



Legislative Council

Proposed Standing Rules and Orders

Adopted as Sessional Orders from June 2022 for the remainder of the sittings of the House during 2022

June 2022





LEGISLATIVE COUNCIL

**PROPOSED
STANDING RULES AND ORDERS**

June 2022

Table of Contents

CHAPTER 1 – REPEAL AND OPERATION OF STANDING ORDERS	1
1. Repeal of previous rules and orders	1
2. Where cases not provided for	1
2A. Sessional orders	1
3. Practice notes	1
4. Rights of House not restricted	1
CHAPTER 2 – OPENING OF PARLIAMENT	2
5. Proceedings on opening of Parliament by Governor	2
6. Proceedings on opening of Parliament by commission	2
6A. Commission opening with attendance of the Governor	2
7. Governor’s speech	3
8. Address-in-reply	4
9. Opening of Parliament by the Sovereign	4
10. Swearing of new members	4
CHAPTER 3 – OFFICE OF THE PRESIDENT	5
11. Term of office	5
12. Election of President	5
13. Ballot	5
14. Presentation to Governor	6
CHAPTER 4 – DEPUTY PRESIDENT AND CHAIR OF COMMITTEES	7
15. Election of Deputy President	7
16. Term of Office – Deputy President	7
17. Duty of Chair	7
17A. Assistant President	7
18. Temporary Chairs	7
19. Title	7
CHAPTER 5 – ABSENCE OF PRESIDENT, DEPUTY PRESIDENT AND OFFICERS	8
20. Absence of President	8
21. Absence of President and Deputy President	8
22. Relief of President	8
23. Leaving the Chair	8
24. Absence of Clerk	8
25. Parliamentary secretary	8
26. Leadership of parties and groups	8
CHAPTER 6 – SITTING, QUORUM AND ADJOURNMENT OF HOUSE	9
27. Meeting of Council	9
28. Prayers	9
29. Quorum at commencement of sitting	9
30. Quorum during sitting	9
31. Adjournment of the House	10
32. Interruption for adjournment	10
32A. Hard adjournment	11
33. Ministerial reply to adjournment matters	11
34. Minister to be present in the House	11

CHAPTER 7 – TIMES OF SITTING AND ROUTINE OF BUSINESS	12
35. Times of meeting	12
35A. Postponement of a scheduled meeting	12
36. Recall of House	12
37. Conduct of business	12
38. Routine of business	12
39. Business of the House	13
40. Government and private members' business	13
40A. Members' statements	13
41. Reports of committees - precedence	13
42. Presentation of documents	14
43. Government business on Notice Paper	14
44. Formal motions	14
45. Postponement of business	14
46. Interruption of business	14
47. Questions	15
48. Ministerial statements	15
CHAPTER 8 – RECORDS OF THE HOUSE	16
49. Records of the House	16
50. Custody of records	16
51. Hansard	16
CHAPTER 9 – TABLING OF DOCUMENTS	17
52. Order for the production of documents	17
52A. Variation of scope of order for papers	18
52B. Role of the Privileges Committee when House not sitting	18
52C. Documents concerning Ministers' offices	19
53. Documents from the Governor	19
54. Other methods of tabling documents	19
55. Tabling of reports and documents when House not sitting	19
56. Documents quoted in debate	20
57. Motion after tabling	20
58. Amendments after tabling	20
60. Inspection of documents	20
CHAPTER 10 – ATTENDANCE	21
61. Record of members	21
62. Attendance of members	21
63. Leave of absence	21
CHAPTER 11 – QUESTIONS SEEKING INFORMATION	22
64. Questions to Ministers and other members	22
65. Rules for questions	22
66. Answers to questions without notice	23
67. Written questions	23
67A. Supplementary questions for written answer	24
67B. Take note of answers to questions	24

CHAPTER 12 – PETITIONS	26
68. Presentation of petitions	26
69. Form of petitions	26
70. Content of petitions	27
70A. Government response to petitions	27
CHAPTER 13 – NOTICES OF MOTIONS	28
71. Giving of notices	28
72. Alterations and withdrawals of notices	28
CHAPTER 14 – MOTIONS	29
73. Notice required	29
74. Precedence of motions	29
75. Moving of motions	29
76. Leave of the House	29
77. Raising matters of privilege	29
78. Motions for disallowance of statutory instruments	30
79. Resolutions of continuing effect	30
CHAPTER 15 – ORDERS OF THE DAY	31
80. Definition	31
81. Disposal of orders	31
82. Pre-audience	31
CHAPTER 16 – RULES OF DEBATE	32
83. Order maintained by President	32
84. Conduct of members	32
85. Members to address President standing	32
86. President or Deputy President taking part in debate	32
87. Right to speak	32
88. Personal explanations	32
89. Explanations of speeches	32
90. Reply	33
90A. Extension of debate	33
91. Rules of debate	33
92. Relevance and anticipation	33
94. Continued irrelevance or tedious repetition	33
95. Interruption of speaker: points of order or privilege	34
96. Dissent from President’s ruling	34
97. Motion that member be heard	34
98. Motion that member be no longer heard	34
99. Closure of debate	35
100. Putting of question ends debate	35
101. Adjournment of debate	35
CHAPTER 17 – QUESTIONS FROM THE CHAIR	36
102. Putting of question	36
103. Same question	36
104. Rescission of order	36
105. Events superseding a question	36
106. Lapsed question	36
107. Form of the previous question	37
108. Determination of previous question	37

CHAPTER 18 – AMENDMENTS	38
109. Moving of amendments	38
110. No amendment to words agreed to	38
111. Procedure for putting of amendments	38
CHAPTER 19 – DIVISIONS	39
112. Calling for divisions	39
113. Voting in division	39
114. Procedure for division	39
115. Counting of division	40
116. Casting vote	40
117. Points of order in division	40
118. Correction of divisions	40
119. Divisions in committee	40
CHAPTER 20 – ADDRESSES TO THE GOVERNOR	41
120. Making of address	41
121. Presentation of address	41
CHAPTER 21 – MESSAGES FROM THE GOVERNOR	42
122. Presentation of message	42
CHAPTER 22 – COMMUNICATIONS BETWEEN THE TWO HOUSES	43
123. Methods of communication	43
124. Messages from the Council	43
125. Communicating a resolution	43
126. Messages from the Assembly	43
127. Messages to be recorded	43
CHAPTER 23 – CONFERENCES	44
128. Requests for conference	44
129. Appointment of managers	44
130. Sitting suspended	44
131. Time and place of conference	44
132. Proceedings at ordinary conference	44
133. Free conference under the Constitution Act	44
134. Report of conference	45
CHAPTER 24 – BALLOTS	46
135. Conduct of ballot	46
CHAPTER 25 – PUBLIC BILLS	47
136. Initiation	47
136A. Selection of Bills Committee	47
136B. Time limits to debate on government bills	48
137. First reading	49
137A. Deadline for introduction and receipt of government bills	49
138. Urgent Council bills	50
139. Cognate bills	50
140. Second reading	50
141. Committal	51
142. Consideration in Committee	51

143. Order of consideration	51
144. Amendments in committee	52
145. Uncompleted proceedings in committee	52
146. Report from committee	52
147. Recommittal of report	53
148. Third reading	53
149. Recommittal on third reading	53
150. Correction	53
151. Transmission to Assembly	53
152. Legislative Assembly amendments to bills originated in the Council	53
153. Bill again returned from the Assembly	54
155. Return of Legislative Assembly bill	55
156. Disagreement with Council amendments	55
157. Assembly amendments to Council amendments	55
158. Amendments after disagreement	56
159. Lapsed bills	56
160. Presentation for assent	56
161. Protest against the passing of a bill	56
162. Procedures after presentation of bills	56
163. Explanation, under the Constitution Act, of a departmental bill	57
CHAPTER 26 – PRIVATE BILLS	58
164. Notice of intention	58
165. Initiation	58
166. Payment for private bills	58
167. Form of the bill	59
168. Reference to select committee	59
169. Report of the Select Committee	59
170. Private bills originating in the Assembly	59
171. Lapsed private bills	59
CHAPTER 27 – COMMITTEE OF THE WHOLE HOUSE	60
172. Appointment of committee	60
173. Proceedings in committee	60
174. Appointment of acting Chair	60
175. Disorder in committee	60
176. Quorum	61
177. Report of the committee	61
178. Objection to Chair’s ruling	61
CHAPTER 28 – INSTRUCTIONS BY THE HOUSE TO COMMITTEES	62
179. Effect of instructions	62
180. When moved	62
181. Debate on instructions	62
182. Instruction to select or standing committees	62
CHAPTER 29 – PRIVATE MEMBERS’ BUSINESS	63
183. Notice given	63
183A. Business Committee	63
186. Debate on motions	63
187. Debate on bills	63
189. Time limits to apply	64
189A. Expiry of private members' notices of motions	64

CHAPTER 30 – CONDUCT OF MEMBERS AND STRANGERS	65
190. Member called to order	65
191. Disorderly conduct by members	65
192. Suspension of member	65
193. President may suspend sitting or adjourn House	66
194. Powers of House not affected	66
CHAPTER 31 – VISITORS	67
195. Distinguished visitors	67
196. Conduct of visitors	67
197. Removal of strangers for disorderly conduct	67
CHAPTER 32 – EFFECT AND SUSPENSION OF STANDING ORDERS	68
198. Suspension of standing orders	68
199. Effect of suspension	68
CHAPTER 33 – MATTERS OF PUBLIC IMPORTANCE AND MOTIONS OF URGENCY	69
200. Proposal for debate	69
201. Urgency motions	69
CHAPTER 34 – CITIZEN’S RIGHT OF REPLY	71
202. Person referred to	71
203. Reference to committee	71
CHAPTER 35 – COMMITTEES	73
204. Sessional committees	73
205. Procedure committee	73
206. Standing committees	73
207. Select committees	73
GENERAL COMMITTEE PROVISIONS	74
208. Powers	74
209. Must not sit while the House is sitting	74
209A. Electronic participation	74
210. Membership	74
211. Chair and Deputy Chair	75
212. Priority of references	75
213. First meeting	75
214. Quorum	75
215. Loss of a quorum during a meeting	76
216A. Substitute Members	76
217. Sub-committees	76
218. Participation by members of the House and others	76
219. Meeting or joining with other committees	77
220. Joint committees	77
221. Submissions	77
222. Evidence	77
223. Publishing submissions and evidence	77
224. Unauthorised disclosure of evidence and documents	78
225. No representation of witnesses	78
226. Reports	78
227. Consideration of reports	78
228. Members’ opinions to be reflected	79

Standing Rules and Orders of the Legislative Council

229.	Chair's foreword	79
230.	Tabling reports	79
231.	Tabling out of session	79
232.	Debate on committee reports	79
233.	Government response	80
234.	Resources	81
	INDEX	82

CHAPTER 1 – REPEAL AND OPERATION OF STANDING ORDERS

1. Repeal of previous rules and orders

All existing standing rules and orders of the House are repealed.

2. Where cases not provided for

In any case not provided for in these standing orders, any matter may be decided by the President or Chair of Committees as they think fit. In making any ruling the President or Chair may base their decision on the customs, usages, practices and precedents of the House and parliamentary tradition.

2A. Sessional orders

- (1) The House may from time to time adopt sessional orders which shall have effect for the duration of the session, or temporary orders that have affect for a specific duration.
- (2) Sessional and temporary orders must relate to the operations of the House or its committees.

3. Practice notes

- (1) The President may issue practice notes on the procedure and practice to be followed under any standing order.
- (2) A practice note may be disallowed, in whole or in part, by motion on notice.
- (3) A motion for disallowance will have precedence as business of the House.

4. Rights of House not restricted

Except so far as is expressly provided, nothing in these standing orders affects the rights, privileges and powers of the House.

