but only if the original question was in order.

13/05/2004 PDp. 8968 *Burgmann*

Using the word “elucidate” in a question that contains additional information is not sufficient to make it a supplementary question.

15/05/2008 PDp. 7650 *Primrose*

8/03/2017 PDp. 6 *Ajaka*

Any question that does not seek elucidation of a Minister's answer is out of order as a supplementary question. A supplementary question must arise out of the answer given by the Minister.

22/10/2009 PDp. 18513 *Primrose*

A supplementary question that asks for further information is not asking for elucidation of the answer and is out of order.

08/06/2010 PDp. 23815 *Fazio*

Using the word "elucidate" in a question then repeating part of the original question does not make it a supplementary question. A supplementary question must only ask for elucidation of the answer.

08/06/2010 PDp. 23816 *Fazio*

Supplementary questions should seek to elucidate an aspect of an answer that has already been given. They should not seek to take the supplementary question and answer in a new direction that canvasses a subject area that has not already been addressed directly.

19/03/2014 PDp. 27438 *Harwin*

13/08/2014 PDp. 30423 *Harwin*

13/11/2014 PDp. 2710 *Harwin*

A question which asks a Minister to elucidate an answer by committing to table a document is not a supplementary question.

20/02/2013 PDp. 17644 *Harwin*

It is not possible for a Minister to elucidate an answer to a question which has been taken on notice.

26/06/2013 PDp. 22017 *Harwin*

22/11/2017 PDp. 34 *Ajaka*

Supplementary questions must not be a new question. Their purpose is to seek the elucidation of an answer already given.

26/05/2015 PDp. 726 *Harwin*

16/09/2015 PDp. 3718 *Harwin*

16/03/2016 PDp. 7525 *Harwin*

It is in order to ask for the elucidation of an aspect of the answer that was raised, even if the aspect of the answer was not directly within the scope of the original question.

13/08/2015 PDp. 2584 *Harwin*

It is in order to ask a supplementary question if a sufficient nexus can be established between the original question and the aspect of the answer that the member wishes to elucidate.

16/09/2015 PDp. 3722 *Harwin*

Supplementary questions must ask for an elucidation of an aspect of an answer given. It is out of order to ask a Minister to address a part of a question that was not answered.

15/09/2016 PDp. 35 *Ajaka*

***Must not restate original question***

Supplementary questions may only be asked by the member who asked the original question.

4/12/1991 PDp. 5425 *Gay (Deputy President)*  
12/5/1994 PDp. 2372 *Willis*

A supplementary question which is the same question is out of order.

13/5/1997 PDp. 8387 *Willis*

A supplementary question should be a new question relative to the issue, and not a repetition of the original question, either in full or in part.

23/6/1997 PDp. 10909 *Willis*

Members wishing to ask supplementary questions must not ask the same question or part of the same question again, even if the Minister has failed to answer the initial question or only partially answered it.

20/11/1997 PDp. 2175 *Willis*

A member cannot ask a supplementary question by repeating the original question.

*Numerous rulings including—*

17/06/2008 PDp. 8411 *Primrose*  
21/10/2009 PDp. 18361 *Primrose*  
16/06/2011 PDp. 2459,63 *Harwin*  
19/09/2012 PDp. 15374 *Harwin*  
18/06/2013 PDp. 21418 *Harwin*  
16/10/2014 PDp. 1264 *Harwin*

A supplementary question that merely repeats part of the original question is out of order.

21/10/2008 PDp. 10210 *Primrose*  
05/03/2009 PDp. 13002 *Primrose*

A supplementary question must seek elucidation on an aspect of the Minister's answer and not restate the original question.

09/08/2011 PDp. 3915 *Harwin*  
15/02/2012 PDp. 8180 *Harwin*

A member cannot ask a supplementary question by repeating the original question.

03/06/2015 PDp. 1264 *Harwin*

Members may not ask a supplementary question by restating the original question where they are of the opinion that the minister was not sufficiently forthcoming in their original answer.

24/06/2015 PDp. 1715 *Harwin*

A supplementary question which has the effect of re-asking the original question is out of order.

22/03/2016 PDp. 7903 *Harwin*

10/11/2016 PDp. 33 *Harwin*

### General

A supplementary question should relate to the principal subject matter of the original question.

25/6/1996 PDp. 3575 *Willis*

It is not in order for a member to ask a supplementary question when a purely formal answer, such as referring the matter to another Minister, has been given. A supplementary question must be based on part of the substantive answer given in response to a question.

21/11/1995 PDp. 3531 *Willis*

Supplementary questions should not seek to elicit a different answer from a Minister, or assist a Minister to understand the original question. A supplementary question must be a new question on the same subject.

4/6/1998 PDp. 5742 *Willis*

Supplementary questions are allowed in order to elucidate further information on a question which a member feels has not been effectively answered. They must be actually and accurately related to the original question and must relate to or arise from the answer given to the original question. They are not an opportunity to ask another question.

04/04/2000 PDp. 3970 *Burgmann*

A supplementary question must seek clarification of the previous answer and must not contain new material.

*Numerous rulings including—*

26/10/2006 PDp. 3525 *Burgmann*

14/11/2006 PDp. 3709 *Burgmann*

15/11/2007 PDp. 4207 *Primrose*

18/06/2009 PDp. 16276 *Primrose*

A supplementary question cannot be asked if the original question has been ruled out of order.

28/06/2001 PDp. 15623 *Burgmann*

If a Minister does not answer a question, a member cannot ask a question to elucidate the answer.

27/09/2001 PDp. 17198 **Burgmann**  
16/09/2003 PDp. 3275 **Burgmann**  
26/10/2006 PDp. 2169 **Burgmann**

The sessional orders [now SO 65] relating to rules for questions clearly provide that questions must not contain hypothetical matter. The same rule applies to supplementary questions. A supplementary question which seeks information of a hypothetical nature rather than elucidation of the Minister's answer is out of order.

05/12/2002 PDp. 7756 **Burgmann**

Supplementary questions must not contain new information. Their purpose is to seek elucidation of an answer already given.

29/10/2003 PDp. 4277 **Burgmann**

A supplementary question is not in order if it raises a matter that was not raised in the original question and was not referred to in the Minister's answer.

01/07/2003 PDp. 2394 **Fazio** (*Acting President*)

The rules governing supplementary questions are the same as those that govern questions.

*Numerous rulings including—*

31/03/2004 PDp. 7763 **Burgmann**  
02/09/2004 PDp. 10719 **Burgmann**  
22/02/2005 PDp. 13926 **Burgmann**

The sessional order [now standing order] clearly provides that the President has a discretion, at any time, to allow a supplementary question.

20/05/2003 PDp. 645 **Burgmann**

Members who wish to ask supplementary questions must rise and seek the call immediately after the Minister concludes the answer.

24/06/2003 PDp. 1843 **Burgmann**

The standing orders state that in order to ask a supplementary question the member who asked the original question must rise and seek the call.

18/09/2003 PDp. 3542-3543 **Burgmann**

Supplementary questions may not ask for an expression of opinion.

13/11/2003 PDp. 4908 **Burgmann**

When a Minister says that he or she will take a question on notice no elucidation of the answer is possible.

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16/11/2006 PDp. 4130 *Burgmann*

A supplementary question is out of order if it seeks information not referred to in the Minister's answer.

07/05/2008 PDp. 7059 *Primrose*

When a question has been ruled out of order as a supplementary question it is not in order for the member who asked the question to then seek to ask another supplementary question.

11/03/2010 PDp. 21264 *Fazio*

A supplementary question cannot be asked to elucidate a one-word answer.

01/09/2010 PDp. 24954 *Fazio*

A supplementary question can only be asked by the member who asked the original question.

01/09/2010 PDp. 24959 *Fazio*

28/10/2010 PDp. 27072 *Fazio*

A supplementary question cannot be asked if the Minister answered "I refer to my previous answer".

20/10/2010 PDp. 26291 *Fazio*

A supplementary question cannot be asked if the Minister gave a formal answer such as "I will refer the question to another Minister".

28/10/2010 PDp. 27066 *Fazio*

A supplementary question may only be asked at the discretion of the President.

31/05/2011 PDp. 1469 *Harwin*

It is in order to ask a Minister to elucidate his answer if the Minister's time has expired before his answer is completed.

09/09/2011 PDp. 5340 *Harwin*

16/10/2012 PDp. 15636 *Harwin*

21/11/2012 PDp. 17167 *Harwin*

A supplementary question which is a new question is out of order.

27/05/2011 PDp. 1284 *Harwin*

18/03/2014 PDp. 27313 *Harwin*

13/05/2014 PDp. 28560 *Harwin*

06/11/2014 PDp. 2241 *Harwin*

Supplementary questions which seek a time frame of an answer that a Minister has undertaken to obtain from a Minister in the other House are in order. However, it could be argued that the time of the House is wasted by member asking questions seeking a time frame or that do not relate to the principal subject matter of the original question.

18/09/2012 PDp. 15256/7/8 *Harwin*

Supplementary questions may not canvass new material.

16/10/2012 PDp. 15640 *Harwin*

Under the standing orders, there is no obligation on the Minister to respond to a supplementary question.

25/03/2013 PDp. 19175 *Harwin*

In order for a supplementary question to be in order, it must seek the elucidation of information, rather than simply relate to something the minister said in answer to the original question.

15/10/2013 PDp. 23911 *Harwin*

### **Time for Questions**

It is customary for ministers to give supplementary answers at the end of question time. The convention is that supplementary answers are generally brief. There are no time limits.

20/02/2013 PDp. 17645 *Harwin*

By convention, question time proceeds for one hour, however the minister may conclude questions before one hour or after one hour. While the sessional orders allow the minister, at a prescribed time, to move the adjournment motion if so desired, the interruption does not have to bring question time to an end.

21/02/2013 PDp. 17795 *Harwin*

The standing orders do not stipulate the duration of question time. The Leader of the Government is entitled to draw question time to a close at any time the Leader of the Government wishes.

10/11/2015 PDp. 5432 *Harwin*

### **Time Limits**

**SO 64(5)**

Under sessional orders, time for the asking and answer of a question includes any time taken up with points of orders.

31/5/2001 PDp. 14072 *Burgmann*

05/06/2001 PDp. 14276 *Burgmann*

A question must be successfully asked within the time limit prescribed. Debate on a point of order, and a ruling on it, may go on past the time limit.

05/06/2001 PDp. 14279 *Burgmann*

A member is allowed to rephrase a question only when the time for asking the question has not lapsed.

18/10/2001 PDp. 17548 **Burgmann**

**Questions – rules for**

**SO 65**

In asking a question a member should not give information but rather should seek it.

16/03/1977 PDp. 5195 **Budd**

Questions should be framed in the form of a question and not a statement.

02/08/1989 PDp. 8917 **Johnson**

Questions which are too long or provide too much detailed information should be put on the Questions and Answers Paper.

*Numerous rulings including –*

27/08/1991 PDp. 507 **Gay** (Deputy President)

04/12/1991 PDp. 5424 **Gay** (Deputy President)

06/03/1991 PDp. 680 **Evans** (Deputy)

01/04/1993 PDp. 1099 **Gay** (Deputy President)

11/05/1994 PDp. 2237 **Willis**

Questions without notice should be succinct. Cognisance should be taken of the fact that other Members are seeking to ask questions and receive answers. Lengthy questions should be placed upon the notice paper.