CHAPTER 2 – OPENING OF PARLIAMENT

5. Proceedings on opening of Parliament by Governor

- (1) On the first day of the meeting of a session of Parliament to be opened by the Governor, where there is a President:
 - (a) the President will take the Chair at the time stated in the proclamation and read the prayers,
 - (b) the Clerk will read the proclamation calling Parliament together, and
 - (c) the Governor will be introduced to the chamber by the Usher of the Black Rod.
- (2) On the first day of the meeting of a session of Parliament to be opened by the Governor, where there is no President:
 - (a) at the time specified in the proclamation the Clerk will read the proclamation calling Parliament together,
 - (b) the Governor will be introduced to the chamber by the Usher of the Black Rod.

6. Proceedings on opening of Parliament by commission

On the first day of the meeting of a session of Parliament to be opened by commissioners,

- (a) the Clerk will read the proclamation calling Parliament together,
- (b) the Clerk will announce the commissioners appointed to open the Parliament,
- (c) a commissioner will direct the Usher of the Black Rod to request the attendance of the members of the Legislative Assembly to hear the commissioners' message,
- (d) members of the Assembly will sit in the Council chamber,
- (e) a commissioner will then inform the members of both Houses of the purpose of the meeting,
- (f) the Clerk will read the commission appointing the commissioners to open Parliament,
- (g) a commissioner will read the commissioners' message, and the members of the Assembly will withdraw,
- (h) the Clerk will announce the names of the members elected at the periodic election,
- (i) the Clerk will also announce the names of commissioners for swearing members, and read the commission,
- (j) new members will take and sign the oath or affirmation of allegiance required by law and sign the roll of the House, and
- (k) the House will then proceed to elect a President.

6A. Commission opening with attendance of the Governor

- (1) On the first day of the meeting of a session of Parliament to be opened by commissioners:

- (a) the Clerk will read the proclamation calling Parliament together,
 - (b) the Clerk will announce the commissioners appointed to open the Parliament,
 - (c) a commissioner will direct the Usher of the Black Rod to request the attendance of the members of the Legislative Assembly to hear the commissioners' message,
 - (d) members of the Assembly will sit in the Council chamber,
 - (e) a commissioner will then inform the members of both Houses of the purpose of the meeting,
 - (f) the Clerk will read the commission appointing the commissioners to open Parliament,
 - (g) a commissioner will read the commissioners' message, and the members of the Assembly will withdraw,
 - (h) the Clerk will announce the names of the members elected at the periodic election,
 - (i) the Clerk will also announce the names of commissioners for swearing members, and read the commission,
 - (j) new members will take and sign the oath or affirmation of allegiance required by law and sign the roll of the House,
 - (k) the House will then proceed to elect a President,
 - (l) the President will take the Chair and read the prayers, and the House proceed to conduct business.
- (2) When the Governor attends Parliament House to give the opening speech, the House may present their President to the Governor.
- (3) When the Governor attends the chamber to give the opening speech:
- (a) the Usher of the Black Rod will announce and conduct the Governor to the dais,
 - (b) the Governor will direct the Usher of the Black Rod to command the immediate attendance of the Assembly in the Council chamber,
 - (c) when the members of the Assembly have come with their Speaker into the Council chamber the Governor will address both Houses of the Parliament,
 - (d) the President and the Speaker will each receive a copy of the Governor's speech and the Governor will withdraw from the Council chamber,
 - (e) the Legislative Assembly will then withdraw.

7. Governor's speech

- (1) When the Governor attends the chamber, the Usher of the Black Rod will announce and conduct the Governor to the dais.
- (2) The Governor will direct the Usher of the Black Rod to command the immediate attendance of the Assembly in the Council chamber.

- (3) When the members of the Assembly have come with their Speaker into the Council chamber the Governor will address both Houses of the Parliament.
- (4) The President and the Speaker will each receive a copy of the Governor's speech and the Governor will withdraw from the Council chamber.

8. Address-in-reply

- (1) The President will report to the House the speech of the Governor.
- (2) A motion for an address-in-reply to the speech may be made forthwith or on a future day, and must be seconded.
- (3) Consideration of the Governor's speech will be dealt with as government business.
- (4) When the address has been agreed to, a motion will be made that it be presented to the Governor by the President and members.
- (5) The President will report to the House the presentation of the address and the reply of the Governor.

9. Opening of Parliament by the Sovereign

When the Sovereign is present in the State and intends to address both Houses of Parliament on opening the session, references in this chapter to the Governor will be read as references to the Sovereign.

10. Swearing of new members

New members may present themselves and take and sign the oath or affirmation required by law and sign the roll of the House at any time during the sitting of the House when there is no business then under consideration.

CHAPTER 3 – OFFICE OF THE PRESIDENT

11. Term of office

The office of President becomes vacant:

- (a) immediately before the House assembles for the dispatch of business at its first meeting following a periodic Council election,
- (b) if the President ceases to be a member of the House,
- (c) if the President is removed from office by a vote of the House, or
- (d) if the President resigns in writing addressed to the Governor.

12. Election of President

- (1) Whenever the office of the President becomes vacant the Clerk will act as Chair of the House for the election of the President, and will have the powers of the President under the standing orders while acting.
- (2) A member, addressing the Clerk, will propose to the House as President a member then present, and move that the member take the Chair of the House as President. The speech of the member proposing the motion and of any other member may not exceed 15 minutes.
- (3) If only one member is proposed as President, the member proposed is declared elected without any question being put.
- (4) If 2 or more members are proposed as President, a motion will be made regarding each such member, that the member take the Chair of the House as President. Each member so proposed may address the House.
- (5) On taking the chair the newly elected President will express a sense of the honour proposed to be conferred on them.

13. Ballot

- (1) A candidate must receive votes of an absolute majority of members present to be elected President.
- (2) When a ballot is required, the bells will be rung and the doors locked, as in a division.
- (3) Ballot papers will be distributed by the Clerks to all members in their places. Members must write on the ballot paper the name of the candidate for whom they wish to vote, and deposit it in the ballot box provided by the Clerk.
- (4) If more than two members have been proposed and no candidate receives the votes of an absolute majority of members present, the name of the candidate having the smallest number of votes will be withdrawn, and a fresh ballot will take place and this will be done until a candidate is elected as President by such a majority.
- (5) If after fresh ballots have been conducted under paragraph (4) no member receives the votes of an absolute majority of members present, the Clerk will call for fresh nominations and the procedures under paragraph (2) to (4) will be repeated.

- (6) After fresh nominations have been called under paragraph (5) and the procedures under paragraphs (2) to (4) have been repeated and no member receives the votes of an absolute majority of members present:
 - (a) notwithstanding paragraph (1), if there is an equality of votes, the Clerk will determine, by lot, which of the candidates, having the same number of votes will be withdrawn, as if the candidate had obtained the lesser number of votes and the other member is declared elected, notwithstanding the member has not received the votes of an absolute majority of members present, or
 - (b) if there is not an equality of votes the Clerk will again call for fresh nominations and this procedure will be repeated until either the President is elected by the drawing of lots by the Clerk under paragraph (6)(a) or a candidate receives the votes of an absolute majority of members present.
- (7) The member elected will be conducted to the Chair.

14. Presentation to Governor

- (1) Having been conducted to the Chair, the member so elected will return acknowledgments to the House and assume the Chair.
- (2) Members may congratulate the President, and a Minister will inform the House of the time at which the Governor will receive the House for the purpose of presenting their President.

CHAPTER 4 – DEPUTY PRESIDENT AND CHAIR OF COMMITTEES

15. Election of Deputy President

- (1) At the commencement of the sittings following a periodic Council election, or when any vacancy occurs, the House is, to elect a member to be Deputy President and Chair of Committees. A member will propose and move that a member then present be the Deputy President.
- (2) The Deputy President and Chair of Committees will be elected in a similar manner as the President. However, the President will conduct the election, and where there is an equality of votes, will exercise a casting vote.

16. Term of Office – Deputy President

The Deputy President will hold office for the life of the Parliament in which elected and until a successor is elected.

17. Duty of Chair

- (1) The Deputy President, when presiding in the House, will exercise the same authority and have the same duties and powers as the President, but will give place to the President whenever the President arrives in the House.
- (2) The Chair of Committees will take the Chair at the table in all committees of the whole House.

17A. Assistant President

- (1) At the commencement of the sittings following a periodic election, or when a vacancy occurs, the House is to elect a member to be Assistant President.
- (2) The Assistant President will be elected in a similar manner as the President.
- (3) The Assistant President will hold office for the life of the Parliament in which elected.
- (4) In the absence of both the President and Deputy President on a day when the House is sitting the Assistant President will perform the duties of the President.

18. Temporary Chairs

The President will nominate at the commencement of each session a panel of not less than three members who may act as Temporary Chairs of Committees when requested, or in the absence of the Chair of Committees.

19. Title

The Chair of Committees and Temporary Chair of Committees may be referred to as Chairperson, Chairman or Chairwoman.

CHAPTER 5 – ABSENCE OF PRESIDENT, DEPUTY PRESIDENT AND OFFICERS

20. Absence of President

In the absence of the President, the Deputy President will perform the duties and exercise the authority of President in relation to all proceedings of the House.

21. Absence of President and Deputy President

- (1) If both the President and the Deputy President are absent, one of the Temporary Chairs of Committees will act as President.
- (2) If no Temporary Chairs are available in the absence of the President and Deputy President, the members present, if a quorum, will elect a member present to act as President for that day only, the question being put to the House by the Clerk.

22. Relief of President

- (1) The Deputy President will take the Chair when requested by the President, without any announcement to the House.
- (2) In the absence of the Deputy President, one of the Temporary Chairs will take the Chair, without any announcement to the House.

23. Leaving the Chair

The President may leave the Chair at any time to suit the convenience of the members, without any question being put.

24. Absence of Clerk

In the absence of the Clerk, the Clerk's duties will be performed by the Deputy Clerk, or in the absence of both, by the next senior officer.

25. Parliamentary secretary

- (1) A parliamentary secretary may act as a Minister in the House in all respects.
- (2) A parliamentary secretary may not be a Chair or Deputy Chair of a portfolio committee.
- (3) A parliamentary secretary may be required to attend to give evidence and answer questions at a budget estimates hearing, but may not substitute for a Minister at Budget Estimates.

26. Leadership of parties and groups

After each periodic Council election and whenever changes occur, the leaders of parties or groups with two or more members in the House may announce the leadership of the parties or groups represented in the House.

CHAPTER 6 – SITTING, QUORUM AND ADJOURNMENT OF HOUSE

27. Meeting of Council

The bells will ring for two minutes prior to the time appointed for a meeting of the Council, and the President on being announced by the Usher of the Black Rod, will then take the Chair, and acknowledge the House.

28. Prayers

- (1) The President, on taking the Chair each day, will read the following prayers:

Almighty God, we humbly beseech Thee to vouchsafe Thy blessing upon this Parliament. Direct and prosper our deliberations to the advancement of Thy glory, and the true welfare of the people of our state and Australia.

Our Father, who art in Heaven: Hallowed be thy name. Thy Kingdom come. Thy will be done on earth, as it is in Heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation; but deliver us from evil: For Thine is the kingdom, and the power, and the glory, for ever and ever, Amen.

- (2) After reading the prayers the President will read the following acknowledgement of Country:

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

- (3) The President may nominate another member, or request the Clerk to read the prayers or the acknowledgement of Country.

29. Quorum at commencement of sitting

- (1) If there is no quorum present when the Chair is taken at the time appointed for the meeting of the House, the bells will again ring for five minutes. If there is still no quorum present the President will adjourn the House until a later hour of the day or the next sitting day.
- (2) A member who enters the chamber at or after the time appointed for the meeting of the Council may not withdraw until a quorum is formed or the House is adjourned.
- (3) When the House is adjourned for lack of a quorum, the names of the members present will be entered in the Minutes of Proceedings.

30. Quorum during sitting

- (1) If it appears, on the report of a division of the House by the tellers, that a quorum is not present, the President will adjourn the House until a later hour of the day or the next sitting day. No decision of the House will be considered to have been reached by that division.
- (2) When the Chair of Committees informs the President that a quorum is not present in committee, the bells will ring for five minutes. The President will then count the House, and if a quorum is still not present, will adjourn the House until a later hour of the day or the next sitting day. However, if a quorum is then present, the President will leave the Chair and the committee resume.
- (3) If a member draws attention to the lack of a quorum, the bells will be rung until a quorum is formed but for no longer than five minutes. If after five minutes a quorum is not present, the President will adjourn the House until a later hour of the day or the next sitting day.

- (4) When the attention of the President, or the Chair of Committees, has been called to the absence of a quorum, a member may not leave until the House or committee has been counted.
- (5) The doors of the House will be unlocked while the President is counting the House.
- (6) When the House has adjourned for lack of a quorum the names of the members present will be entered in the Minutes of Proceedings.

31. Adjournment of the House

- (1) Except where the standing orders provide for the President or Clerk to adjourn the House without putting a question, the House can be adjourned only by its own resolution.
- (2) The adjournment of the House to terminate the sitting may be moved at any time by a Minister.
- (3) The motion for the adjournment of the House to terminate the sitting may not be amended.
- (4) On any motion for adjournment to terminate a sitting:
 - (a) the question will be put no later than 30 minutes after the motion has been moved, or, when a Minister wishes to speak or is then speaking, at the conclusion of the Minister's remarks,
 - (b) any member may speak for five minutes on matters not relevant to the question, but may not refer to matters which are otherwise not in order.
- (5) If, before the days and hours of sitting have been appointed by the House, an adjournment takes place without the day and hour being fixed for meeting, the House will meet on the days and at the hour appointed in the previous session.
- (6) Whenever the House is adjourned for lack of a quorum to the next sitting day, and that day is a general holiday or public holiday, the House will stand adjourned to the following sitting day.

32. Interruption for adjournment

- (1) The House may appoint the time that proceedings will be interrupted each sitting day to permit a motion for adjournment to be moved, if a Minister so wishes, to terminate the sitting.
- (2) If, at the time of interruption:
 - (a) a vote or division is in progress, the vote will be completed and the result announced before the business is interrupted,
 - (b) if a question is before the House, the President is to interrupt proceedings, and, if the motion for the adjournment is moved, resumption of debate on the interrupted question is to be made an order of the day for the next sitting day without any question being put,
 - (c) if the House is in committee of the whole, the Chair will interrupt business and inquire if the Minister wishes the Chair to report progress to the House to allow the motion for the adjournment to be moved.
- (3) When any business under discussion, if not disposed of, is interrupted by the operation of this standing order, the business will be set down as an order of the day for a later hour of the sitting without any question being put.
- (4) A member speaking when proceedings are interrupted may continue speaking when proceedings are resumed.

32A. Hard adjournment

- (1) If the motion for the adjournment of the House under standing order 31 has not earlier been moved, at 10.00 pm the President is to interrupt business.
- (2) If at the time of interruption:
 - (a) a vote or division is in progress, the vote will be completed and the result announced before the business is interrupted,
 - (b) a question is before the House, resumption of debate on the interrupted question is to be made an order of the day for the next sitting day without any question being put,
 - (c) the House is in committee, the chair shall leave the chair and report progress to the House and further consideration of the business before the committee is to be made an order of the day for the next sitting day without any question being put.
- (3) A member speaking when proceedings are interrupted may continue speaking when proceedings are resumed.
- (4) When business is interrupted under this standing order, for not more than 30 minutes members may make statements without any question before the Chair, provided that a member shall not speak for more than 5 minutes.
- (5) At the conclusion of 30 minutes, the President will adjourn the House without putting a question.

33. Ministerial reply to adjournment matters

A Minister may, before the House proceeds to the business of the day, make a statement in relation to any matter raised on the adjournment at a previous sitting.

34. Minister to be present in the House

- (1) The House will not meet unless a Minister is present in the House, subject to paragraph (2).
- (2) On the Chair noting the absence of a Minister or a parliamentary secretary in the House, any member may move a motion without notice that the sitting of the House continue and the presence of a Minister or parliamentary secretary is not required for the vote on the motion to take place.
- (3) Government business may not be considered if a Minister is not present in the House.
- (4) In the absence of a Minister, at 10.00 pm the President is to interrupt proceedings for a hard adjournment.

CHAPTER 7 – TIMES OF SITTING AND ROUTINE OF BUSINESS

35. Times of meeting

The days and times of meeting of the House in each sitting week will be determined by the House from time to time.

35A. Postponement of a scheduled meeting

The President, or if the President is unable to act on account of illness or other cause, the Deputy President, following consultation with the leader or designated representative of each party and independent crossbench members:

- (a) is authorised to postpone a scheduled meeting of the House by communication addressed to each member, and
- (b) is authorised to fix an alternative day or hour of meeting by communication addressed to each member of the House.

36. Recall of House

- (1) The President, at the request of an absolute majority of members that the House meet at a certain time, must fix a time of meeting in accordance with that request, and the time of meeting must be notified to each member.
- (2) A request by the leader, deputy leader or designated representative of a party in the Council is deemed to be a request by every member of that party.
- (3) A request may be made to the President by delivery to the Clerk, who must notify the President as soon as practicable.
- (4) If the President is unavailable, the Clerk must notify the Deputy President, or, if the Deputy President is unavailable, any one of the Temporary Chairs of Committees, who must summon the Council on behalf of the President, in accordance with this standing order.

37. Conduct of business

- (1) A Minister may move a motion connected with the conduct of government business at any time without notice.
- (2) Any member may move a motion, without notice, that standing and sessional orders be suspended to allow the moving of a motion forthwith relating to the conduct of the business of the House.

38. Routine of business

The House is to proceed each day with business in the following routine:

Formalities:

- Messages from the Governor
- Messages from the Legislative Assembly
- Reports tabled by President
- Formal business under SO 44
- Presentation of papers

Presentation of petitions

Notices of motions

Postponements

Ministerial statements

Ministerial replies to matters raised on the motion for adjournment

Urgency motion under SO 201 (unless there is a matter of privilege under SO 77 on the Notice Paper)

Motions and orders of the day, or vice versa, as set down on the Notice Paper:

Matters concerning the privileges of the House under SO 77

Business of the House under SO 39

Matters of public importance under SO 200 (only on Government business days)

Government business, private members' business or other business given precedence.

39. Business of the House

- (1) The following business is to be placed on the Notice Paper as business of the House, and will take precedence according to standing order 38 in the following order:
 - (a) A motion for leave of absence to a member,
 - (b) A motion concerning the qualification of a member, or any matters arising under the members' code of conduct including any amendments to the members' code of conduct,
 - (c) A motion concerning the operations of the chamber including proposed standing, sessional and temporary orders, and the sitting calendar,
 - (d) A motion for disallowance of a statutory rule under to SO 78,
 - (e) A motion to adopt a citizen's right of reply under to SO 203.
- (2) Items given precedence under this standing order remain business of the House for six sitting days and if not moved within that time will be set down as private members' or government business as applicable.

40. Government and private members' business

The House must appoint the days or times on which government business and private members' business is to take precedence.

40A. Members' statements

The House is to appoint the time when private members may make statements for not more than 30 minutes, without any question before the Chair, provided that a member shall not speak for more than 3 minutes.

41. Reports of committees - precedence

The House must appoint the day and time on which motions for the consideration or adoption of reports of committees of the House and any government responses on such reports are to take precedence.

42. Presentation of documents

- (1) Documents ordered to be presented, returns, reports of committees, papers and statutory instruments may be presented when no business is before the House.
- (2) Private members may only table documents by leave of the House.

43. Government business on Notice Paper

Ministers may arrange the order of their notices of motions and orders of the day on the Notice Paper.

44. Formal motions

- (1) Before the House proceeds to the business on the Notice Paper the House will consider formal motions.
- (2) Any member wishing to have a notice of motion standing in the name of that member on the Notice Paper to be taken as a formal motion must hand a signed request to one of the Clerks-at-the-Table by 4.00 pm, or one hour after the conclusion of formalities, whichever is later, on the sitting day before which the member wishes the matter to be considered as a formal motion.
- (3) At the time for formal motions, the President will ask with respect to each notice of motion for which a request has been received, in the order in which they appear on the Notice Paper, whether there is any objection to it being taken as a formal motion. If no objection is taken, the motion shall be taken as a formal motion.
- (4) The question on a formal motion must be put and determined without amendment or debate.
- (5) An order of the day for the third reading of bills may be dealt with as a formal motion.

45. Postponement of business

- (1) Business may be postponed:
 - (a) by a member in charge of an item on the Notice Paper delivering to the Clerk written notification of the postponement, a list of which will be read by the Clerk at the time for postponements under standing order 38,
 - (b) at the time for postponements in the routine of business under standing order 38, or
 - (c) at the time the item is called on.
- (2) At the request of any member, the question that an item be postponed shall be put by the President without amendment or debate.

46. Interruption of business

- (1) If any business before the House or a committee of the whole is interrupted by the operation of any standing or other order of the House, with the exception of the interruption for the adjournment, the business may be dealt with at a later hour of the same day, or will be set down on the Notice Paper for the next sitting day.
- (2) When an order of the House specifies a time for the consideration of a matter, the business then under discussion is to be interrupted.
- (3) At the time for interruption:

- (a) if a vote or division is in progress, the vote will be completed and the result announced before the business is interrupted,
 - (b) if a question is before the House, the President is to interrupt proceedings, resumption of debate on the interrupted question is to be made an order of the day for a later hour of the sitting without any question being put,
 - (c) if the House is in committee, the Chair is to interrupt proceedings and report progress to the House. Further consideration of the business before the committee is to be made an order of the day for a later hour of the sitting without any question being put.
- (4) A member speaking when proceedings are interrupted may continue speaking when proceedings are resumed.

47. Questions

- (1) The House is to appoint the time when questions without notice will be taken each sitting day.
- (2) Until a time is appointed by the House, questions will be taken at the time and day last appointed by the House.

48. Ministerial statements

- (1) A Minister may make a statement regarding government policy at any time when there is no other business before the House.
- (2) The Leader of the Opposition, or a member nominated by the Leader of the Opposition, may speak to a ministerial statement, not exceeding the time taken by the Minister in making the statement.

CHAPTER 8 – RECORDS OF THE HOUSE

49. Records of the House

- (1) All proceedings of the House are to be recorded by the Clerk and published in the Minutes of Proceedings, approved by the Clerk.
- (2) A Notice Paper containing notices of motions and orders of the day is to be published by the Clerk.
- (3) Publication, in written or electronic form, of the Minutes of Proceedings, Questions and Answers Paper and Notice Paper is authorised under this standing order.

50. Custody of records

- (1) The Clerk is to have custody of the records of the House and all documents tabled in the House. They may only be taken from the office of the Clerk by a resolution of the House, or if the House is adjourned for more than two weeks, by approval of the President.
- (2) The House is to be notified at its next sitting whenever approval is given by the President for any such removal.

51. Hansard

- (1) The Clerk is to ensure that a Hansard record is kept of all the debates in the House.
- (2) Publication, in written or electronic form, of the record of debate in the House or any committee, known as Parliamentary Debates and Hansard, including publication of Hansard ‘galley proofs’, is authorised under this standing order.