29/8/1990 PDp. 6561 **Johnson**

17/11/1994 PDp. 5181 **Gay** (Deputy President)

Members are entitled to give a reasonable amount of background in asking a question.

21/11/1985 PDp. 10262 **Johnson**

15/10/1992 PDp. 6968 **Willis**

Members may not preface questions with statements.

27/10/1998 PDp. 8951 **Chadwick**

In asking a question members should seek information and not give it, except in so far as it may be necessary to explain such question

*Numerous rulings including—*

17/10/1990 PDp. 8521 **Johnson**

28/11/1979 PDp. 3990 **Johnson**

06/04/1982 PDp. 3395 **Johnson**

11/11/1982 PDp. 2559 **Johnson**

28/09/1983 PDp. 1266 **Johnson**

28/02/1984 PDp. 4675 **Johnson**

Questions should not contain too much detail and information.

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01/03/1984 PDp. 4899 *Johnson*

A question which is the same as a question already asked may not be asked again on the same day.

16/8/1990 PDp. 5865 *Johnson*

It is not proper to ask Ministers for detailed statistical information that they cannot be expected to have at their command.

14/9/1994 PDp. 2931 *Willis*

Questions that demand technical answers and numerous figures would be better placed on the Questions and Answers Paper.

22/9/1994 PDp. 3508 *Gay (Deputy President)*

Standing orders provide that members may not debate any matter when asking a question.

23/11/2000 PDp. 10688 *Burgmann*

There is nothing in the standing or sessional orders stating that a detailed question cannot be asked. However, it is probably more appropriate for a question seeking such detail to be put on notice.

22/05/2003 PDp. 962 *Burgmann*

A question is in order if it refers to what might have happened but for a decision of the House as long as it does not reflect on a decision of the House.

24/10/2006 PDp. 3155 *Burgmann*

It is out of order for members to make comments about questions on notice in a question without notice.

15/09/2011 PDp. 5741 *Harwin*

Question time is for seeking information. As the question is not about government policy and contains hypothetical matter it is out of order.

02/06/2011 PDp. 1778 *Harwin*

It is long-standing practice that some preamble to a question is allowed to enable the question to be intelligible and authenticated. However, the preamble should not take any more than half the time that it would take a member to ask a complete question.

26/08/2011 PDp. 4832 *Harwin*

Although a question may be out of order, once the question has been asked, the answer will be in order.

12/10/2011 PDp. 5991 *Harwin*

“Draconian” is an argumentative term and is out of order. However, the Minister may respond

to those parts of the question that are in order.

22/02/2012 PDp. 8638 *Harwin*

A point of order concerning the content of a question should be taken before the Minister commences their answer.

28/02/2013 PDp. 18208 *Harwin*

18/09/2013 PDp. 23630 *Harwin*

### ***Must not ask for expression of opinion***

A question may not ask for an expression of opinion, legal or otherwise.

*Numerous rulings including –*

17/11/2004 PDp. 12958 *Burgmann*

22/02/2005 PDp. 13926 *Burgmann*

10/11/2005 PDp. 19463 *Fazio (Deputy President)*

09/05/2011 PDp. 419 *Harwin*

22/06/2011 PDp. 3061 *Harwin*

Questions should not seek legal advice or a personal opinion.

31/5/1990 PDp. 4841 *Johnson*

01/03/2006 PDp. 20758 *Burgmann*

In putting a question, no argument or opinion should be offered.

08/04/1986 PDp. 1409 *Johnson*

It is out of order for members to ask for expressions of opinion. However, a question requesting that a Minister explain the rationale behind a decision is in order.

18/06/2009 PDp. 16279 *Primrose*

“Is the Minister angry?” is seeking an expression of opinion and is out of order.

13/03/2012 PDp. 9380 *Harwin*

### ***Must not contain argument***

Questions must not contain arguments, inferences or imputations.

*Numerous rulings including –*

31/08/2004 PDp. 10461 *Burgmann*

20/10/2004 PDp. 11623 *Burgmann*

02/03/2005 PDp. 14395 *Burgmann*

03/08/2011 PDp. 3473 *Harwin*

06/09/2011 PDp. 4927 *Harwin*

29/05/2014 PDp. 29405 *Harwin*

06/11/2014 PDp. 2244 *Harwin*

Questions should not contain argument or ask for an expression of opinion.

*Numerous rulings including –*

05/12/2001	PDp. 19483	<b>Burgmann</b>
13/12/2001	PDp. 20133	<b>Kelly (Acting)</b>
04/09/2002	PDp. 4487	<b>Burgmann</b>
05/09/2002	PDp. 4657	<b>Burgmann</b>
26/09/2002	PDp. 5461-2	<b>Burgmann</b>

Questions may not contain arguments, inferences or imputations, epithets, ironical or offensive expressions or inferences against a member.

*Numerous rulings including –*

12/03/2009	PDp. 13355	<b>Primrose</b>
21/04/2010	PDp. 21941	<b>Griffin (Acting)</b>
22/06/2010	PDp. 24377/8	<b>Fazio</b>
26/05/2011	PDp. 1115	<b>Harwin</b>
02/08/2011	PDp. 3355	<b>Harwin</b>

Questions should not contain argument or opinions, and only those facts necessary to explain the question.

21/11/1979	PDp. 3333	<b>Johnson</b>
01/11/1983	PDp. 2061	<b>Johnson</b>

The part of a question alleging that a member is of an “impartial” and “unprejudiced mind” ruled argumentative and out of order.

10/03/2010	PDp. 21136	<b>Fazio</b>
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The Minister may answer the parts of a question that were not argumentative.

19/03/2013	PDp. 18759	<b>Harwin</b>
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The word “handcuffed” in the question “How has the legislation handcuffed....” ruled argumentative and out of order.

24/10/2013	PDp. 24681	<b>Harwin</b>
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That part of the question that describes a decision of government as “another sensible decision” ruled to be argumentative and out of order.

21/08/2013	PDp 22478	<b>Harwin</b>
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### ***Must not ask for statement of policy***

A question must not ask for a statement or announcement of the government’s policy, and it is a matter for the Minister to determine whether a question involves a statement of government policy.

*Numerous rulings including –*

05/06/2001	PDp. 14270	<b>Burgmann</b>
21/03/2002	PDp. 915	<b>Burgmann</b>
10/05/2007	PDp. 177	<b>Primrose</b>
20/11/2014	PDp. 3221	<b>Harwin</b>

It is not disorderly for a Minister to announce Government policy in response to a question. Members may not ask questions calling for an announcement of Government policy.

7/5/2002 PDp. 1537 *Burgmann*

Questions must not ask for a statement of, or announce government policy. It is out of order to ask for the Government's response to a report of a public inquiry into a matter.

28/06/2004 PDp. 10279 *Burgmann*

Questions must not ask for a statement of government policy, but may ask for an undertaking from the Minister.

20/05/2010 PDp. 23162 *Fazio*

Questions must not ask for a statement of government policy, but a question may seek an explanation of government policy; ask a Minister about the effects of a proposal on the Minister's portfolio; ask about the government's intentions and the reasons for those intentions; and seek clarification of a statement made by a Minister.

12/03/2009 PDp. 13358 *Primrose*

***Must not contain fact unless strictly necessary***

Questions must not contain statements of fact or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated.

31/05/2001 PDp. 14072 *Burgmann*

5/06/2001 PDp. 14273 *Burgmann*

28/05/2003 PDp. 1234 *Burgmann*

26/05/2005 PDp. 16217 *Burgmann*

26/05/2011 PDp. 1114 *Harwin*

Questions containing statements of fact or names of persons, unless they are strictly necessary to render the question intelligible and can be authenticated, are out of order.

15/11/2007 PDp. 4209 *Primrose*

It is not possible for the Chair to determine the veracity of facts presented by members in questions. The standing orders require that any facts presented should be limited to those that will make the question understandable. Any member who makes an assertion thereby attests to the veracity of that assertion.

15/11/2007 PDp. 4214/5 *Primrose*

It is in order for statements of fact to be made at the beginning of questions.

11/08/2011 PDp. 4211 *Harwin*

A proportion of a question may provide some information in order to elucidate it. However a question should be in the form of a question and not a lengthy statement of facts.

10/09/2014 PDp. 133 *Harwin*

***Must not contain acronyms, epithets, hypothetical matter***

Members must not use acronyms either in questions or in answers.

11/11/2003 PDp. 4586 ***Burgmann***

13/11/2003 PDp. 4909 ***Burgmann***

Questions may not contain an epithet.

09/12/2004 PDp. 13653 ***Burgmann***

Hypothetical questions are out of order.

04/05/2006 PDp. 22586 ***Fazio (Acting President)***

11/08/2011 PDp. 4205 ***Harwin***

13/10/2011 PDp. 6140 ***Harwin***

08/05/2014 PDp. 28434 ***Harwin***

**Anticipation**

**SO 65(4)**

[Note: standing order 65(4) provides an exception to the rule of anticipation for items of private members' business outside the order of precedence or an order of the day relating to the budget estimates]

In responding to a question a Minister cannot refer to a matter that is before the House.

1/6/1999 PDp. 23 ***Burgmann***

Questions must not anticipate discussion upon an order of the day or other matter on the notice paper except an item of private members' business outside the order of precedence.

26/05/2005 PDp. 16222 ***Burgmann***

Questions may not refer to a matter which is currently before the House.

*Numerous rulings including –*

21/10/1979 PDp. 2392 ***Johnson***

03/10/1985 PDp. 7672, 7674 ***Johnson***

07/06/1988 PDp. 1608 ***Solomons (Deputy President)***

18/10/1989 PDp. 11307 ***Johnson***

19/11/1992 PDp. 9298 ***Willis***

08/05/1997 PDp. 8268 ***Willis***

Questions asked in anticipation of discussion upon an order of the day set down for consideration by the House are out of order.

01/11/1979 PDp. 2412 ***Johnson***

14/05/1990 PDp. 3075 ***Johnson***

Questions should not anticipate a debate on a bill of which notice has been given.

10/09/1980 PDp. 580 ***Johnson***

15/03/1983 PDp. 4552 ***Healey (Deputy President)***

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Selected President's Rulings: August 1975 to November 2017

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27/04/1993 PDp. 1572 *Willis*  
27/10/1994 PDp. 4755 *Gay (Deputy President)*

When considering whether a question without notice will anticipate debate on a bill which is currently the subject of a notice of motion, the Chair must have regard to the probability of the matter anticipated being brought before the House within a reasonable time. If it was unlikely that the matter would be before House until the distant future, then it does not fall within the ambit of anticipation.

28/4/1993 PDp. 1660 *Willis*

A question which relates to a current Act and not to an amending bill before the House is in order.

05/09/2002 PDp. 4653 *Burgmann*

Questions must not refer to proceedings in committee not yet reported to the House.

20/09/2001 PDp. 16922 *Burgmann*  
27/09/2001 PDp. 17226 *Burgmann*

Questions must not anticipate discussion upon an order of the day but as the question does not specifically relate to the legislation before the House it is not out of order.

25/05/2011 PDp. 977 *Harwin*

A question that falls within the ambit of the bill before the House is out of order.

24/08/2011 PD. 4488 *Harwin*

A question that anticipates debate on a bill before the House is out of order.

23/11/2011 PD. 7626-7 *Harwin*

A question that may anticipate debate on a bill introduced earlier in the day is out of order.

15/02/2012 PDp. 8174 *Harwin*

Where a matter is in the public domain, it would be nonsense to constrain members' discussion of it just because the House has established a committee to inquire into the matter.

22/05/2012 PDp. 11616 *Harwin*

To the extent that a Minister has only named a piece of legislation within his answer, he is not anticipating debate on the matter.

14/11/2012 PDp. 16753 *Harwin*

A question which asks a minister to update the House on a matter the subject of a government bill on the Notice Paper anticipates debate and is out of order.

14/11/2012 PDp. 16763 *Harwin*

A question that anticipates debate on a bill before the House is out of order.

27/05/2015 PDp. 842 *Harwin*

**Answers – rules for**

**SO 65**

Even if a question is out of order, once the answer has commenced the Minister may continue in the manner they think fit, provided that the minister is providing generally relevant information.

28/10/2015 PDp. 5154 *Harwin*

A minister's answer should be relevant to the question.

24/02/2016 PDp. 6681 *Harwin*

When answering a question the Minister must demonstrate a nexus between comments made and the original question.

8/03/2016 PDp. 6953 *Harwin*

***Answer must be relevant***

A Minister's answer should be relevant to the question.

*Numerous rulings including —*

14/04/1981	PDp. 5796	<i>Johnson</i>
15/03/1983	PDp. 4552	<i>Healey (Deputy President)</i>
09/05/1984	PDp. 382	<i>Johnson</i>
23/02/2012	PDp. 8827	<i>Harwin</i>
21/08/2013	PDp. 22474	<i>Harwin</i>
18/11/2014	PDp. 2827	<i>Harwin</i>

Answers should be relevant to the question asked. However, some generality is always allowed in answering a question.

*Numerous rulings including —*

29/11/2005	PDp. 20034	<i>Burgmann</i>
25/10/2006	PDp. 3315	<i>Burgmann</i>
07/06/2007	PDp. 984	<i>Primrose</i>

Under the new sessional orders [now SO 65] relating to questions, answers are required to be relevant to the question asked.

25/10/2001	PDp. 17971	<i>Burgmann</i>
17/09/2002	PDp. 4773	<i>Burgmann</i>
25/09/2002	PDp. 5255	<i>Burgmann</i>

In answering a question a Minister has two requirements: the answer must be relevant and the Minister must not debate the question.

20/09/2006	PDp. 1882	<i>Burgmann</i>
21/09/2006	PDp. 2046	<i>Burgmann</i>

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22/09/2009 PDp. 17824 *Primrose*  
24/08/2011 PDp. 4495 *Harwin*

Question time is an opportunity for members to seek information, it is not the time for the minister to answer a question that he thinks another member might ask.

21/06/2011 PDp. 2890 *Harwin*

Ministers should not add material to their answers that is not generally relevant to the question asked.

20/09/2012 PDp. 15523 *Harwin*

The specific question should always be the focus of the Minister's answer.

13/11/2012 PDp. 16626 *Harwin*

In answer to a question the Minister can provide whatever relevant information he has.

17/10/2013 PDp. 24255 *Harwin*

As long as a Minister is generally relevant and does not debate the question, they can answer in any way they choose.

21/11/2013 PDp. 26197 *Harwin*

In answering a question, a minister may not debate the question, but may debate the subject of the question.

28/05/2015 PDp. 991 *Harwin*

It is understood that there will be some degree of generality in remarks made by a Minister in response to a question but that, by and large, most of the remarks should be directly relevant.

23/06/2015 PDp. 1584 *Harwin*

22/10/2015 PDp. 4883 *Harwin*

***Member must not debate the question***

A Minister may not debate the question, but that does not include the issue to which the question referred.

*Numerous rulings including –*

14/10/2003 PDp. 3694 *Burgmann*  
18/10/2005 PDp. 18671 *Burgmann*  
29/10/2009 PDp. 18948 *Primrose*  
18/05/2010 PDp. 22819 *Fazio*  
06/04/2011 PDp. 320 *Harwin*  
16/02/2012 PDp. 8395 *Harwin*

Comparing the question with another question is debating the question and is out of order.

21/10/2004 PDp. 11774 *Burgmann*

Although a Minister may not debate a question, he or she is not restricted from debating the issue to which the question refers.

13/11/2008 PDp. 11341 *Primrose*  
29/10/2009 PDp. 18948 *Primrose*

In answering a question a Minister needs to bear in mind two requirements: his answer must be relevant to the question and he must not debate the question.

24/08/2011 PDp. 4495 *Harwin*  
21/11/2013 PDp. 26197 *Harwin*

While it is inappropriate to debate the question, it is not inappropriate to debate the issue that is the subject of the question.

13/10/2011 PDp. 6140 *Harwin*  
24/10/2012 PDp. 16284 *Harwin*  
21/02/2013 PDp. 17785 *Harwin*  
22/08/2013 PDp. 22616 *Harwin*  
18/09/2013 PDp. 23627 *Harwin*

In answering a question, a brief preamble is possible but debating the question is not in order.

18/06/2013 PDp. 21412 *Harwin*

The minister must not debate the question.

22/05/2013 PDp. 20578 *Harwin*  
21/08/2013 PDp. 22474 *Harwin*  
18/03/2014 PDp. 27317 *Harwin*  
06/05/2015 PDp. 121 *Harwin*  
12/08/2015 PDp. 2369 *Harwin*  
14/10/2015 PDp. 4193 *Harwin*

### *Answers given by a different Minister*

It is in order for the Leader of the Government to answer any question that is directed to Ministers.

26/05/2000 PDp. 5901 *Burgmann*  
21/11/2000 PDp. 10349 *Burgmann*  
25/10/2001 PDp. 17971 *Burgmann*

It has been the practice for many years in this House that the Leader of the Government may answer any question.

16/09/2003 PDp. 3282 *Burgmann*

Ministers may transfer a question to another Minister.

09/12/2004 PDp. 13652 *Burgmann*

If the Leader of the Government wishes to answer the question, he can do so either in his

capacity as Leader of the Government or in his capacity as the Minister of whom the question should have been asked. A Minister can answer a question in any way he or she sees fit as long as the answer is relevant.

17/11/2004 PDp. 12957 *Burgmann*

There is no convention or previous ruling which provides that the Deputy Leader of the Government can answer a question directed to another Minister. The Minister to whom the question was directed should answer the question.

22/08/2013 PDp. 22621 *Harwin*

Based on rulings that have been made by previous Presidents, it would be in order, if a point of order was taken, to declare a question out of order if it was asked of the wrong minister. However, it would be quite in order to allow another minister to answer if the minister to whom the question was directed choose to do so. It is a matter for each minister to make his or her own decision where such a situation arises.

25/08/2015 PDp. 2698 *Harwin*

### *Answers – General*

Past Presidents' rulings indicate that a Minister does not have to answer a question. A Minister may indicate that he does not wish to answer the question. He may answer it partially. He may answer it in his own manner. One would hope that Ministers would conform to past precedents and the standing orders. However, the Chair cannot compel the Minister to answer a question other than in the way he wishes.

20/10/1988 PDp. 2704 *Johnson*  
12/10/1988 PDp. 2053 *Solomons (Deputy President)*  
11/04/1989 PDp. 6103 *Johnson*  
12/04/1989 PDp. 6259 *Johnson*  
05/05/2011 PDp. 183 *Harwin*

The Chair cannot direct a Minister to answer a question.

07/06/2001 PDp. 14588 *Burgmann*  
26/06/2001 PDp. 15278 *Burgmann*

The Chair cannot direct a Minister how to answer a question.

11/03/2009 PDp. 13229 *Primrose*  
01/04/2009 PDp. 14175 *Primrose*  
13/05/2009 PDp. 15104 *Primrose*  
03/08/2011 PDp. 3468 *Harwin*  
24/08/2011 PDp. 4494 *Harwin*  
13/06/2012 PDp. 12654 *Harwin*  
10/09/2013 PDp. 23126 *Harwin*

The Chair cannot direct a Minister as to how to answer a question, other than to remind the ministers that they must be generally relevant and not debate the question.

15/11/2012 PDp. 16924 *Harwin*

The Chair cannot direct a Minister how to answer a question, only that the answer must comply with the standing orders.

20/02/2013      PDp. 17639      *Harwin*

As long as an answer pertains to or bears upon the question it is within order. It is not for the Chair to direct a Minister how to answer a question. There is a long line of authority indicating that provided a Minister complies with the general rules of debate, he or she may answer as he or she sees fit.

12/03/2009      PDp. 13348      *Primrose*

A member is entitled to ask a Minister to elucidate any aspect of an answer. However, the Minister may decline to do so.

04/12/2007      PDp. 4844      *Primrose*

A Minister may decline to answer a question.

11/11/2011      PDp. 7423      *Harwin*

Ministers may answer a question as they see fit, provided that at all times the answer is relevant to the question. If the Minister has information that he can provide to the House that is relevant to the question, he should do so. If he does not have that information, he should resume his seat and allow question time to proceed.

04/05/2011      PDp. 80      *Harwin*

A Minister can express an opinion in an answer, but the questioner cannot ask the Minister for an opinion.

17/10/2001      PDp. 17377      *Burgmann*

Although a question may be out of order, once the question has been asked, the answer will be in order.

19/3/2002      PDp. 616      *Burgmann*

A question may be out of order while the answer to it may not. No sessional order provides that answers to questions should not contain an announcement of Government policy. Sessional orders provide, however, that questions may not ask for such an announcement. .

20/3/2002      PDp. 737      *Burgmann*

Ministers may answer innuendos contained in a question, provided no point of order is taken and upheld ruling the innuendos out of order.

25/9/2002      PDp. 5260      *Burgmann*

There is no rule stating that a Minister, in answering the question, may not waste the time of the House.

29/11/2001      PDp. 19132      *Burgmann*

There is nothing in the sessional or standing orders that requires a Minister not to make an assumption when answering a question.

26/06/2003 PDp. 2200 *Burgmann*

The requirement that statements of fact cannot be used unless they are authenticated applies only to questions; it does not apply to answers.

18/11/2003 PDp. 5083 *Burgmann*

A Minister cannot provide an answer to a question that has been ruled out of order.

26/09/2006 PDp. 2177 *Burgmann*

Although a question must not seek an opinion of a Minister, a Minister can give an opinion in his or her response to a question.

14/11/2007 PDp. 4016 *Primrose*

Members should not engage in the use of epithets when answering questions.

19/06/2008 PDp. 8812 *Primrose*

Answers should not contain inferences or imputations.

12/03/2009 PDp. 13355 *Primrose*

Answers containing imputations of improper motives and personal reflections are out of order.

09/09/2009 PDp. 17495 *Primrose*

The standing and sessional orders do not prohibit answers from containing an announcement of Government policy. However, the standing orders do provide that questions may not ask for such an announcement.

02/06/2011 PDp. 1778 *Harwin*

24/08/2011 PDp. 4495 *Harwin*

13/09/2011 PDp. 5479 *Harwin*

The Minister, in referring to a previous question on the same topic, is not being relevant to the question asked, and is out of order.

06/03/2012 PDp. 8934 *Harwin*

When answering a question Ministers may not provide an answer to a question previously asked.