CHAPTER 9 – TABLING OF DOCUMENTS

52. Order for the production of documents

- (1) The House may order documents to be tabled in the House.
- (2) When an order for documents is made by the House:
 - (a) the Clerk is to communicate to the Secretary of the Department of Premier and Cabinet, all orders for documents held by departments and agencies subject to ministerial direction or control, and
 - (b) the Clerk is to communicate to the Secretary of the Department of Premier and Cabinet and the named entity, all orders for documents held by an entity which is not subject to ministerial direction or control.
- (3) A return under this order is to include an indexed list of all documents tabled, showing the date of creation of the document, a description of the document and the author of the document.
- (4) When returned, the documents will be laid on the table by the Clerk.
- (5) If at the time the documents are required to be tabled the House is not sitting, the documents may be lodged with the Clerk, and unless privilege is claimed, are deemed to have been presented to the House and published by authority of the House.
- (6) Where a document is considered to be privileged:
 - (a) a return is to be prepared showing the date of creation of the document, a description of the document, the author of the document and reasons for the claim of privilege, and
 - (b) the documents are to be delivered to the Clerk by the date and time required in the resolution of the House and:
 - (i) made available only to members of the Legislative Council,
 - (ii) not published or copied without an order of the House.
- (7) Any member may, by communication in writing to the Clerk, dispute the validity of the claim of privilege in relation to a particular document or documents. On receipt of such communication, the Clerk is authorised to release the disputed document or documents to an Independent Legal Arbiter, for evaluation and report as to the validity of the claim.
- (8) The Independent Legal Arbiter is to be appointed by the President and must be a Queen's Counsel, a Senior Counsel or a retired Supreme Court Judge.
- (9) The Independent Legal Arbiter may request, through the Clerk, additional submissions through the Department of Premier and Cabinet or directly from an independent agency and the member disputing the claim of privilege. Such submissions are:
 - (a) to be lodged with the Clerk and made available to the Independent Legal Arbiter, and
 - (b) may be provided to the parties to the dispute but may not otherwise be published.
- (10) A report from the Independent Legal Arbiter, along with any submissions received by the Arbiter, are to be lodged with the Clerk and:

- (a) made available only to members of the House,
 - (b) not published or copied without an order of the House.
- (11) The Clerk is to maintain a register showing the name of any person examining documents tabled under this order.

52A. Variation of scope of order for papers

- (1) The Department of Premier and Cabinet or an independent agency may, by communication in writing to the Clerk at any time before the date for the return of documents, request that the scope of the order be varied.
- (2) A request to vary the scope of an order for papers must include:
 - (a) reasons why the timeframe for the production of the documents cannot be met,
 - (b) reasons why the terms of the order are likely to result in the production of a larger number of documents than are reasonably believed to be irrelevant to the intent of the order for papers.
- (3) The Clerk is to provide the request and any accompanying documents to the President and the member who moved the original order for papers.
- (4) When a request under this standing order is received:
 - (a) the original order for papers and the date for return of documents is suspended, and
 - (b) if agreement is not reached within 14 days, the original order stands and the documents ordered are to be produced to the House by the original due date, or if that date has passed, within a further seven days.
- (5) When an agreement is reached between the member and the Department of Premier and Cabinet or agency and is certified by the President, the Clerk is authorised to advise all members and publish the terms of the agreement.
- (6) On the next sitting day the President is to report the agreement to the House and table all relevant documents.
- (7) The House will then decide on a question proposed without amendment or debate, “That the varied terms of the order be agreed to”, except a statement by the member who moved the original order for papers and a Minister not exceeding 10 minutes each.
- (8) If the question is resolved in the negative, the original order remains in force.

52B. Role of the Privileges Committee when House not sitting

In instances where a report of the Independent Legal Arbiter appointed under standing order 52 is received by the Clerk more than three weeks before the next sitting of the House:

- (a) the Clerk is to refer the report to the Privileges Committee for consideration,
- (b) the Privileges Committee is authorised to undertake the role usually performed by the House in deciding whether the report of the Independent Legal Arbiter and any documents the subject of the dispute are to be published,

- (c) any document authorised to be made public by the committee under this standing order is deemed to have been presented to the House and published by the authority of the House, and
- (d) on the next sitting day, the committee is to report to the House what action, if any, it has taken under this resolution.

52C. Documents concerning Ministers' offices

Where an order for papers under standing order 52 would require the production of documents concerning workplace complaints and investigations in a Minister's office subject to the NSW Ministerial Offices Respectful Workplace Policy, those documents are not required to be included in a return to order.

53. Documents from the Governor

The production of documents concerning:

- (a) the royal prerogative,
- (b) dispatches or correspondence to or from the Governor, or
- (c) the administration of justice,

will be in the form of an address presented to the Governor requesting that the document be laid before the House.

54. Other methods of tabling documents

- (1) The President and Ministers may table documents at any time when there is no other business before the House.
- (2) A member may table a committee report at any time when there is no other business before the House.
- (3) The Clerk, under the authority of any Act or by resolution of the House, may table documents at any time when there is no other business before the House.
- (4) The publication of documents tabled by the President, a Minister, the Clerk, and committee reports tabled by the member who signed the report or other member on their behalf, is authorised under this standing order.
- (5) Other members may table documents by leave, and unless authorised by the House to be made public, are available for inspection by members of the House only.

55. Tabling of reports and documents when House not sitting

- (1) Where, under any Act, a report or other document is required to be tabled in the House by a Minister, and the House is not sitting, such report or document may be lodged with the Clerk.
- (2) Any report or document lodged with the Clerk is:
 - (a) on presentation, and for all purposes, deemed to have been laid before the House,
 - (b) for all purposes, deemed to be a document published by order or under authority of the House, and
 - (c) to be recorded in the Minutes of Proceedings of the House.

- (3) Documents required to be tabled in the House by a Minister under an Act may be lodged with the Clerk when the House has been prorogued.

56. Documents quoted in debate

- (1) 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.
- (2) An order under paragraph (1) may be made by motion without notice moved immediately on the conclusion of the speech of the Minister who quoted the document.

57. Motion after tabling

- (1) On a document being laid before the House, other than a petition or a return to an address or order, a motion may be made:
 - (a) that a day be appointed for its consideration, or
 - (b) that it be published.
- (2)
 - (a) A motion moved under paragraph (1) (a) will take the form: 'That the House take note of the document'.
 - (b) Debate on the motion is to be immediately adjourned and set down on the Notice Paper for resumption on the next sitting day as government or private members' business, as the case may be.
 - (c) Each speaker in the debate on the take note motion is to be limited to 10 minutes, except the mover of the motion who is allowed 15 minutes and a further 10 minutes in reply.
 - (d) If the motion is not sooner disposed of, after one hour the President is to interrupt proceedings to allow the mover of the motion to speak in reply and put all questions necessary to dispose of the motion and any amendments.

58. Amendments after tabling

Clerical or typographical errors may be corrected, by authority of the President, in a document that has been ordered to be published. No other amendments may be made except by authority of the House.

60. Inspection of documents

- (1) Documents may be inspected in the offices of the Clerk at any reasonable time.
- (2) The Clerk may charge a reasonable fee for copies of extracts from documents or papers tabled in the House.

CHAPTER 10 – ATTENDANCE

61. Record of members

- (1) The Clerk is to keep a roll of members which members must sign when the member takes the oath or affirmation of allegiance required by law.
- (2) The roll will also show:
 - (a) the name of each member elected to the Council,
 - (b) the date of election,
 - (c) the Parliament in which the member is elected,
 - (d) the date of taking the oath or affirmation,
 - (e) the signature of the Clerk attesting.
- (3) The Clerk is to keep a register of members showing:
 - (a) the name of each member elected to the Council,
 - (b) the date of election,
 - (c) term of service,
 - (d) date of taking their seat,
 - (e) date of ceasing to be a member,
 - (f) the cause of ceasing to be a member, and
 - (g) length of service.
- (4) A list of current members is to be published by the Clerk.

62. Attendance of members

A record is to be kept in the Minutes of Proceedings each day of members who do not attend at some time during the sitting.

63. Leave of absence

- (1) The House may by motion on notice stating the cause and period of absence give leave of absence to a member.
- (2) A member who has been granted leave of absence is excused from service in the House or on a committee for the period of the absence.
- (3) A member will forfeit leave of absence by attending in the House or a committee before the expiration of the leave.

CHAPTER 11 – QUESTIONS SEEKING INFORMATION

64. Questions to Ministers and other members

- (1) 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.
- (2) Questions without notice may be put to Parliamentary Secretaries relating to public affairs with which the Parliamentary Secretary is officially connected, to public affairs connected with the portfolio of the Minister to whom the Parliamentary Secretary is connected, to proceedings pending in the House, or to any matter of administration for which the Parliamentary Secretary is responsible.
- (3) Questions may be put to other members relating to any matter connected with the business on the Notice Paper of which the member has charge.
- (4) Questions may be put to a chair of a committee relating to the activities of that committee, but the question must not attempt to interfere with the committee's work or anticipate its report.
- (5) At the discretion of the President:
 - (a) one supplementary question may be immediately put by the member who asked a question to elucidate the answer, and
 - (b) one further supplementary question may then be immediately put by another non-government member from a different party to elucidate the same answer.
- (6) The asking of each question must not exceed one minute and the answering of each question must not exceed three minutes. A Minister may seek leave to extend the time for an answer by one minute.
- (7) The asking of a supplementary question must not exceed one minute and the answering of each supplementary question must not exceed two minutes.

65. Rules for questions

- (1) Questions must not contain:
 - (a) statements of fact or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated,
 - (b) arguments,
 - (c) inferences,
 - (d) imputations,
 - (e) epithets,
 - (f) ironical expressions, or
 - (g) hypothetical matter.
- (2) Questions must not ask for an expression of opinion, including a legal opinion.

- (3) Questions must not refer to:
 - (a) debates in the current session, or
 - (b) proceedings in committee not yet reported to the House.
- (4) 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 or an order of the day relating to the budget estimates.
- (5) An answer must be directly relevant to a question.
- (6) In answering a question a member must not debate the question.
- (7) The President may direct that the language of a question be changed if it is unbecoming or not in conformity with these rules.

66. Answers to questions without notice

- (1) When a Minister takes a question on notice, the Minister must provide the answer to the House within 15 business days after the question was first asked.
- (2) If an answer to a question without notice is not provided within 15 business days, the President is to inform the House on the next sitting day of the details of any question not answered. The relevant Minister must immediately explain to the House the reason for non-compliance.
- (3) Unless an answer to a question without notice not provided within 15 business days, but provided before the next sitting day, is accompanied by an explanation of the reasons for the late provision of the answer, the late provision of the answer will be reported to the House by the President, in accordance with paragraph (2).
- (4) If, after explanation in the House, the Minister has not provided an answer within three sitting days, the President is to again inform the House and the Minister will again be called to explain. This procedure is to continue until an answer is provided.
- (5) The reply to a question without notice may be delivered to the Clerk when the House is not sitting.
- (6) When a reply to a question without notice is received by the Clerk, it is for all purposes deemed to be a document published by order or under the authority of the House.
- (7) On any prorogation of the House, answers to questions without notice delivered to the Clerk since the last sitting of the House, are to be printed and circulated.

67. Written questions

- (1) The rules for questions apply to written questions.
- (2) The Clerk is to publish in a Questions and Answers Paper, notices of questions in the order in which they are received and the answers provided.
- (3) Written questions and answers must be lodged with the Clerk, whether or not the House is sitting, by email or other electronic lodgement by 4.00 pm for publication in the next Questions and Answers paper.
- (4) Ministers must lodge answers to questions on notice within 15 business days after the question is first published.

- (5) When a reply to a question on notice is received by the Clerk, it is for all purposes deemed to be a document published by order or under the authority of the House.
- (6) If an answer to a question on notice is not received within 15 business days, the President is to inform the House on the next sitting day the details of any question not answered. The relevant Minister must immediately explain to the House the reason for the non-compliance.
- (7) If, after explanation in the House, the Minister has not submitted an answer within three sitting days, the President is to again inform the House and the Minister will again be called to explain. This procedure is to continue until a written answer is submitted.
- (8) A Questions and Answers Paper is to be printed and circulated on any prorogation of the House.