30/05/2012 PDp. 12207 *Harwin*

18/10/2012 PDp. 15995 *Harwin*

If a Minister subsequently receives information that is relevant to a previous question, the Minister should give a supplementary answer at the end of question time and not when answering another question.

25/10/2012 PDp. 16492 *Harwin*

It is a long-standing practice in the House that even if a question is out of order, once the Minister has commenced, his answer is in order.

12/09/2012 PDp. 14980 *Harwin*

When giving an answer a minister is only required to do two things. Firstly, they must not debate the question. Secondly, they must be relevant. The Chair cannot direct a minister how to answer a question. If a minister chooses to not answer part of a question and answer only another part, that is a matter for the minister. The person who has asked the question has ample opportunity to ask a supplementary question, to ask another question or to put a further question on notice.

27/08/2015 PDp. 3003 *Harwin*

The particular order in which a minister chooses to answer a question or whether the minister chooses to answer a question at all is not a matter on which the President can intervene. As long as the minister is providing relevant information and is not debating the question the minister is in order.

25/08/2015 PDp. 2700 *Harwin*

Answers must be addressed through the Chair and not across the Chamber.

22/10/2015 PDp. 4877 *Harwin*

A Minister should not reflect on members when giving an answer.

25/02/2016 PDp. 6839 *Harwin*

#### *Answers to questions to Chairs of committees*

A member asked a question in their capacity as Chair of a committee may only answer the question so far as it pertains to their involvement as Chair. The member may make remarks as to how the committee may conduct their inquiry, but may not canvass broader substantive issues regarding, for example, the subject of the inquiry.

11/09/2012 PDp. 14856 *Harwin*

#### **Answers to questions, provision of**

**SO 66, 67**

Answers to questions on notice and answers to questions without notice must be provided within 35 calendar days after the question is asked. During any adjournment of the House, replies to these questions may be delivered to the Clerk. On the first sitting day after any lengthy adjournment, for example between the budget and spring sessions, all answers to questions on notice received by the Clerk are published in *Questions and Answers*. Similarly, all answers to questions without notice received by the Clerk are published in *Hansard*. Staff in the Legislative Council Procedure Office and the Office of the Leader of the Government are in regular contact to ensure compliance with the dates for submission of answers. To date there have been no instances of answers to questions being submitted late.

29/8/2002 PDp. 4349-4350 *Burgmann*

#### *Questions asked by Ministers*

There is nothing in the standing or sessional orders that precludes a Minister from asking a question.

24/10/2002      PDp. 5855                      *Burgmann*

*Questions asked on behalf of another member*

A question may be asked on behalf of another member who is not present in the chamber.

22/09/2005      PDp. 18145                      *Burgmann*

**Government to determine length of time for**

The Government is in charge of the Business of the House. Although an undertaking may have been given that question time would last for a specified duration, the Minister may at any time suggest that further questions be put on notice.

22/2/1990      PDp. 32/3                          *Johnson*

It is up to the Minister to determine at what point to terminate question time.

21/10/1997      PDp. 1018                          *Willis*

## QUESTIONS FROM THE CHAIR

### Put sequentially (*seriatim*)

SO 102

The proper time to request that the resolutions of a motion consisting of more than one resolution be put *seriatim* is when the question is put, not during debate. If a member does not so indicate at that time, the question on the motion will be put as one question.

2/6/1988      *PDp. 1336*      *Johnson*

### Previous question

SO 107

A member is entitled to move the motion, pursuant to standing order 108 [now SO 107], which provides the previous question shall be put in the form “That the question be now put”.

5/12/1994      *PDp. 6447*      *Willis*

[Note: under standing order 107 the previous question is now put in the form “That the question be not now put”]

### Same question

SO 103

A motion to restore a bill to the Business Paper after it has been defeated on the second reading does not contravene the same question rule under standing order 113 [now SO 103].

16/09/1993      *PDp. 3240/3241*      *Willis*

**QUORUM**

**SO 29, 30**

Members sitting in the President's gallery are present in the chamber and may not leave the chamber while quorum bells are ringing.

23/4/1996

*PDp. 327*

*Gay (Deputy President)*

## REFLECTIONS

SO 91

### General

Members should use respectful language in the House.

11/08/2015      *PDp. 2234*                      *Barham (Deputy)*

### Reflections on the Chair

To suggest that the President's dealing with a matter in a certain way would be committing the error of gagging the House is a reflection on the Chair and should be withdrawn.

01/03/1979      *PDp. 2655/6*                      *Johnson*

Reflections on the President cannot be made unless by way of substantive motion.

21/09/2006      *PDp. 2064*                      *Forsythe (Deputy)*

Members must not make reflections on the ability of the Chair to control behaviour within the House.

22/09/2010      *PDp. 25815*                      *Fazio*

### Reflections on the Crown (Governor)

SO 91

To suggest that the Governor-General had made an infamous decision is casting a reflection on the Governor-General and is out of order.

12/11/1975      *PDp. 2514*                      *Budd*

To suggest that the Governor-General is either the willing or unwilling tool in a major conspiracy by a political party to gain power is clearly casting reflections on the Governor-General.

12/11/1975      *PDp. 2517*                      *Budd*

To suggest that His Excellency was placed in an embarrassing situation by being required to make untrue comments in his Opening Speech to Parliament is a personal reflection on the Governor and must be withdrawn.

17/9/1980      *PDp. 1040*                      *Johnson*

Members may not cast reflections upon the sovereign nor refer to the sovereign in a disrespectful manner. Furthermore, a member may not use the name of the Queen for the purpose of influencing the House in its deliberations. It is in order however, for a member to question a Minister about matters relating to the Queen or her representatives, provided that such questions are phrased in a respectful manner.

31/5/1990      *PDp. 4850*                      *Johnson*

Member should not be disrespectful to the Monarch and the royal family.

04/03/1993 PDp. 327 *Evans (Deputy)*

A motion to amend the Address-in-Reply motion does not constitute an irreverent use of the name of Her Majesty or the Governor.

02/03/1994 PDp. 46 *Willis*

To refer to Her Majesty as an “old leftie” is a transgression of Standing Order 79 [SO 91].

24/10/1996 PDp. 5311 *Willis*

A member cannot criticise the Governor except by way of substantive motion.

09/12/2004 PDp. 13746 *Burgmann*

To refer to the monarchy as a hangover is not casting an aspersion on the Queen.

07/03/2006 PDp. 21083 *Burgmann*

Standing order 91 prohibits members from making disrespectful references to the person in the position of the Queen, not to the position itself.

07/03/2006 PDp. 21091 *Burgmann*

Members should not be disrespectful to the monarch and the royal family.

21/09/2006 PDp. 2064 *Forsythe (Deputy)*

The requirement that members not refer to the Queen for the purposes of influencing the House in its deliberations applies only to the Queen or the Governor. It does not extend to his Royal Highness the Duke of Edinburgh.

23/11/2011 PDp. 7631 *Harwin*

### **Reflections on Judicial Officers**

Reflections on a member of the judiciary cannot be debated unless raised by way of substantive motion.

23/09/1997 PDp. 303 *Willis*

A member may not attack a judicial officer other than by way of a substantive motion. This includes implying that there is any political motive or a connotation of interference in the actions of a judge.

24/9/1998 PDp. 7965 *Chadwick*

It is not permissible to criticise a member of the judiciary except in a debate on a substantive motion relating to the conduct of that member of the judiciary.

21/6/2001 PDp. 15016 *Tsang (Deputy)*

Previous Presidents have ruled that members may not reflect on members of the judiciary except by way of substantive motion. However, it is clear that those rulings relate to reflections on an individual member of the judiciary, rather than the judiciary as a group.

01/06/2011 PDp. 1598 *Harwin*

Reflections on a member of the judiciary cannot be debated except by way of a substantive motion. However, as the member was making comments about the court, not an individual member of the judiciary, the comments were not out of order.

06/03/2012 PDp. 8937 *Harwin*

### Reflections on the House

SO 91

It is offensive to refer to debate in this House as a farce.

14/11/1989 PDp. 12106 *Johnson*

To suggest that a motion has been moved in ambush style when in fact Standing Orders were complied with, is a reflection on the integrity of the House.

30/11/1989 PDp. 13932 *Johnson*

To suggest that the matter in which debate is being conducted is illegitimate is a reflection on the House.

30/11/1989 PDp. 13934 *Johnson*

Reflecting on the hours of sitting is not reflecting on a decision of the House.

27/6/2002 PDp. 4081 *Burgmann*

Members must not reflect on the integrity of the House.

02/06/2011 PDp. 1734 *Harwin*

### Reflections on members

SO 91

It is unparliamentary to call members of the House corrupt.

26/11/1976 PDp. 3694 *Budd*

It is a personal reflection to suggest that a member has been interested in public issues only since being on the public payroll.

16/02/1978 PDp. 11948 *Budd*

The comment "At least I am sober" is a personal reflection and should be withdrawn.

5/3/1980 PDp. 5085/6 *Johnson*

A question which by imputation involves a Minister in something of which the Minister is not guilty is out of order.

11/11/1980 PDp. 2502 *Johnson*

A question which asks why a Minister misled the House imputes improper motives should be rephrased.

11/11/1980 PDp. 2503 *Johnson*

A member's given word must be accepted and should not be alleged to be false.

11/11/1980 PDp. 2504 *Johnson*

To suggest that a member is seeking cheap and tawdry publicity is not an imputation of improper motive and therefore is not out of order.

23/03/1983 PDp. 5158 *Johnson*

The statement "lies were being peddled about the countryside" does not constitute a personal reflection and is not out of order.

27/09/1983 PDp. 1156 *Johnson*

To suggest that a member is treating the House with contempt is a personal reflection and must be withdrawn.

22/11/1983 PDp. 2990 *Johnson*

The statement "members get a thrill from pornography" is a personal reflection and should be withdrawn.

01/11/1984 PDp. 3141 *Johnson*

Allegations of a personal nature against Members can only be made upon a direct and substantive motion. Members must exercise their privilege of free speech with good sense and good taste, so as to maintain courtesy of language towards other Members in debate. Personal references not only reduce the standard of debate, provoke retaliation and lead to disorder in the House, but degrade the Parliament in the estimation of the people.

31/03/1987 PDp. 9586 *Johnson*

It is offensive to suggest that a member acting under instructions from a committee is motivated by personal considerations.

09/11/1988 PDp. 2921 *Johnson*

To suggest that a member has deliberately sought to muddy the waters in debate is a personal reflection and should be withdrawn.

09/11/1988 PDp. 2946 *Johnson*

It is quite within the bounds of the customary procedures of the House to say that Ministers of the Crown have no regard for the Parliamentary process. However, to say a Minister is disregarding the law is out of order and the remarks should be withdrawn.

05/04/1989 PDp. 5839/41 *Johnson*

To suggest that a member displayed hypocrisy in voting is an imputation of improper motive and should be withdrawn.

30/11/1989 PDp. 13937 *Johnson*

To suggest that a member continually interrupts other members by taking fraudulent points of order is perhaps beyond the bounds of acceptability and should be withdrawn.

2/5/1990 PDp. 2169/70 *Johnson*

The statement that a member should go back to sleep as he usually does is a personal reflection and should be withdrawn.

14/5/1990 PDp. 3048 *Johnson*

There is no doubt, calling upon the standard reference books on offensive words, etcetera, that according to the practices normally followed in this House offensive words may not be used against any member and all imputations of improper motives and all personal reflections upon members are considered to be highly disorderly. Standing Order 81 [now standing order 91] accords with what these reference volumes say on the matter. The practice of the House, based on the practice of the House of Commons, is that members can direct a charge against other members upon their character or conduct only upon a substantive motion that admits the distinct vote of the House.

20/3/1991 PDp. 1287 *Johnson*

Although no offence can be taken to remarks which are quotations from a report, inferences drawn from such remarks may be offensive.

15/8/1990 PDp. 5730 *Johnson*

It is unparliamentary for a member to refer to another member as dishonourable.

13/10/1994 PDp. 3923 *Willis*

The statement that a member does “not take kindly to individuals and activist groups who take action to enforce public laws” is an imputation of improper motives and should be withdrawn.

27/10/1993 PDp. 4466 *Gay (Deputy President)*

Suggestions or implications that a member or Minister is lying is a breach of the Standing Orders, as the claim impinges upon the integrity of that member or Minister.

11/10/1994 PDp. 3659 *Willis*

That a member says of another member that he is misleading the House does not necessarily imply that the member who is accused is deliberately misleading the House.

26/10/1994 PDp. 4639 *Willis*

Allegations against a member of this House or a member of the other House may only proceed by way of substantive motion. It is disorderly to make allegations against members by reading a document which makes allegations.

01/06/1995 PDp. 555 *Willis*

Newspapers cannot be used indirectly as a means of giving substance to allegations against members.

20/09/1995 PDp. 1168 *Willis*

There is a difference between a member relating a statement of fact and a member reflecting upon or imputing improper motives to a member of either this House or the other place. The member should simply state the facts without opinion or reflection on those actions, otherwise the member will be out of order.

20/09/1995 PDp. 1168 *Willis*

It is in order to seek an explanation as to why members voted in a particular way, provided the question does not reflect on a decision of the House and is not seeking to debate an issue which is on the notice paper.

25/10/1995 PDp. 2259 *Willis*

Implying that members of the coalition may have been influenced in some way, perhaps for reward, by companies involved in a particular matter is an improper reflection on the motives of members.

17/11/1998 PDp. 9986 *Chadwick*

Imputations of improper motives to and personal reflections on members are deemed to be disorderly.

19/11/1997 PDp. 2056 *Gay (Deputy President)*

Members must not cast aspersions or imputations on another member except by way of a substantive motion.

*Numerous rulings including –*

10/11/1999 PDp. 2585 *Kelly (Deputy President)*

27/03/2001 PDp. 12538 *Burgmann*

22/09/2005 PDp. 18152 *Burgmann*

03/06/2010 PDp. 23639 *Fazio*

23/08/2012 PDp. 14321 *Harwin*

22/10/2014 PDp. 1603 *Harwin*

There is no imputation or personal reflection where a member refers to an institution as racist.

01/07/1999 PDp. 1914 *Burgmann*

Imputations of improper motives and all personal reflections on members are disorderly.

*Numerous rulings including –*

21/03/2002	PDp. 946	<b>Burgmann</b>
06/06/2002	PDp. 2718	<b>Burgmann</b>
10/09/2009	PDp. 17687	<b>Primrose</b>
16/03/2010	PDp. 21439/40	<b>Fazio</b>
21/02/2012	PDp. 8516	<b>Harwin</b>
07/03/2012	PDp. 9046	<b>Harwin</b>

The parliamentary process should not be used to attack a member's reputation.

05/09/2002	PDp. 4673	<b>Sham-Ho (Deputy)</b>
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To claim that non-disclosure of pecuniary interests is wilful deemed offensive.

12/11/2002	PDp. 6447	<b>Kelly (Deputy President)</b>
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Impugning improper motives on a Minister contravenes the standing orders.

12/11/2002	PDp. 6448-6449	<b>Kelly (Deputy President)</b>
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Members should refer to one another in a civil fashion, act civilly and refer to each other in a proper manner.

13/11/2002	PDp. 6567	<b>Burgmann</b>
13/11/2002	PDp. 6571	<b>Burgmann</b>

There is a distinction between an imputation against a member of the House and an imputation against actions of a member of the House.

13/11/2002	PDp. 6645	<b>Burgmann</b>
14/11/2002	PDp. 6759	<b>Burgmann</b>
19/11/2002	PDp. 6920	<b>Burgmann</b>

An allegation that a member is of unsound mind is not unparliamentary.

5/12/2002	PDp. 7868	<b>Burgmann</b>
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It is disorderly for members to make imputations against members of either chamber. However, members can make imputations against members of the public.

21/10/2004	PDp. 11807	<b>Burgmann</b>
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To suggest that a member finds the civil liberties of individuals boring is an improper reflection, and must be withdrawn.

28/05/2003	PDp. 1221-1222	<b>Burgmann</b>
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A ruling of President Willis made it clear that an implication by one member against another member is offensive if it is of a personal nature rather than of a political nature. If a member is of the view that misleading statements have been made about his or her behaviour, the member may, in accordance with the standing orders, seek to make a personal explanation.

03/07/2003 PDp. 2730 **Burgmann**

Members should not take offence at political statements, only at personal references.

12/05/2004 PDp. 8784 **Burgmann**

References to the views of a political party are not imputations against individual members and are not out of order.

28/10/2004 PDp. 12202 **Burgmann**

Previous Presidents have ruled on numerous occasions that collective insults towards political parties are not unparliamentary.

21/09/2005 PDp. 18031 **Fazio (Deputy President)**

A member who feels that they have been misrepresented should seek to make a personal explanation rather than to take a point of order regarding offensive language.

04/09/2003 PDp. 3160 **Fazio (Deputy President)**

To comment that a Minister is not in the chamber because he is wheeling and dealing is an imputation and should be withdrawn.

16/10/2003 PDp. 4008-4009 **Fazio (Deputy President)**

Members expect debate on proceedings in this chamber and during public committee hearings to be fairly robust. Although the proceedings of the deliberative meetings of parliamentary committees should not be referred to during debate in this House, matters on the public record are open to debate and members should not be too precious about references to the behaviour of members during a public committee hearing. Otherwise, very little could be said about some committee hearings. However, members should refrain from making imputations against other members.

23/03/2005 PDp. 14797-8 **Burgmann**

To suggest that a member is motivated by personal gain in supporting a particular piece of legislation imputes improper motive and should be withdrawn.

11/05/2004 PDp. 8697 **Burke (Deputy)**

It is an imputation to suggest that a member is not a Christian because of his political dealings.

29/11/2005 PDp. 20035 **Burgmann**

The Minister may speak about statements made by the Leader of the Opposition, but not about the Leader of the Opposition.

07/03/2006 PDp. 21050 **Burgmann**

Implying that other members in the Chamber are intoxicated is disorderly.

07/03/2006 PDp. 21084 **Burgmann**

A member must not use a newspaper article as a means of casting aspersions against or making imputations about another member.

26/09/2007 PDp. 2315 **Nile (Assistant)**

05/03/2009 PDp. 12989 **Primrose**

Imputations of improper motives and all personal reflections on either House are disorderly. There need not be a clear-cut allegation for comments to be out of order.

24/06/2008 PDp. 9081 **Nile (Assistant)**

Usually a request for the withdrawal of remarks regarded as offensive is made by the member against whom the remarks are levelled. However, that is not a requirement of the standing orders.

24/09/2008 PDp. 9827 **Primrose**

The use of epithets by members, whilst contrary to the standing orders when asking questions, is not contrary to the standing orders when debating motions. However, it is contrary to the practice of this House to refer to other members by anything other than their correct title. .

07/05/2009 PDp. 14844 **Primrose**

Although members may be tempted to respond to imputations made by others, such responses are inappropriate and contrary to the standing orders.

24/09/2009 PDp. 18096 **Primrose**

Members should exercise their privilege of free speech with good sense and good taste and seek to distinguish between those remarks that are offensive in a political way and those offensive in a personal way.

24/09/2009 PDp. 18135 **Primrose**

Asserting that a minister is ignorant of an issue is not the same as asserting that the minister is ignorant, and is not out of order.

01/06/2010 PDp. 23317 **Fazio**

Claiming that an amendment is not genuine and moved in an attempt to harm the successful passage of the bill is an imputation of improper motive and is out of order.

08/09/2010 PDp. 25372 **Griffin (Deputy President)**

When answering a question a Minister must not cast reflections on other members.

06/09/2011 PDp. 4924 **Harwin**

15/09/2011 PDp. 5748 **Harwin**

16/09/2011 PDp. 5847, 57 **Harwin**

11/10/2011 PDp. 5889 **Harwin**

15/02/2012 PDp. 8177 **Harwin**

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04/04/2012 PDp. 10611 *Harwin*

Objection taken to the allegation that the member did not prepare her own speech. Comments withdrawn.

14/03/2012 PDp. 9555 *Green (Deputy)*

Suggestion that the motivation for moving an amendment to a bill was to influence the outcome of a particular local government election ruled offensive and withdrawn.

03/04/2012 PDp. 10445 *Gardiner (Deputy President)*

Suggesting that a member had leaked committee evidence was imputing an improper motive and a reflection on the member. Comment withdrawn.

29/05/2012 PDp. 12086 *Harwin*

That a member was being "less than genuine" in his dealings with another member, ruled a reflection and withdrawn.

31/05/2012 PDp. 12384 *Harwin*

If the words used are not offensive, even if they are a reflection on the member, they are not unparliamentary and are not required to be withdrawn. However, it is disorderly to reflect on other members.

26/02/2013 PDp. 17919 *Harwin*

27/02/2013 PDp. 18037 *Harwin*

12/03/2013 PDp. 18336 *Harwin*

01/05/2013 PDp. 19714 *Harwin*

30/05/2013 PDp. 21281 *Harwin*

Stating that a member was "the Mark Latham of New South Wales politics, the angry frustrated young man" is making a personal reflection on the member and is out of order.

06/09/2012 PDp. 14723 *Harwin*

To suggest that a member is "telling smutty jokes" ruled to be a personal reflection on the member.

11/09/2012 PDp. 14853 *Harwin*

In suggesting that a member was concerned about "legal costs from his workers compensation practice" was imputing an improper motive. Member called to order.

19/09/2012 PDp. 15376-77 *Harwin*

To suggest that a member "has form on selective quoting, misrepresentations, trickery and scare campaigns based on half-truths and falsehoods" is a reflection on the member.

18/10/2012 PDp. 15992 *Harwin*

The standing orders are silent on comments made regarding the spouse of a member of Parliament.

27/03/2013 PDp. 19460 *Maclaren-Jones (Deputy)*

The suggestion that a member was homophobic ruled to be an imputation and withdrawn.

28/02/2013 PDp. 18174 *Green (Deputy)*

To imply that a member supported segregation ruled to be offensive and withdrawn.

02/05/2013 PDp. 19877 *Mitchell (Deputy)*

Describing a Minister's answer as a "deceiving, deliberately deceptive answer" is a reflection and is out of order.

11/09/2013 PDp. 23248 *Harwin*

The imputation that a member "ignored the blood in the water" when a Minister was ruled to be offensive and withdrawn.

30/01/2014 PDp. 26566 *Nile (Deputy)*

While the use of personal pronouns or a reference to a member as "this person" is not contrary to the standing orders it is common courtesy to use "honourable member" or the member's title.