67A. Supplementary questions for written answer

- (1) At the discretion of the President, at the conclusion of questions without notice, supplementary questions may be put by members to elucidate answers given earlier during questions.
- (2) The rules for questions apply to supplementary questions and answers under this order.
- (3) Each party and any independent member is limited to one supplementary question each question time under this order.
- (4) Ministers must lodge answers to supplementary questions with the Clerk by 10.00 am the next business day.
- (5) The written reply to a supplementary question may be delivered to the Clerk, whether or not the House is sitting.
- (6) When a reply to a supplementary question is received by the Clerk, it is for all purposes deemed to be a document published by order or under the authority of the House.
- (7) When the House next sits, supplementary answers are to be provided to the House for incorporation in Hansard.
- (8) If an answer to a supplementary question is not received by 10.00 am the next business day, the President is to inform the House on the next sitting day the details of any question not answered. The relevant Minister must immediately explain to the House the reason for the non-compliance.
- (9) If, after explanation in the House, the Minister has not submitted an answer within three sitting days, the President is to again inform the House and the Minister will again be called to explain. This procedure is to continue until a written answer is submitted.

67B. Take note of answers to questions

- (1) Immediately following the conclusion of Questions, a motion may be moved without notice: "That the House take note of answers to questions".
- (2) Debate on the motion may canvass any answers to oral questions asked that day and any deferred answers, answers to written questions or written answers to supplementary questions.
- (3) A speaker will be in order as long as the contribution is relevant to the subject matter of the question asked and the answer given.
- (4) Debate on the motion shall not exceed 30 minutes in total.

- (5) A member may speak for not more than 3 minutes to the motion, the mover is not entitled to a right of reply, and a Minister speaking for not more than 3 minutes will close the debate.
- (6) If the motion is not sooner disposed of, after 30 minutes, the President is to interrupt proceedings to allow a Minister to speak for not more than 3 minutes.
- (7) Where a motion moved under this sessional order will conflict with another sessional order affording certain business precedence, the motion for the take note of answers will take precedence.

CHAPTER 12 – PETITIONS

68. Presentation of petitions

- (1) A petition may only be presented to the House by a member.
- (2) At the time provided a member may present a petition, including a petition for a private bill, or relating to a private bill before the House, on public or individual grievances, if it relates to a matter over which the House has jurisdiction.
- (3) When presenting a petition, a member may state:
 - (a) the petitioners,
 - (b) the number of signatures,
 - (c) the subject matter of the petition, and
 - (d) the request for action.
- (4) When presenting a petition, a member may move:
 - (a) “That the petition be received”, and
 - (b) “That the petition be read by the Clerk”.
- (5) No amendment or debate may be made on questions relating to petitions.
- (6) A member may not present a petition from that member.
- (7) The member presenting a petition must sign it at the top of the first page.
- (8) A petition may not be presented to the House once the House proceeds to the orders of the day, except by leave of the House.
- (9) The Clerk must refer a copy of every petition which is received by the House to the Minister responsible for the administration of the matter the subject of the petition.

69. Form of petitions

- (1) A petition must be made in ink, and written, typewritten or printed without insertion or erasure.
- (2) A petition must contain a request for action by the House or Parliament.
- (3) A petition is to be in the English language where practicable, and if not, must be accompanied by a translation, in English, certified to be correct by the member who presents it.
- (4) Signatures must be written on a page containing the petition, and must not be pasted or otherwise transferred to it. Additional signatures may be attached the petition.
- (5) A petition must be signed by the petitioners with their names. A petition may be signed by a person for another person in the case of incapacity. A person not able to write may make a mark in the presence of a witness, who must sign as a witness.
- (6) Petitions of corporations must be made under their common seal.

- (7) No letters, affidavits or other documents may be attached to a petition, except for a private bill.

70. Content of petitions

- (1) No reference may be made in a petition to any debate in Parliament of the same session, unless it is relevant to the petition.
- (2) A petition must be respectful, decorous and temperate in its language, and must not contain language disrespectful to the Parliament.
- (3) A member presenting a petition must be acquainted with its contents, and take care that it is in conformity with the rules and orders of the House.
- (4) A petition must not request, either directly or indirectly, a grant of public money.

70A. Government response to petitions

- (1) When a petition referred to a Minister under standing order 68 contains more than 500 signatures, the Clerk must also refer the petition to the Leader of the Government in the House who must table a response within 35 calendar days of the petition being received by the House.
- (2) If at the time the Leader of the Government in the House is required to table the response the House is not sitting, the response may be lodged with the Clerk.
- (3) A response presented to the Clerk is:
- (a) on presentation, and for all purposes, deemed to have been laid before the House,
 - (b) for all purposes, deemed to be a document published by order or under the authority of the House, and
 - (c) to be recorded in the Minutes of the Proceedings of the House.
- (4) A copy of the response provided by the Leader of the Government is to be forwarded by the Clerk to the member who lodged the petition.
- (5) When a response to a petition has not been received within 35 calendar days, the President is to inform the House on the next sitting day. If the Leader of the Government has not provided the response by the end of that sitting week, the President is to again inform the House on the first day of each sitting week until the response is provided.

CHAPTER 13 – NOTICES OF MOTIONS

71. Giving of notices

- (1) A member may give notice of a motion to initiate a subject for discussion by reading the notice of motion aloud, and
 - (a) giving the Clerk at the table a signed written copy and stating the day proposed for moving the motion,
 - (b) submitting the notice to the Clerk electronically before or at the time for giving of notices.
- (2) Notices of motions must be in the English language but where not practical they must be accompanied by a translation in English, certified to be correct by the member giving notice. Such notices will be published in the Notice Paper in English.
- (3) Lengthy notices need not be read, provided a summary of the intent of the notice is indicated to the House.
- (4) The Clerk will enter notices of motions on the Notice Paper in the order they are given.
- (5) A member may give notice of a motion for any other member not present. The names of both members are placed on the notice.
- (6) A member may give notice of a motion co-sponsored by other members whose names are placed on the notice and recorded in the Notice Paper.
- (7) A notice of motion must be given before the House proceeds to the business of the day as set out in the Notice Paper, except by leave of the House.
- (8) A notice of motion may not be set down for a day later than four weeks from the day of giving notice.
- (9) A notice which is contrary to these standing orders or practice will be amended before it appears on the Notice Paper.

72. Alterations and withdrawals of notices

- (1) A member may by notice change the day proposed for moving a motion, but only to a later day.
- (2) A notice may be withdrawn at any time before the notice is moved.

CHAPTER 14 – MOTIONS

73. Notice required

A motion may only be moved if notice was given at a previous sitting of the House, or by leave of the House, or as provided by the standing orders.

74. Precedence of motions

- (1) Motions shall be called on each day in the order shown on the Notice Paper.
- (2) Any motions on the Notice Paper each day which have not been dealt with by the adjournment on that day will be set down on the Notice Paper for the next sitting day, at the end of any business already set down for that day.
- (3) A motion which relates to the privileges or business of the House will take precedence according to standing order 38 and 39.
- (4) A motion may be moved by a Minister, without notice, at any time there is no other business before the House:
 - (a) for a special adjournment of the House, or
 - (b) expressing appreciation, thanks or condolences of the House.

75. Moving of motions

- (1) Motions, other than the motion for the address in reply, do not require a seconder.
- (2) A member at the request of another member who has given notice may move the motion of which notice has been given.
- (3) If a motion on the Notice Paper is not moved when it is called on, it will be withdrawn from the Notice Paper.
- (4) A motion which has been moved is in the possession of the House, and may only be withdrawn by the mover by leave of the House.
- (5) A motion which has been superseded or withdrawn by leave of the House may be moved again during the same session.
- (6) Once an amendment has been proposed to a motion, the original motion may not be withdrawn, unless the amendment has been withdrawn or negatived.

76. Leave of the House

- (1) A motion which requires notice may be moved without notice by leave of the House.
- (2) Leave is granted when no member present objects to the moving of the motion or other course of action for which leave is sought.

77. Raising matters of privilege

A matter of privilege, unless suddenly arising in proceedings before the House, may only be brought before the House in accordance with the following procedures:

- (1) A member intending to raise a matter of privilege must inform the President of the details in writing.
- (2) The President will consider the matter and determine, as soon as practicable, whether a motion should have precedence of other business.
- (3) The President's decision will be notified in writing to the member, and if the President thinks it appropriate, or determines that a motion relating to the matter should have precedence, to the House.
- (4) While a matter is being considered by the President, a member must not take any action or refer to the matter in the House.
- (5) Where the President determines that a motion relating to a matter should be given precedence of other business, the member may, at any time when there is no business before the House, give notice of a motion to refer the matter to the Privileges Committee, and that motion will take precedence of all other business on the day for which notice is given.
- (6) If the President decides that the matter should not take precedence, a member is not prevented from referring to the matter in the House or taking action in accordance with the practices and procedures of the House.
- (7) If notice of a motion is given under paragraph (5), and the House is not expected to meet within one week after the day on which the notice is given, the motion may be moved at a later hour of the sitting as determined by the President.

78. Motions for disallowance of statutory instruments

- (1) A notice of motion to disallow:
 - (a) a statutory instrument under section 41 of the Interpretation Act 1987, or
 - (b) any other statutory instrument or document made under the authority of any Act and which is subject to disallowance by either or both Houses of the Parliament,is to be placed on the Notice Paper as business of the House.
- (2) The debate on any motion moved under this order as business of the House is to be conducted as follows:
 - (a) the member moving the motion and the Minister first speaking may speak for not more than 15 minutes,
 - (b) any other member and the mover in reply may speak for not more than 10 minutes,
 - (c) if the motion is not sooner disposed of, after one and a half hours, the President is to interrupt proceedings to allow the mover of the motion to speak in reply, and put all the questions necessary to dispose of the motion and any amendments.

79. Resolutions of continuing effect

The House may adopt resolutions which have continuing effect until such time as they are amended or rescinded.

CHAPTER 15 – ORDERS OF THE DAY

80. Definition

An order of the day is a bill or other matter which the House has ordered to be taken into consideration on a particular day.

81. Disposal of orders

- (1) Unless otherwise ordered, orders of the day will be called on and disposed of in the order in which they are shown on the Notice Paper.
- (2) Any orders of the day on the Notice Paper each day which have not been dealt with at the adjournment of the House will be set down on the Notice Paper for the next sitting day at the end of any business already set down for that day.
- (3) An order of the day may be moved or postponed by any other member in the absence of the member in charge of it or at the request of that member.
- (4) An order of the day may be discharged by motion without notice.

82. Pre-audience

A member who is in charge of a bill has pre-audience when the order of the day is read.

CHAPTER 16 – RULES OF DEBATE

83. Order maintained by President

- (1) The President will maintain order in the House.
- (2) Whenever the President rises during a debate all members including the member speaking must sit down, and the House must be silent so that the President can be heard without interruption.
- (3) When the President is proposing a question a member may not enter or leave the chamber.

84. Conduct of members

- (1) A member should acknowledge the Chair on entering or leaving the chamber.
- (2) A member may not pass between the Chair and a member who is speaking, or between the Chair and the Table.
- (3) A member not addressing the House may not converse aloud or make any noise or disturbance during debate.
- (4) Any member persisting in such conduct after being called to order by the President may be dealt with for disorderly conduct.

85. Members to address President standing

- (1) A member who wishes to speak must rise in their place and address the President.
- (2) A member unable to stand because of sickness or infirmity may speak when seated.

86. President or Deputy President taking part in debate

The President or Deputy President may take part in any debate, but they must speak from the floor of the House and address the House generally.

87. Right to speak

- (1) Except where expressly provided, a member may only speak once:
 - (a) on any question before the House, or
 - (b) on an amendment.
- (2) In committee of the whole House members may speak more than once on a question.

88. Personal explanations

When there is no question before the House a member may, by leave of the House, make a personal explanation. The subject of a personal explanation may not be debated.