07/05/2014 PDp. 28256 *Harwin*

27/05/2014 PDp. 29021 *Harwin*

Stating that a member "knows nothing about health – one has only to meet him to know that" ruled to be a reflection on the member.

13/11/2014 PDp. 2713 *Harwin*

Reflections on members are disorderly at all times.

13/08/2015 PDp. 2581 *Harwin*

09/09/2015 PDp. 3260 *Harwin*

15/10/2015 PDp. 4331 *Harwin*

To say that it is a shame to have to call a member "honourable" is a reflection on the member.

01/06/2016 PDp. 40 *Khan (Deputy)*

### ***Members should be referred to by their correct title***

A member must refer to members of this House and the other place by their correct titles.

Numerous rulings including –

1/8/1989 PDp. 8712 *Johnson*

24/5/1995 PDp. 91 *Willis*

02/05/2006 PDp. 22332 *Fazio (Acting President)*

23/11/2011 PDp. 7629 *Harwin*

12/09/2013 PDp. 23390 *Harwin*

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16/10/2014	PDp. 1249	<i>Khan (Deputy)</i>
27/05/2015	PDp. 840	<i>Harwin</i>
28/05/2015	PDp. 963	<i>Harwin</i>
24/06/2015	PDp. 1713	<i>Nile (Assistant)</i>
27/10/2015	PDp. 5059	<i>Green (Deputy)</i>
08/03/2016	PDp. 6983	<i>Khan (Deputy)</i>
17/03/2016	PDp. 7652	<i>Harwin</i>

Although it has been the practice in the past that members have referred to each other as “the Honourable”, nothing in the standing orders requires that that practice must be followed.

01/03/2001	PDp. 12153	<i>Burgmann</i>
11/04/2002	PDp. 1371	<i>Burgmann</i>
19/09/2002	PDp. 5022	<i>Burgmann</i>
16/09/2003	PDp. 3292	<i>Burke (Deputy)</i>

A member should not refer to another member as “the Honourable lady” but as “the Honourable member”.

30/04/1981	PDp. 6445	<i>Johnson</i>
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Members must refer to Ministers as “the Honourable”.

27/10/1994	PDp. 4742	<i>Gay (Deputy President)</i>
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The Premier should be referred to by his correct title.

06/05/2003	PDp. 258	<i>Fazio (Deputy President)</i>
20/05/2003	PDp. 694	<i>Burgmann</i>

The formal title of members of the Legislative Council is "the Honourable". Members may choose not to use that title. However, in the records of the House members are formally referred to as "the Honourable"

07/09/2010	PDp. 25239	<i>Fazio</i>
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That a member has declined the use of the honorific does not mean that the member is not honourable; such decisions should be respected. All members should use the honorific when referring to members who have not declined its use.

15/06/2011	PDp. 2295	<i>Harwin</i>
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Members must not abuse the honorific title.

09/08/2011	PDp. 3915	<i>Harwin</i>
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The requirement that members refer to other members by their correct titles applies only to members of this House. The rule does not apply to references to the Prime Minister.

23/11/2011	PDp. 7625	<i>Harwin</i>
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Members should refer to the Leader of the Opposition by his correct title.

22/02/2012 PDp. 8636 *Harwin*

The requirement that members refer to members of this place and the other place by their correct titles has a purpose. It maintains order and civility in the House and ensures a reasonable standard of debate.

14/03/2012 PDp. 9506 *Harwin*

There is no requirement for members to refer to a political party by its registered name.

30/05/2012 PDp. 12237 *Gardiner (Deputy President)*

There is a rule that members should be referred to by their correct titles for a particular purpose – that is, as far as possible, to try to maintain civility in debate.

28/05/2015 PDp. 973 *Harwin*

### **Reflections on former members**

There is no standing order relating to reflections on former members.

24/08/2008 PDp. 9923 *Primrose*

There is no standing order relating to reflections on former members of either House. However, members are directed to be mindful of making imputations against another individual.

16/09/2015 PDp. 3711 *Green (Deputy)*

### **Reflections on members of the Assembly**

**SO 91**

It is unparliamentary to refer to the words of a member in another place as lies.

20/10/1976 PDp. 1959 *Budd*

Personal reflections on members of the other House are highly irregular.

26/5/1987 PDp. 12309 *Johnson*

It is objectionable for a member to say of a Minister in another place that he lied.

2/8/1989 PDp. 8963 *Solomons (Deputy President)*

Rulings of the President have extended the scope of Standing Order 81 [standing order 91] to include reflections on members of the other place. Reflections against members of either this House or another place must be made by way of substantive motion.

15/9/1993 PDp. 3126 *Willis*

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Members who wish to make charges against any member of either House should do so by way of substantive motion.

27/10/1993	PDp. 4466	<b>Gay</b> ( <i>Deputy President</i> )
24/10/2012	PDp. 16300	<b>Nile</b> ( <i>Assistant</i> )
10/09/2014	PDp. 181	<b>Green</b> ( <i>Deputy</i> )

A member is entitled to quote from an article which is part of the print media, provided that he does not associate himself with an accusation that is disparaging or reflecting on a member of another House. The member is restricted to doing so only by way of substantive motion.

19/6/1997	PDp. 10680	<b>Willis</b>
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It is highly irregular to make personal reflections on members in the other place.

20/3/2002	PDp. 774	<b>Saffin</b> ( <i>Deputy</i> )
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Imputations against members of this House or of another House are out of order unless raised by substantive motion.

04/09/2002	PDp. 4494	<b>Burgmann</b>
05/09/2002	PDp. 4651	<b>Burgmann</b>
30/08/2006	PDp. 1079	<b>Burgmann</b>
26/11/2009	PDp. 20044	<b>C. Robertson</b> ( <i>Deputy</i> )
03/06/2010	PDp. 23639	<b>Fazio</b>

No sessional or standing orders state how a member should refer to members in the other place.

19/09/2002	PDp. 5016	<b>Burgmann</b>
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It is not in order to impugn members of either House, suggest improper motives or make personal reflections.

24/06/2009	PDp. 16633	<b>Primrose</b>
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While imputations against members in the other Chamber are disorderly, only a member who is personally aggrieved by a statement can ask for the statement to be withdrawn.

23/02/2010	PDp. 20704	<b>Fazio</b>
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It is disorderly for members to make personal reflections on members of the other House except by way of a substantive motion.

04/05/2011	PDp. 97	<b>Harwin</b>
24/08/2011	PDp. 4533	<b>Harwin</b>
19/10/2011	PDp. 6649	<b>Harwin</b>

Members must not cast aspersions or imputations on a member of either House except by way of a substantive motion.

09/09/2011	PDp. 5347	<b>Harwin</b>
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Members should refer to members of the other place by their proper titles.

14/06/2011 PDp. 2186 *Harwin*

It is a reflection and out of order to remark that a member of the other House had "reneged on that promise for no compelling reason other than deference to her union masters".

13/10/2011 PDp. 6143 *Harwin*

It is out of order to make imputations against a member of the other place.

06/03/2012 PDp. 8933 *Harwin*  
14/11/2012 PDp. 16767 *Green (Deputy)*  
08/05/2013 PDp. 20101 *Harwin*  
22/05/2013 PDp. 20570 *Harwin*  
20/06/2013 PDp. 21800 *Harwin*

It is out of order to cast aspersions on a member of the other place.

06/03/2012 PDp. 8951 *Westwood (Deputy)*

### Reflections on Officers

SO 91

Imputations against the staff of the House are improper and should be withdrawn.

30/5/1990 PDp. 4715 *Johnson*

### Reflections on Royal Commissioners

Comments suggesting that a Royal Commissioner lacks the capacities required for the performance of his duties is a reflection on the Commissioner and should be withdrawn.

3/11/1983 PDp. 2416 *Healey (Deputy President)*

### Reflections on members of other Parliaments

It does not reflect great credit on this House to bandy words across the table concerning the leaders of the country, no matter to which party they belong. It would be preferable for members to confine their remarks to subject matter of the debate.

25/11/1975 PDp. 3083 *McKay (Deputy President)*

The standing orders and conventions are silent with regard to unparliamentary terms directed at members of other parliaments. However, the word 'liar' is unparliamentary.

30/11/2005 PDp. 20239 *Burgmann*

The standing orders do not refer to imputations against former members of another Parliament.

25/05/2006 PDp. 414 *Griffin (Deputy)*

The standing orders are silent with regard to unparliamentary terms directed at members of other parliaments.

12/08/2011	PDp. 4321	<i>Harwin</i>
23/11/2011	PDp. 7625	<i>Harwin</i>
23/02/2012	PDp. 8821	<i>Harwin</i>
03/04/2012	PDp. 10419	<i>Harwin</i>
13/11/2012	PDp. 16657	<i>Mitchell (Deputy)</i>

It is not out of order for members to refer to the Prime Minister by name.

14/06/2012	PDp. 12823	<i>Harwin</i>
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The standing orders extend only to members of this Parliament. However, it is appropriate that members place themselves in the shoes of members of other parliaments when making their remarks.

29/05/2013	PDp. 21051	<i>Harwin</i>
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### Reflections on votes of the House

SO 91

No member may reflect upon any vote of the House except for the purpose of moving that such vote should be rescinded. To suggest that the creation of a committee by the House is a farce, is such a reflection and should be withdrawn.

16/06/1988	PDp. 2096	<i>Johnson</i>
02/03/1989	PDp. 5562	<i>Johnson</i>

It is improper and contrary to standing orders to reflect on a decision of the House, except by means of the procedures laid down. The Minister [in answering a Question] is entitled to convey community reaction provided he clearly identifies it as community reaction and does not indicate whether he is supportive of that community reaction if that reaction is contrary to a decision of the House.

29/10/1996	PDp. 5392	<i>Willis</i>
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It is in order for the member to complain about what might have happened, but it is not in order for her to enter into debate on a matter which has already been decided by the House.

22/5/1997	PDp. 9095	<i>Willis</i>
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Reflecting on the hours of sitting is not reflecting on a decision of the House.

27/06/2002	PDp. 4081	<i>Burgmann</i>
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Criticising a vote of the House is unparliamentary.

05/09/2002	PDp. 4672	<i>Sham-Ho (Deputy)</i>
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No member shall reflect upon any vote of the House except for the purpose of moving that such vote be rescinded.

04/09/2003	PDp. 3166	<i>Griffin (Deputy)</i>
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Selected President's Rulings: August 1975 to November 2017

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26/09/2006 PDp. 2151 **Burgmann**  
19/10/2006 PDp. 3024 **C. Robertson (Deputy)**

Members may not reflect on a decision of the House.

02/06/2011 PDp. 1760, 2040/1 **Harwin**  
14/06/2011 PDp. 2169/70 **Harwin**  
03/04/2012 PDp. 10455 **Harwin**  
31/05/2012 PDp. 12373 **Harwin**  
29/05/2013 PDp. 21161 **Harwin**  
20/11/2014 PDp. 3184 **Harwin**

It is disorderly to reflect on legislation that has been agreed to previously by the House.

28/10/2003 PDp. 4161 **Burke (Deputy)**

The word “reflect” in standing order 91(1) means reflect in a poor way, rather than simply making a reference. To simply make a reference to a resolution or a vote of the House is in order. Any adverse or critical reference to a vote of the House would contravene standing order 91(1).

05/12/2003 PDp. 6029 **Burgmann**

Members may not reflect on a decision of the House just made in a division.

15/11/2005 PDp. 19628 **Fazio (Deputy President)**

It is out of order for any member at any time to reflect upon a vote of the House. However, a Minister is entitled to outline the chain of events that led him or her to a decision.

08/11/2011 PDp. 6989 **Harwin**

There are various other rulings of past Presidents that state members may not reflect on any vote of the House except for the purposes of moving that such a vote should be rescinded. *Odgers' Australian Senate Practice* indicates that the rule against reflecting on a vote of the House is to be invoked against “gross abuse of a past decision of the Senate”, which would amount to reflections on the Senate itself. *Odgers* also states that “senators are not prevented in practice from saying that a decision of the Senate was wrong”.

28/03/2017 PDp. 23 **Ajaka**

**RELEVANCY**

**SO 92**

Members must not digress from the subject matter of the motion or bill before the House.

*Numerous rulings including –*

28/03/1979	PDp. 3266	<b>Johnson</b>
30/04/1986	PDp. 3204	<b>Healey</b> (Deputy President)
15/09/1994	PDp. 3022	<b>Gay</b> (Deputy President)
19/09/2001	PDp. 16751	<b>Burgmann</b>
09/12/2004	PDp. 13754	<b>Roozendaal</b> (Deputy)
14/06/2012	PDp. 12817	<b>Mitchell</b> (Deputy)
14/03/2013	PDp. 18600	<b>Green</b> (Deputy)
14/05/2015	PDp. 611	<b>Barham</b> (Deputy)
26/08/2015	PDp. 2790	<b>Nile</b> (Assistant)
13/10/2015	PDp. 4049	<b>Khan</b> (Deputy)

When the debate has been wide ranging, members should receive the same latitude as has been extended to other members.

26/11/1980	PDp. 3538	<b>Johnson</b>
01/07/1982	PDp. 239	<b>Johnson</b>
1/12/1983	PDp. 4143, 4144, 4145	<b>Johnson</b>

It is standard practice for members speaking to the budget debate to be allowed wide latitude.

02/11/1983	PDp. 2214	<b>Johnson</b>
21/10/1987	PDp. 14832	<b>Healey</b> (Deputy President)

In debating whether standing orders are to be suspended, members should confine their remarks to the substance of the motion and not the substantive issue.

12/10/1993	PDp. 3350-1	<b>Willis</b>
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The citing of examples from outside the State has never been a restriction in this House.

17/11/1993	PDp. 5515	<b>Gay</b> (Deputy President)
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The standing orders require that a member's remarks be relevant to the subject matter of the debate. However, that provision has been interpreted in a fairly general way.

13/6/2002	PDp. 3067	<b>Burgmann</b>
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It is an accepted convention in this House that members may speak in general terms when contributing to debate. Quite often the themes of members' speeches are general in nature, and this practice is adopted regularly.

13/11/2002	PDp. 6582	<b>Burgmann</b>
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It is a convention of this House for members to speak in general terms about the way in which a committee deals with an inquiry.

13/11/2002	PDp. 6583	<b>Burgmann</b>
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Members have an obligation when contributing to debate to ensure that their comments are relevant to the question before the House.

*Numerous rulings including -*

18/11/2003	PDp. 5098	<b>Burke</b> ( <i>Deputy</i> )
03/03/2005	PDp. 14592	<b>C. Robertson</b> ( <i>Deputy</i> )
29/03/2006	PDp. 21647	<b>Sharpe</b> ( <i>Deputy</i> )
15/11/2006	PDp. 3876	<b>Burgmann</b>

A motion which deals with an order for papers in relation to the feasibility of, or planning for, a proposed primary school at Lake Cathie would involve some budget considerations, and comments made in debate concerning the education budget are in order.

02/09/2004	PDp. 10748	<b>Fazio</b> ( <i>Deputy President</i> )
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It is a convention in this House that a degree of latitude is allowed to members with regard to the use by them of general comment in speeches, as opposed to questions or answers during question time. However speeches must be relevant to the question before the Chair.

26/10/2004	PDp. 11876	<b>Burgmann</b>
20/09/2005	PDp. 17911	<b>Burgmann</b>

Although traditionally a degree of latitude is extended to members contributing to debate on committee reports they should nevertheless confine their remarks to the report being debated.

06/04/2005	PDp. 15042	<b>Griffin</b> ( <i>Deputy</i> )
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Members may refer to the content of speeches of other members during debate on a bill.

23/02/2005	PDp. 14049	<b>Nile</b> ( <i>Deputy</i> )
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General references to whether a committee should conduct an inquiry at a particular time can certainly be made although the debate must be relevant to the question before the Chair.

23/03/2005	PDp. 14764	<b>Burgmann</b>
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Members may refer to the bill to illustrate their argument in support of a motion to suspend standing orders to expedite its passage. However it is not permitted to traverse the subject matter of the bill.

30/11/2005	PDp. 20238	<b>Burgmann</b>
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When a member is arguing that a bill facilitates money going towards a religious event, arguments to do with secularism are appropriate.

15/11/2006	PDp. 3997	<b>Burgmann</b>
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The contributions of members must be relevant to the question before the House. However, by tradition, debate in this House may be broad ranging.

20/10/2009	PDp. 18248	<b>Primrose</b>
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When speaking to the motion that government business take precedence of general business members must not traverse too far into the subject of the second reading debate on a bill which is on the Notice Paper.

02/06/2011 PDp. 1735 *Harwin*

When debating whether the committee of the whole should be given an instruction, the member should confine her comments to that motion and not to the matters that are the gamut of the second reading debate.

02/06/2011 PDp. 2034 *Harwin*

When speaking to an amendment, a member must confine remarks to the amendment.

05/08/2011 PDp. 3767 *Harwin*

When speaking to a motion to refer to the Privileges Committee comments made by a member, it is permissible for the member to place the earlier comments in context. However, the member should not go beyond the comments originally made by introducing new material.

12/10/2011 PDp. 5983-84 *Harwin*

Even though a matter may not be relevant to the motion before the Chair, if a member is responding to comments made earlier in debate the member is in order.

07/03/2012 PDp. 9035 *Harwin*

The question of whether a matter is generally relevant should be dealt with not by reference to what other members have said, but by reference to the substance of the motion before the House.

29/05/2014 PDp. 29390,3 *Khan (Deputy)*

In debating whether standing orders are to be suspended, members should confine their remarks to the substance of the motion and not the substantive issue.

28/10/2015 PDp. 5123 *Harwin*

While the standing orders require that a member's remarks be relevant to the subject matter of the debate, members are generally given wide latitude.

25/06/2015 PDp. 1865 *Harwin*

### **Debate on budget estimates**

Members have always been extended wide latitude during debate on the budget estimates. Provided that the member refers to the State budget from time to time the contribution will be in order.

12/10/2011 PDp. 6022,23 *Gardiner (Deputy President)*

Wide latitude is extended during debate on the budget estimates.

18/09/2012 PDp. 15274 *Gardiner (Deputy)*

## STANDING ORDERS

### Suspension of

SO 198

A substantive motion moved without notice can be moved only if no objection is taken to the motion for the suspension of Standing Orders. Objection having been taken the Minister may not proceed with such motion.

12/8/1980      *PDp. 16*                      *Johnson*

Although the member had not given the required contingent notice to suspend standing orders to allow an item of business to be called on, as the House agreed to the item being called on, the matter could proceed.

26/09/2006      *PDp. 2159*                      *Burgmann*

A motion to suspend standing and sessional orders cannot be moved during debate on another motion.

10/05/2007      *PDp. 198*                      *Primrose*

There is nothing to prevent a member from seeking to suspend standing and sessional orders to bring on another item of business during the time set aside for debate on committee reports when there is no business immediately before the House.

02/04/2008      *PDp. 6231/2*                      *Primrose*

## STRANGERS

### Attendance in the House

SO 196

The President only shall have the privilege of admitting strangers to the area at the back of the President's Chair. Permission for admission of visitors into the gallery should be sought from the President. Members should be prepared to vouch that their visitors to the gallery are persons of standing in the community. No member shall stand while the President is on his feet; he shall be heard without interruption. Members shall not place their feet on the seats.

15/11/1979      PDp. 3078                      *Johnson*

If the level of noise in the President's Gallery from ministerial advisers who use it as a gathering place to chatter does not stop, the gallery will be cleared.

26/6/1996      PDp. 3723                      *Willis*

26/11/1996      PDp. 6475, 6494              *Willis*

Advisors in the President's gallery should remain silent.

13/05/2009      PDp. 15138                      *Primrose*

11/09/2012      PDp. 14850                      *Harwin*

19/09/2012      PDp. 15380                      *Harwin*

29/05/2014      PDp. 29405                      *Harwin*

People in the President's Gallery are to remain silent at all times, other than when members seek advice from them.

26/05/2011      PDp. 1093                      *Harwin*

20/11/2014      PDp. 3184                      *Harwin*

Visitors in the President's Gallery and the Visitor's Gallery must not engage in audible conversations and must not applaud or make any other gesture in response to proceedings. Members should also counsel their staff in regard to these rules. Visitors who do not abide by these rules will be removed from the President's Gallery.

23/08/2011      PDp. 4384                      *Harwin*

Members taking advice from staff in the President's gallery should do so quietly.

30/05/2013      PDp. 21274                      *Harwin*

Visitors in the President's Gallery and the Visitor's Gallery must not engage in audible conversations and must not applaud or make any other gesture in response to proceedings. Visitors must not converse with members in the Chamber over the bar of the House. The use of mobile telephones, radios, iPads and other electronic equipment that create sound in the Chamber is not permitted. Photographs may not be taken unless permission has been granted. Visitors who do not abide by these rules will be removed from the President's Gallery.

31/10/2013      PDp. 25161, 25172              *Harwin*

**Behaviour in public galleries**

**SO 197**

Interruption from the gallery is highly irregular. Guests in the gallery will observe the normal courtesies that the House demands or Standing Orders will be enforced, and the gallery cleared.

24/04/1979      *PDp. 4999*                      *Johnson*  
26/11/1982      *PDp. 3261*                      *Johnson*

Reading a newspaper in the public gallery is disorderly.

30/10/1980      *PDp. 2421*                      *Johnson*  
9/10/1984      *PDp. 1612*                      *Johnson*

It is disorderly for a person in the public gallery to converse with a member seated in the chamber.

22/11/1983      *PDp. 3006*                      *Johnson*  
13/11/2008      *PDp. 11349*                      *Primrose*

It is not in order for visitors in the public gallery to interject and converse with members.

21/11/2012      *PDp. 17144*                      *Harwin*

It is out of order for members to speak to people seated in the public gallery.

21/08/2012      *PDp. 14041*                      *Westwood (Deputy)*  
20/09/2012      *PDp. 15527*                      *Harwin*

It is highly irregular for members of the public to read newspapers in the gallery.

9/10/1984      *PDp. 1612*                      *Johnson*

Persons in the public gallery must not pass correspondence across the bar of the House to members.

17/05/1984      *PDp. 957*                      *Johnson*  
02/08/1989      *PDp. 8933*                      *Johnson*  
30/08/1988      *PDp. 714*                      *Solomons (Deputy President)*

Visitors in the gallery must remove hats.