89. Explanations of speeches

A member who has spoken on a question may only speak a second time to explain a matter on which the member has been misquoted or misunderstood. The member may not introduce any new matter.

90. Reply

- (1) A reply is allowed to a member who has moved a substantive motion or moved the second or third reading of a bill. A reply is not allowed to a member who has moved an amendment.
- (2) The reply of the mover of the original question closes any debate.

90A. Extension of debate

On a debate being interrupted to allow the mover to speak in reply, the mover, or any member who has not already spoken in debate, may move a motion, without notice, to extend the time for the debate and to set time limits for each subsequent speaker.

91. Rules of debate

- (1) A member may not reflect on any resolution or vote of the House, unless moving for its rescission.
- (2) A member may not refer to the Sovereign or the Governor disrespectfully in debate, or for the purposes of influencing the House in its deliberations.
- (3) A member may not use offensive words against either House of the Legislature, or any member of either House, and all imputations of improper motives and all personal reflections on either House, members or officers will be considered disorderly.
- (4) A member may read reasonable lengths of extracts from books, newspapers, publications or documents.
- (5) When an objection is taken to the reading of a list of names of individuals or organisations who have made representations in relation to the matter the subject of the debate, without distinguishing the comments or views of those individuals or organisations, the member must confine their remarks to:
 - (a) a statement of the comments or views of those individuals or organizations, and
 - (b) the number of individuals or organizations making similar representations.

92. Relevance and anticipation

- (1) A member may not digress from the subject matter of any question under discussion; or anticipate the discussion of any matter shown on the Notice Paper, except an item of private members' business outside the order of precedence, unless, in the opinion of the President there is no likelihood of the motion or order of the day being called on within a reasonable time.
- (2) This standing order does not prevent debate of any matter on the address-in-reply.

94. Continued irrelevance or tedious repetition

- (1) The President or the Chair of Committees may call the attention of the House or the committee to continued irrelevance or tedious repetition of a matter already presented in debate, and may direct a member to cease speaking.
- (2) A member directed to cease speaking may request that the question be put "That the member be further heard". The question must be put without amendment or debate.

95. Interruption of speaker: points of order or privilege

- (1) A member may not interrupt another member speaking, except to call attention:
 - (a) to a point of order or privilege, or
 - (b) to the lack of a quorum.
- (2) A member may draw attention at any time to a point of order or a matter of privilege arising during the proceedings then before the House.
- (3) The President may intervene at any time when, in the President's opinion, the speaker is in contravention of the rules and orders of the House.
- (4) On a question of order or a matter of privilege being raised, the business under consideration is suspended until the question of order or matter of privilege is determined.
- (5) On a question of order being raised, any member speaking or called to order must sit down.
- (6) The President or Chair of Committees may hear argument on the question, and may determine it immediately, or at a later time, at the President's or Chair's discretion.
- (7) The President or Chair of Committees may also intervene at any time to determine a point of order.

96. Dissent from President's ruling

- (1) Any member may dissent from a ruling of the President by motion moved immediately "That the House dissent from the ruling of the President".
- (2) Debate on the motion may be adjourned on motion, without amendment, until a later hour of the sitting or to the next sitting day.

97. Motion that member be heard

Any member may move without notice, that any member who rises to address the House "Be now heard". The Chair must put the question immediately, without amendment or debate.

98. Motion that member be no longer heard

- (1) Any member, except a member who has already spoken in the debate, may move without notice that a member who is speaking "Be no longer heard".
- (2) The motion "That the member be no longer heard" may not be debated or amended.
- (3) Before putting the question, the Chair will advise the House to consider whether:
 - (a) the member speaking has had ample opportunity to debate the question,
 - (b) the member speaking is abusing the standing orders or conventions of the House, or is obstructing business, or
 - (c) the motion, if carried, would take away the rights of the minority.

99. Closure of debate

- (1) At any time during debate on a question in the House or in committee of the whole, and whether or not a member is addressing the Chair, a member may move “That the question be now put”.
- (2) A member, except a Minister, who has spoken in the debate or who has previously moved that motion, may not move a motion that the question be now put.
- (3) The motion “That the question be now put” may not be debated or amended.
- (4) Before putting the question, the Chair will advise the House to consider whether the motion, if agreed:
 - (a) is an abuse of the rules or conventions of the House,
 - (b) would deny the rights of the minority, or
 - (c) is an abuse of the standing orders.
- (5) If the motion “That the question be now put” is carried, the House or committee will vote on the question immediately before it without further debate or amendment, except for the mover in reply, where any reply is allowed, who may speak for 30 minutes before the motion is put.

100. Putting of question ends debate

A member may not speak to any question after it has been put by the President and the vote commenced.

101. Adjournment of debate

- (1) A debate may be adjourned on motion to a later hour of the same day or to a future day.
- (2) A motion to adjourn a debate may be debated or amended.
- (3) When a debate is adjourned, any member may move, without notice, that the order of the day for resumption of the debate take precedence of all other business on the Notice Paper for that day, except government business on a government day.
- (4) A member on whose motion a debate is adjourned is entitled to speak first on the resumption of the debate.
- (5) If a motion for the adjournment of the debate on a question is negatived, the member moving the motion may address the House at any time during the debate.

CHAPTER 17 – QUESTIONS FROM THE CHAIR

102. Putting of question

- (1) When a motion has been moved, the President will propose a question on it to the House.
- (2) When the debate on a question is concluded, the President will put the question to the House.
- (3) The House may, by motion without debate, order a complicated question to be divided.
- (4) When a motion consists of more than one question, the questions should be put sequentially if any member so requests.
- (5) A question being put will be resolved in the affirmative or negative, by the majority of voices, “aye” or “no”.
- (6) The President will state whether the “ayes” or “noes” have it, and if that opinion is challenged the question will be decided by division.
- (7) All questions will be decided by a majority of the members present other than the President or other member presiding. When the votes are equal the President or other member presiding will have a casting vote.

103. Same question

- (1) A question may not be proposed if it is the same in substance as any question which has been determined during the same session, unless the order, resolution or vote on such question was determined more than 6 months previously or has been rescinded.
- (2) This standing order does not prevent a motion for disallowance of an instrument substantially the same in effect as one previously disallowed.

104. Rescission of order

A resolution, order or vote of the House may not be rescinded, during the same session, unless seven days' notice is given.

105. Events superseding a question

A question may be superseded by a member moving:

- (a) "That the debate be now adjourned",
- (b) "That the House do now adjourn",
- (c) "That further consideration of the bill be now adjourned".

106. Lapsed question

If the proceedings of the House are interrupted by a lack of a quorum and consequent adjournment of the House, the resumption of any debate then under discussion will stand an order of the day for the next day of sitting, and when the order is called on the proceedings will be resumed at the point where they were interrupted.

107. Form of the previous question

- (1) The previous question is put in the form – “That the question be not now put”.
- (2) The previous question may not be moved to an amendment, nor in committee of the whole House.
- (3) The motion “That the question be not now put” may not be amended.
- (4) In debating the previous question, the original question and any amendment may be debated.

108. Determination of previous question

- (1) If the previous question is carried, the original question and any amendment to it are disposed of, and the House proceeds to the next business.
- (2) If the previous question is negatived, the original question and any amendment before the House must be put immediately without amendment or debate.
- (3) When a motion consists of a series of motions which are under discussion as one motion, and the questions are to be put separately, the decision of the previous question on the first motion is conclusive for all of the motions.

CHAPTER 18 – AMENDMENTS

109. Moving of amendments

- (1) A member may amend a question:
 - (a) by omitting certain words,
 - (b) by omitting certain words in order to insert or add other words, or
 - (c) by inserting or adding words.
- (2) An amendment may be moved to a proposed amendment as if the proposed amendment were the original question.
- (3) An amendment may not be moved to an earlier part of a question if a later part has been amended or has been proposed to be amended, unless the proposed amendment has been withdrawn by leave of the House.
- (4) An amendment must be relevant to the question it is proposed to amend and must not be a direct negative of the question.
- (5) A proposed amendment may be withdrawn by the mover, or in the absence of the mover with the mover's authority, by leave of the House.
- (6) The mover of a motion or a member who has already spoken in the debate may not move an amendment.
- (7) An amendment to a question must be in writing and signed by the mover, if required by the Chair.
- (8) Amendments do not require a seconder.

110. No amendment to words agreed to

A member may not move an amendment to words which the House or Committee has agreed should remain or be inserted or added, except to add other words.

111. Procedure for putting of amendments

- (1) The Chair will put the question on every amendment "That the amendment be agreed to".
- (2) When an amendment has been agreed to, the main question must be put as amended.
- (3) When an amendment has been proposed but not agreed to, the original question will be proposed.

CHAPTER 19 – DIVISIONS

112. Calling for divisions

- (1) A question put by the Chair in the House or committee must be resolved by a majority of voices for the “ayes” or “noes”.
- (2) When the Chair states that the “ayes” or the “noes” have it, members may challenge that opinion.
- (3) A division may not be called for unless voices have been given both for the “ayes” and “noes”.
- (4) A division may only be called for by two or more members who have given their voices against the majority as declared by the Chair.
- (5) If only one member calls for a division, the member may ask for their vote to be recorded in the Minutes of Proceedings.
- (6) At any time before the tellers are appointed a call for a division may be withdrawn by leave of the House. The division will not be proceeded with, and the decision of the Chair will stand.

113. Voting in division

- (1) A member must vote in a division in accordance with that member’s vote by voice.
- (2) A member may not vote in any division 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. If a member does vote, the vote of that member is to be disallowed.
- (3) Except as provided in paragraph (4), a member is not entitled to vote in a division unless the member is present in the chamber when the question is put with the doors locked.
- (4) When a division is called, a member caring for a child and seated in the President's gallery when the question is put with the doors locked may, at the discretion of the President, vote in the division.

114. Procedure for division

- (1) Before a division is taken, strangers may be ordered on motion without notice, to withdraw from the House.
- (2) When a division is called for, the Clerk, by direction of the Chair, must ring the bells for five minutes as indicated by a minute glass timer.
- (3) When the bells stop ringing, the Chair will direct the doors to be locked. A member must not then enter or leave the chamber until after the division is concluded.
- (4) When successive divisions are taken and there is limited or no intervening debate, the Chair may direct that the bells be rung for one minute, if no member objects.
- (5) When the doors have been locked and members are in their places, the Chair must:
 - (a) state the question to the House,
 - (b) direct the “ayes” to go to the right of the Chair and the “noes” to the left, and
 - (c) appoint two tellers for each side.

- (6) Every member present when a question is being decided by division must remain and vote.
- (7) After members have taken their seats on the side of the chamber on which they intend to vote they may not move from those seats once tellers have been appointed and until the result of the division has been declared.

115. Counting of division

- (1) The names and total number of members voting on each side is recorded by the tellers on each side, who must sign their respective lists, and present them to the Chair, who will announce the result to the House.
- (2) If the tellers' cannot agree on the numbers, the Chair may appoint new tellers.
- (3) If there is only one member on a side in a division, the Chair, without completing the division, must immediately declare the decision of the House.
- (4) The Clerk will record divisions in the House in the Minutes of Proceedings.
- (5) Members paired during any division will be recorded by the tellers and printed in the Minutes of Proceedings and Hansard.

116. Casting vote

If the numbers voting for each side are equal, the Chair must give a casting vote. The Chair may give reasons for the casting vote and those reasons may be entered in the Minutes of Proceedings.

117. Points of order in division

A member taking or speaking to a point of order during a division must remain seated and be covered.

118. Correction of divisions

If the numbers or names of members voting in a division are incorrectly reported, the House on being informed of the error may order the record to be corrected.

119. Divisions in committee

Divisions in committee of the whole House are to be taken in the same manner as in the House.

CHAPTER 20 – ADDRESSES TO THE GOVERNOR

120. Making of address

An address to the Governor or the Sovereign, except an address-in-reply, must be proposed by motion on notice given in the usual manner.