20/10/1988      *PDp. 2678*                      *Johnson*

It is highly irregular for visitors in the public gallery to take notes of proceedings. The official proceedings are available to the general public by way of the official record of Parliament. Any member of the public taking notes in the public gallery should desist.

13/11/1985      *PDp. 9418*                      *Johnson*  
29/10/1986      *PDp. 5621*                      *Johnson*  
27/10/1987      *PDp. 15162*                      *Johnson*  
21/8/1990      *PDp. 5961*                      *Johnson*

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**Selected President's Rulings: August 1975 to November 2017**

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It is disorderly for people in the public gallery to interject or make comments.

02/04/1987	PDp. 9989	<i>Johnson</i>
18/10/1988	PDp. 2329	<i>Johnson</i>
15/08/1990	PDp. 5763	<i>Johnson</i>
07/05/1992	PDp. 3773	<i>Willis</i>
17/11/1993	PDp. 5486, 5487, 5495	<i>Willis</i>
09/08/2011	PDp. 3919	<i>Harwin</i>

Visitors in the gallery will desist from interjecting and from conducting audible conversations.

02/06/2011	PDp. 1843	<i>Gardiner (Deputy President)</i>
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People in the public gallery must be quiet or they will be removed.

17/5/1984	PDp. 996	<i>Johnson</i>
31/11/1991	PDp. 3931	<i>Gay (Deputy President)</i>
20/11/1991	PDp. 5054, 5046	<i>Gay (Deputy President)</i>
27/10/1994	PDp. 4773	<i>Willis</i>
18/06/2008	PDp. 8586	<i>Primrose</i>

People seated in the public gallery may not attempt to communicate directly with members in the chamber. Should they attempt to do so, they will be asked to leave the gallery. Similarly, members with friends in the gallery should not encourage such communication.

4/12/1995	PDp. 4016	<i>Gay (Deputy President)</i>
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Neither members of the House nor visitors in the public gallery are permitted to use mobile phones when in the chamber.

12/12/1995	PDp. 4658	<i>Johnson (Deputy)</i>
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People in the gallery are not permitted to applaud or to make any comment.

17/06/1997	PDp. 10328	<i>Willis</i>
11/11/1997	PDp. 1411	<i>Willis</i>
11/11/1997	PDp. 1415	<i>Willis</i>
31/05/2012	PDp. 12382	<i>Harwin</i>
23/05/2013	PDp. 20778	<i>Maclaren-Jones (Deputy)</i>

Members of the public should remain quiet while the chamber is conducting debate. If they wish to raise matters, they should do so with the appropriate Ministers and interested parties. [The interruption continuing, the President left the Chair while the gallery was cleared]

27/5/1997	PDp. 9155	<i>Symonds (Deputy)</i>
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Members of the public in the gallery who interrupt the proceedings will be removed.

24/6/1998	PDp. 6320	<i>Willis</i>
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People in the public gallery must not interrupt the proceedings of the House.

23/06/2011 PDp. 3225 **Maclaren-Jones** (Deputy)  
23/05/2013 PDp. 20770 **Mitchell** (Deputy)

People in the public gallery should not interfere with the conduct of this House, or take notes during the proceedings.

21/10/1998 PDp. 8664 **Gay** (Deputy President)

Members of the public are most welcome but they must not comment or disrupt the proceedings.

19/11/1998 PDp. 10310 **Chadwick**  
04/06/2009 PDp. 15763 **Primrose**

The Chair does not recognise persons outside the chamber.

19/11/1998 PDp. 10323 **Johnson** (Deputy-President)

Messages may not be passed from visitors in the gallery to members in the chamber.

30/08/2000 PDp. 8483 **F Nile** (Deputy)

Members of the public in the gallery must listen to the debate in silence and not make noise.

07/09/2000 PDp. 8770 **Burgmann**  
30/05/2001 PDp. 13941 **F Nile** (Deputy)  
02/05/2006 PDp. 22333 **Fazio** (Acting President)

Whilst some leniency is extended to members engaging in conversations in the Chamber, noise should not emanate from the gallery.

28/03/2006 PDp. 21473 **Burgmann**

People in the President's Gallery must show respect and desist from conversing loudly while members are speaking.

28/06/2007 PDp. 2102 **Primrose**  
30/10/2008 PDp. 10876 **Primrose**  
05/05/2009 PDp. 14572 **Primrose**

Visitors in the public gallery should observe the forms of the House.

04/06/2009 PDp. 15737 **Primrose**

Members of the public are welcome in this Chamber. However, it is expected that visitors in the public gallery will observe the normal courtesies that the House demands and not attempt to participate in or disrupt proceedings. Various Presidents' rulings have prescribed the behaviour expected of visitors. It is disorderly for a person in the public gallery to interject or make comments, or to attempt to communicate directly with members in the Chamber. Furthermore, visitors may not applaud, use mobile phones or cameras, or pass messages to members in the Chamber. Anyone in the gallery who does not abide by the standards of behaviour expected or

who seeks to interfere with proceedings in the Chamber will be asked or directed to leave the gallery.

04/06/2009 PDp. 15752 *Primrose*

People in the public gallery must not interrupt debate. People who do so may be removed from the gallery. People in the gallery must not take photos.

15/03/2012 PDp. 9668 *Green*  
19/06/2014 PDp. 29852, 6 *Harwin*

No audible conversations may take place in the public gallery and there should be no applause, no jeering, or any other gestures responding to proceedings.

14/11/2013 PDp. 25707 *Mitchell*

People in the public gallery should make no verbal comment nor applaud.

26/11/2013 PDp. 26381 *Green (Deputy)*

It is not appropriate to clap in the Chamber.

13/08/2015 PDp. 2555 *Harwin*

People in the public gallery must not interrupt the debate. If they do so they will be removed from the gallery.

13/08/2015 PDp. 2557 *Harwin*  
16/03/2016 PDp. 7535 *Khan (Deputy)*

It is out of order for a person in the public gallery to hand a member a note. It is also out of order for a member to accept that note. It is members' responsibility to educate members of the public about what is and what is not acceptable behavior in the public gallery.

14/10/2015 PDp. 4207,4209 *Green (Deputy)*

No matter what they think about what is said, people in the public gallery need to listen to the debate quietly. Applause, jeering or any other gestures are not permitted. Visitors are also not to attempt to talk to members in the Chamber. If they have something to say to those who are seated next to them they should do so quietly. There should be no audible conversation. Photographs and filming are not permitted apart from the media photographers who have been authorised to do so. Visitors in the public gallery must follow any instructions by officers of Parliament. No signs or other props are to be utilised during the debate.

16/11/2017 PDp. 44 *Ajaka*

### **Behaviour in President's Gallery**

**SO 196**

Members wishing to converse with people seated in the President's Gallery should leave the Chamber and do so quietly. It is out of order for a member to shout across the Chamber.

13/05/2015 PDp. 465 *Harwin*

While it is in order for visitors in the President's Gallery to speak to upper House members to assist them to prepare contributions for the chamber, it is totally out of order for them to make any noise whilst in the gallery.

28/05/2015 PDp. 970

*Harwin*

## SUB JUDICE

It is not in order to quote from a judgement which is subject to appeal proceedings.

29/10/1980 PDp. 2267 *Healey (Deputy President)*

A question is in order if it can be answered without offending the sub judice rule. However, any further question or part of that question that might appear in any way to lead to the prejudice of a fair trial of any person will be ruled out of order.

19/10/1983 PDp. 1841/1846 *Johnson*

If no writs have been issued or served, then a matter is not before the courts and therefore debate on the issue is not barred by the rule against sub judice.

02/06/1987 PDp. 13356 *Johnson*

The sub judice rule only applies if debate on the matter would in any way prejudice the trial of a particular person.

18/08/1988 PDp. 148 *Johnson*

If a case in the criminal jurisdiction has been determined and it remains only to determine the costs, the matter may be debated but with extreme caution.

30/11/1989 PDp. 13912/3 *Johnson*

The sub judice rule applies to matters which have been referred by the Parliament of New South Wales to a judicial body such as the Independent Commission Against Corruption.

28/03/1990 PDp. 1126 *Solomons (Deputy President)*

If a matter before the House has been discussed openly in public there is no reason for it not to be discussed in the House.

28/02/1990 PDp. 355/6 *Johnson*

A matter should not be curtailed in this House when there is no evidence for the Chair that the matter has been set down for trial.

03/04/1990 PDp. 1437 *Johnson*

Sub judice involves the good sense of members in not canvassing in the House matters that are before the courts. It also involves the absolute discretion of the Chair, subject to the collective will of the House. Sub judice should be treated as a convention, not a rule.

The onus falls on the Chair to weigh public interest and possible prejudice, so precise information is required. The Chair should be guided by a presumption for discussion. The likelihood of proceedings occurring in the reasonably foreseeable future is an important consideration.

Debate upon general background and related matters is permissible but there should be no reference to these specific issues before the court. Although it is unlikely that a judge will be influenced by what is said in the House, it is undesirable that the House should set itself up as an alternative forum.

16/05/1990 PDp. 3364/69 *Johnson*

The Chair should be guided by a presumption for discussion rather than against it. If the Chair feels that the interests of individuals who are to appear before the court may be prejudiced, the Chair should intervene and warn the member seeking to temper his or her remarks. Because a matter is before a court it does not follow that every aspect of it must be sub judice and beyond the limits of permissible debate. This would be too restrictive of the rights of members.

22/05/1990 PDp. 4017 *Johnson*

Documents which are not part of proceedings before a court but which may pertain to matters before a court may be referred to in Parliament, particularly if the documents have been the subject of newspaper reports.

22/05/1990 PDp. 4021 *Johnson*

Parliament should not be precluded from discussing something which is generally being discussed in the media.

22/05/1990 PDp. 4023 *Johnson*

If the Chair is of the view that the proceedings before the court will be prejudiced by the remarks of any member in this debate, it will exercise its discretionary power and curtail the debate.

22/5/1990 PDp. 4048 *Johnson*

A matter is not generally sub judice if it is being considered by a judge, since it is unlikely that a judge would be influenced by debate in this place.

03/03/2005 PDp. 14600 *Fazio (Deputy President)*  
20/09/2005 PDp. 17923-4 *Burgmann*

The Industrial Relations Commission does not count for the purposes of sub judice.

07/09/2006 PDp. 1644 *Fazio (Acting President)*

When determining whether a question should be disallowed under the sub judice convention on the grounds that the matter is currently before the courts, the Chair should be persuaded by the rulings of previous Presidents, who have been guided by a presumption for discussion rather than against it. In particular two rulings by former President Johnson in 1990 enunciate the principle that Parliament should not be precluded from discussing something which is generally being discussed in the media.

10/05/2007 PDp. 173 *Primrose*

The sub judice convention is a restriction that the House voluntarily imposes on itself, rather than a rule or order that must be followed. It is designed to avoid prejudice to court proceedings or harm to specific individuals through public discussion in the House. In a significant ruling delivered in 1990, President Johnson detailed the guidelines to be followed when considering whether a matter is

sub judice. I draw the attention of the House to a number of points in that ruling.

02/04/2008      PDp. 6250-1                      *Primrose*

When considering whether a notice of motion breaches the sub judice convention, the Chair must determine whether debate on the matter would in any way prejudice the trial of a particular person currently before the courts.

11/08/2011      PDp. 4212                              *Harwin*

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