121. Presentation of address

- (1) The whole House, the President or members named for the purpose, may present an address to the Governor.
- (2) An address to the Sovereign (or any member of the Royal Family,) must be transmitted to the Governor by the President requesting that it be forwarded for presentation.
- (3) When an address is ordered to be presented by the House, the President, accompanied by members, is to proceed to Government House. On being admitted to the Governor's presence, the President will read the address to the Governor.
- (4) The President must report the Governor's answer to an address as soon as practicable after receipt.

CHAPTER 21 – MESSAGES FROM THE GOVERNOR

122. Presentation of message

- (1) The President must report a message from the Governor to the House as soon as practicable after receipt.
- (2) The message may be taken into consideration at once, or a future day fixed for its consideration.
- (3) If a message is received from the Governor when the House is in committee, the President may resume the Chair without any question being put. After the message has been dealt with, the President may leave the Chair and the committee resume its proceedings.

CHAPTER 22 – COMMUNICATIONS BETWEEN THE TWO HOUSES

123. Methods of communication

All communications with the Legislative Assembly must be by message, conference or by committees conferring with each other.

124. Messages from the Council

A message from the Council to the Assembly must be in writing, signed by the President or Deputy President and delivered by one of the Clerks-at-the-Table.

125. Communicating a resolution

A motion may be moved, without notice, at any time when there is no business under discussion, that any resolution of the House be communicated by message to the Assembly.

126. Messages from the Assembly

- (1) A message from the Assembly will be received, if the House is sitting, by one of the Clerks-at-the-Table, or if the House is not sitting, by the Clerk. The Clerk is to inform the President of every message received.
- (2) The President is to report to the House every message received as soon as practicable, without interrupting any business before the House.
- (3) If any proceeding is necessary on receipt of a message, a motion may be moved without notice, that the message be considered forthwith or at a later hour of the sitting. If that motion is not agreed to, consideration of the message will be set down for the next sitting day.

127. Messages to be recorded

Every message must be recorded in the Minutes, together with any answer given.

CHAPTER 23 – CONFERENCES

128. Requests for conference

- (1) A conference requested by the Council with the Assembly must be by message.
- (2) In requesting a conference, the message from the Council must state the general object of the conference and the names of managers proposed to serve.
- (3) The number of members must be not fewer than five at an Ordinary Conference and 10 at a Free Conference.
- (4) A conference may not be requested by the Council on the subject of a bill or motion of which the Assembly is in possession at the time of the request.

129. Appointment of managers

- (1) A motion requesting a conference must contain the names of the members proposed to be the managers for the Council.
- (2) If the House requires, the managers for the Council will be selected by ballot.
- (3) The number of managers to represent the Council in a conference requested by the Assembly will be the same as the Assembly.

130. Sitting suspended

During any conference the sitting of the Council must be suspended.

131. Time and place of conference

- (1) The Council will appoint the time and place for holding a conference requested by the Assembly.
- (2) When the Council requests a conference, it will agree to it being held at the time and place appointed by the Assembly. The agreement of the Council must be communicated by message.
- (3) At a conference requested by the Assembly, the managers for the Council will assemble at the time and place appointed, and receive the managers of the Assembly.

132. Proceedings at ordinary conference

- (1) At ordinary conferences the reasons or resolutions of the Council will be communicated by the managers in writing. The managers will only receive communications from the managers for the Assembly in writing.
- (2) At ordinary conferences the managers for the Council will deliver the reasons or resolutions of the Council to the managers for the Assembly, or receive from the managers of the Assembly the reasons or resolutions communicated by the Assembly.

133. Free conference under the Constitution Act

- (1) When the Assembly, under section 5B of the Constitution Act 1902 requests a free conference, the Council must agree to the conference being held without delay. The Council must appoint the time and place for holding the free conference.

- (2) At free conferences the managers for the Council may confer both orally and in writing with the managers for the Assembly.

134. Report of conference

When a conference has concluded, the managers for the Council will report the proceedings to the Council in writing as soon as practicable.

CHAPTER 24 – BALLOTS

135. Conduct of ballot

- (1) When the House decides that a ballot will be conducted, the bells will be rung and the doors locked as in a division.
- (2) Ballot papers will be distributed by the Clerks to all members in their places. Members must write on the ballot paper the name or names of the candidate or candidates for whom they wish to vote, and deposit it in the ballot box provided by the Clerk. If any voting paper contains a larger or lesser number of names than are to be elected, the voting paper will be rejected as informal.
- (3) When all voting papers are collected, the Clerk will ascertain and report to the President the names of the members having the greatest number of votes, who will be declared elected.
- (4) If two or more members have an equality of votes, the result of the ballot will be decided by casting vote of the President or other member presiding.

CHAPTER 25 – PUBLIC BILLS

136. Initiation

- (1) A bill, other than a bill received from the Assembly, must be initiated by a motion for leave to bring in a bill.
- (2) A member having leave to bring in a bill must present a copy to the House.
- (3) The title must agree with the order of leave, and no clause may be inserted in a bill which is irrelevant to its title.
- (4) A bill not in accordance with the order of leave, or with the rules and orders of the House, will be ordered to be withdrawn.
- (5) The precise duration of every temporary bill must be expressed in a distinct clause at the end of the bill.
- (6) A second bill may only be introduced under the original order of leave when the order for the second reading or any subsequent stage of the original bill has been discharged.
- (7) When the original bill is withdrawn, the order for the introduction of the second bill may be read.
- (8) On every order for the reading of a bill the short title only will be read.

136A. Selection of Bills Committee

- (1) A Selection of Bills Committee will be appointed at the commencement of each Parliament.
- (2) The Selection of Bills Committee is to consider all bills introduced into either House, other than an appropriation bill for the ordinary annual services of the government and report as to whether any bill should be referred to a Portfolio or Subject Standing committee for inquiry and report.
- (3) The Selection of Bills Committee must include in its report to the House any government bill, other than an appropriation bill for the ordinary annual services of the government, that is not accompanied by a completed Statement of Public Interest that addresses each of the following questions:
 - Need: Why is the policy needed based on factual evidence and stakeholder input?
 - Objectives: What is the policy's objective couched in terms of the public interest?
 - Options: What alternative policies and mechanisms were considered in advance of the bill?
 - Analysis: What were the pros/cons and benefits/costs of each option considered?
 - Pathway: What are the timetable and steps for the policy's rollout and who will administer it?
 - Consultation: Were the views of affected stakeholders sought and considered in making the policy?
- (4) A recommendation that a bill be referred to a committee must indicate:
 - (a) the committee to which the bill is referred,

- (b) the stage in the consideration of the bill at which it should be referred to the standing committee, and
 - (c) the date by which the committee must report.
- (5) When a bill is before the Legislative Assembly, only the provisions of the bill may be referred to a committee.
- (6) (a) On the tabling of a report by the Selection of Bills Committee, the Chair of the committee, or a member of the committee on behalf of the Chair, may move without notice that the House agree to the recommendations of the committee.
- (b) The motion may be debated and amended.
 - (c) A member may not speak for more than 5 minutes on the motion, and, if the motion is not sooner disposed of, after 30 minutes the President is to interrupt proceedings to allow the mover of the motion to speak in reply for not more than 5 minutes and put every question necessary to dispose of the motion and any amendments
- (7) A motion to take note of a report under standing order 232 may not be moved to a report of the Selection of Bills Committee.
- (8) Further consideration of the bill will be set down as an order of the day for the day fixed for the tabling of the report, and if no date is fixed, on the next sitting day after the tabling of the report.
- (9) On the order of the day being read:
- (a) a motion may be moved for consideration of the bill at the stage at which the bill was referred to the committee, or
 - (b) that the order of the day be postponed or discharged.
- (10) A report from a committee on a bill referred to it under this standing order shall be received by the House without debate, and consideration of the report deferred until the order of the day relating to the bill is called on.

136B. Time limits to debate on government bills

Unless the House otherwise orders, the following time limits will apply to debate on government bills:

- (1) Where there is debate on the question for the second or third reading of a bill:
- (a) the Minister moving the motion, the lead Opposition speaker and the first crossbench member may not speak for more than 40 minutes,
 - (b) any other member and the mover in reply may not speak for more than 20 minutes, and
 - (c) a member may move that their time limit be extended by not more than 10 minutes, and such a motion is put without amendment or debate.
- (2) In committee of the whole:
- (a) each contribution must not exceed 15 minutes, and

- (b) where the speech of a member is interrupted by the provisions of (2) (a), the member speaking may seek the leave of the House to continue speaking for a period of no longer than 15 minutes.

137. First reading

- (1) The motion for the first reading and printing will be put as one question without amendment or debate.
- (2) After the first reading of a government bill introduced in the Legislative Council or received from the Legislative Assembly, on the bill being read a first time and prior to proceeding to any subsequent procedural motions, the minister must make a statement advising whether a Statement of Public Interest has been prepared.
- (3) If a Statement of Public Interest in relation to the bill has not been prepared, a motion may be moved without notice that the bill not proceed until a Statement of Public Interest is tabled, or that the bill be referred to a standing or select committee for inquiry and report.
- (4) The motions may be debated.
- (5) A member may not speak for not more than five minutes, and, if the motion is not sooner disposed of, after 30 minutes, the President is to interrupt proceedings to allow the mover of the motion to speak in reply for not more than five minutes.
- (6) If the question is agreed to, further consideration of the bill will be set down as an order of the day on the next sitting day after the Statement of Public Interest is tabled or after the report of the committee is tabled.
- (7) A motion 'That the bill be considered an urgent bill' under standing order 138 may not be moved until the statement required under paragraph (2) has first been made.
- (8) After the first reading of a bill introduced in the Legislative Council, subject to standing order 137A, the second reading may be moved forthwith or made an order of the day for a later hour or for a future day. Immediately following the second reading speech of the mover, debate is to be adjourned until a future day which must be at least five calendar days ahead.
- (9) After the first reading of a bill received from the Legislative Assembly, subject to standing order 137A:
 - (a) the second reading may be moved forthwith or set down for a later hour of the sitting or a future day, and
 - (b) a motion may be moved, without notice, that standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.
- (10) Whenever the President has several messages from the Legislative Assembly transmitting bills for concurrence, the President may inquire if leave is granted for procedural motions for the first reading, printing, suspension of standing orders where applicable, and fixing the day for the second reading, to be dealt with on one motion without formalities.

137A. Deadline for introduction and receipt of government bills

- (1) Where a government bill is introduced by a Minister or received from the Legislative Assembly within the last two sitting weeks of the Budget or Spring sessions, after the first reading, the second reading may be moved and the debate on the motion for the second reading of the bill must be

adjourned at the conclusion of the Minister's second reading speech, and the resumption of the debate made an order of the day for the first sitting day in the next session.

- (2) Paragraph (1) does not apply if, after the first reading, the House agrees to a motion moved by a Minister "That the bill be considered an urgent bill". The motion may only be moved if copies of the bill have been circulated to members.
- (3) The question "That the bill be considered an urgent bill" is to be decided without amendment or debate, except 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 two crossbench members not of the same party and not exceeding five minutes each. If that question is agreed to, the second reading debate and subsequent stages may proceed forthwith or at any time during any sitting of the House.

138. Urgent Council bills

- (1) After the first reading of a government bill introduced in the Legislative Council a Minister may declare the bill to be an urgent bill, provided that copies have been circulated to members.
- (2) The question "That the bill be considered an urgent bill" is to be decided without amendment or debate, except 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 two crossbench members not of the same party and not exceeding five minutes each. If that question is agreed to, the second reading debate and subsequent stages may proceed forthwith or at any time during any sitting of the House.
- (3) When a Council bill has been declared urgent, the second reading debate and subsequent stages may proceed immediately or at any time during any sitting.

139. Cognate bills

- (1) Cognate bills may be introduced on one motion for leave and proceed through all subsequent stages, except committee of the whole, in a similar manner as a single bill.
- (2) At the request of any member, the motion will be put as separate motions.
- (3) In committee of the whole cognate bills will be considered separately, unless the committee agrees unanimously.

140. Second reading

- (1) On the order of the day being read for the second reading of a bill, the question will be proposed:
 - (a) "That this bill be now read a second time", or
 - (b) "That the order be postponed or discharged".
- (2) An amendment may be moved to the question for second reading:
 - (a) by omitting "now" and inserting at the end "this day six months", which if carried will finally dispose of the bill,
 - (b) by referring the bill to a standing or select committee, or
 - (c) by moving the previous question.

- (3) A bill which has been ordered to be read “this day six months” may not be considered again in the same session.
- (4)
 - (a) The order of the day for the second reading of a bill referred to a committee by amendment to the motion for the second reading of the bill will be set down for the day fixed for the tabling of the report, or if there is no date fixed for the tabling of the report, the next sitting day after tabling.
 - (b) When the order of the day for a bill referred to a committee by amendment to the second reading is called on, the motion for the second reading is to be moved again.

141. Committal

- (1) After the second reading, unless the bill is referred to a standing or select committee:
 - (a) the President may inquire of the House if leave is granted to proceed to the third reading of the bill forthwith, or
 - (b) the House will immediately resolve itself into a committee of the whole for consideration of the bill, or
 - (c) a future day may be appointed on motion for consideration of the bill in committee of the whole.
- (2) After a bill has been read a second time a motion may be moved without notice:
 - (a) to refer the bill to a committee,
 - (b) for an instruction to the committee of the whole.

142. Consideration in Committee

- (1) In committee of the whole, the Chair may seek the leave of the committee for the bill to be taken as a whole.
- (2) If leave is granted, the whole of the bill is considered and amendments may be put to any part of it.
- (3) If leave is not granted to take the bill as a whole, the bill is to be considered clause by clause.

143. Order of consideration

- (1) When considering a bill clause by clause the order below will be followed:
 - (a) clauses as printed, and proposed new clauses,
 - (b) postponed clauses (not having been specially postponed until after consideration of other clauses),
 - (c) schedules as printed,
 - (d) proposed new schedules,
 - (e) preamble,
 - (f) title.

- (2) In re-considering a bill, the same order will be observed as far as possible.
- (3) The preamble will stand postponed without question put, and the clauses will be read in their order separately by the Chair.
- (4) On each clause the question will be put – That the clause, as read, stand a clause of the bill.
- (5) In reading the clauses of a bill it will be sufficient to read the numbers only.
- (6) The discussion must be confined to the clause or amendment before the committee.
- (7) A clause may be postponed, whether or not it has been amended.
- (8) In considering a bill, the committee may, by leave, consider clauses, parts, divisions or schedules together, and in the case of cognate bills, may consider a bill in whole or in part.

144. Amendments in committee

- (1) An amendment may be made to any part of the bill, provided it is relevant to the subject matter of the bill and otherwise in conformity with the rules and orders of the House.
- (2) No new clause or amendment may be proposed which is substantially the same as one already negatived by the committee, or which is inconsistent with one that has been agreed to by the committee, unless a recommittal of the bill has intervened.
- (3) No amendment or new clause may be inserted which reverses the principle of the bill as read a second time.
- (4) When considering a bill clause by clause, if a clause is amended, a further question will be put “That the clause as amended, be agreed to”.
- (5) If an amendment has been made in the bill, not coming within the original title, the title will be amended, and that amendment will be specially reported to the House.
- (6) No clause, schedule or amendment in substance may be proposed in any bill, except in committee of the whole.
- (7) A clause may be negatived, even if amended, and a new clause proposed in its place.

145. Uncompleted proceedings in committee

No notice may be taken of any proceedings of a committee of the whole, or of a standing or select committee, on a bill, until those proceedings have been reported.

146. Report from committee

- (1) When the consideration of a bill in committee of the whole has been concluded the question will be put “That the Chair report the bill (or the bill as amended) to the House”, and if that question is agreed to the Chair will leave the chair and report the bill, if necessary with an amended title.
- (2) On the motion that the Chair report the bill, the reconsideration of any clauses may be moved as an amendment.
- (3) When a bill is reported, the adoption of the report may be moved immediately, or a future day fixed for that purpose.

147. Recommittal of report

On the motion for adoption of the report the bill may, on motion, be recommitted, in whole or in part.

148. Third reading

- (1) When the report of the committee of the whole is adopted, a future day may be fixed, without notice or debate, for the third reading.
- (2) When the order of the day for the third reading of a bill is called on, the question will be proposed “That this bill be now read a third time”.
- (3) An amendment may be moved to that question:
 - (a) by leaving out “now”, and adding “this day 6 months”, which, if carried, will finally dispose of the bill during the present session, or
 - (b) the previous question may be moved.
- (4) Before the bill may be read a third time, the Chair of Committees must certify in writing that the bill is in accordance with the bill as reported, which the President will announce to the House.

149. Recommittal on third reading

When the order of the day for the third reading is called on and before the motion for the third reading is carried, the bill may, on motion, be recommitted in whole or in part.

150. Correction

Amendments of a formal nature may be made, and the Chair of Committees or Clerk may correct clerical or typographical errors, in any part of a bill.

151. Transmission to Assembly

- (1) When a bill originated in the Council has been passed, the Clerk will certify at the top of the first page: “This (public) bill originated in the Legislative Council and, having this day passed, is now ready for presentation to the Legislative Assembly for its concurrence”.
- (2) After the third reading a bill will be deemed to have passed and the Clerk will so certify, and the bill will be sent, with a message, to the Assembly for concurrence.

152. Legislative Assembly amendments to bills originated in the Council

- (1) When a bill has been returned from the Assembly with amendments, the message and the amendments will be printed and a time fixed for taking them into consideration in committee of the whole either forthwith, at a later time, or this day 6 months.
- (2) Amendments made by the Assembly may be agreed to with or without amendment, or disagreed to, or the consideration of them postponed, or the bill ordered to be laid aside.
- (3) An amendment may not be proposed to an amendment of the Assembly that is not relevant to it, and an amendment may not be moved to the bill unless it is relevant to, or consequent upon, the acceptance, amendment or rejection of an Assembly amendment.
- (4) When amendments made by the Assembly have been agreed to by the Council without amendment, a message will be sent informing the Assembly accordingly.

- (5) If Assembly amendments have been agreed to with amendments, the bill will be returned with a schedule of those amendments, and a message requesting the concurrence of the Assembly.
- (6) If Assembly amendments have been disagreed to, the bill may be laid aside, or it may be again sent to the Assembly, with a message requesting its reconsideration.
- (7) When a bill is returned to the Assembly with amendments made by the Assembly disagreed to, the message accompanying the bill must also contain reasons for the Council not agreeing to the amendments proposed by the Assembly.
- (8) The reasons will be drawn up by a committee appointed (on motion without notice) for that purpose when the House adopts the report of the committee of the whole disagreeing to the amendments, or may be adopted by motion at that time.
- (9) When amendments have been made by the Council on the amendments of the Assembly, a schedule of those amendments will be prepared, certified by the Clerk, and accompany the bill.

153. Bill again returned from the Assembly

- (1) If the Legislative Assembly returns a bill with a message informing the House that it:
 - (a) insists on its original amendments to which the Council has disagreed,
 - (b) disagrees to amendments made by the Council to the original amendments of the Assembly, or
 - (c) agrees to amendments made by the Council on the original amendments of the Assembly, with further amendments,the House in committee of the whole may:
 - (d) agree, with or without amendment, to the amendments to which it had previously disagreed, and make, if necessary, consequent amendments to the bill,
 - (e) insist on its disagreement to such amendments,
 - (f) withdraw its amendments and agree to the original amendments of the Assembly,
 - (g) make further amendments to the bill consequent upon the rejection of its amendments,
 - (h) propose new amendments as alternative to the amendments to which the Assembly has disagreed,
 - (i) insist on its amendments to which the Assembly has agreed,
 - (j) agree, with or without amendment, to such further amendments of the Assembly making consequent amendments to the bill, if necessary, or
 - (k) disagree to the further amendments and insist on its own amendments which the Assembly has amended,

and if agreement is not reached or if the bill is again returned by the Assembly with any requirements of the Council still disagreed to, the House may order the bill to be laid aside, or request a conference.

- (2) When the Assembly's amendments have been agreed to, or a conference is requested, or when the bill is finally passed in the Council, a message will be sent informing the Assembly accordingly.
- (3) The Clerk will, at every stage, certify on the first page of the bill the action taken by the Council.

155. Return of Legislative Assembly bill

- (1) When a bill has been passed by the Council with or without amendment, it will be returned to the Assembly by message, with the Clerk's certificate that the bill has been agreed to by the Council without amendment, or with the amendments indicated by the accompanying schedule, as the case may require, requesting the concurrence of the Assembly to the amendments.
- (2) When any amendments have been made by the Council to a bill which has been first passed by the Assembly, a schedule of the amendments will be prepared containing reference to the page and line of the bill where the words are to be inserted or omitted, and describing the amendments proposed, and this schedule will be certified by the Clerk and will accompany the bill.

156. Disagreement with Council amendments

- (1) If the Assembly returns a bill with amendments made by the Council disagreed to, or further amendments made, the message returning the bill will be printed and a time fixed for taking it into consideration in committee of the whole, or the House may order that the amendments be considered immediately or "this day 6 months".
- (2) Where the Assembly:
 - (a) disagrees to amendments made by the Council, or
 - (b) agrees to amendments made by the Council with amendments,the Council may:
 - (c) insist or not insist on those amendments,
 - (d) make further amendments to the bill consequent upon the rejection of its amendments,
 - (e) propose new amendments as alternative to the amendments to which the Assembly has disagreed,
 - (f) agree to the Assembly amendments to its own amendments, with or without amendment, making consequent amendments to the bill if necessary,
 - (g) disagree to its amendments and insist on its own amendments which the Assembly has amended, or
 - (h) order the bill to be laid aside,

and unless the bill is laid aside, a message will be sent to the Assembly advising of the Council's action.

157. Assembly amendments to Council amendments

- (1) When a bill is returned to the Assembly with amendments made by the Assembly to the Council's amendments disagreed to, the message returning the bill will also contain reasons for the Council not agreeing to the amendments proposed by the Assembly.

- (2) The reasons will be drawn up by a committee appointed for that purpose when the Council adopts the report of the committee of the whole disagreeing to the amendments, or may be adopted by motion at that time.
- (3) When further amendments are made by the Council to the Assembly amendments on the Council's original amendments to a bill which has been first passed by the Assembly, a schedule of the further amendments will be prepared, will be certified by the Clerk and will accompany the bill.
- (4) The Clerk will, at every stage, certify on the first page of the bill the action taken by the Council.

158. Amendments after disagreement

Where the Assembly has disagreed with amendments made by the Council in a bill first passed by the Assembly, further amendments may only be made which directly arise from that disagreement.

159. Lapsed bills

- (1) A bill which lapses by reason of a prorogation before it has reached its final stage may be proceeded with in the next session at the stage it has reached in the preceding session, if a periodic election for the Council has not taken place between the two sessions, under the following conditions:
 - (a) If the bill is in the possession of the House in which it originated, not having been sent to the other House, or, if sent, then returned by message, it may be proceeded with by resolution of the House in which it is, restoring it to the Notice Paper.
 - (b) If the bill is in possession of the House in which it did not originate it may be proceeded with by resolution of the House in which it is, restoring it to the Notice Paper, but such resolution may not be passed unless a message has been received from the House in which it originated, requesting that its consideration be resumed.
- (2) A bill so restored to the Notice Paper may be proceeded with in both Houses as if its passage had not been interrupted by a prorogation, and, if finally passed, may be presented to the Governor for assent.
- (3) If a motion for restoration of a bill to the Notice Paper is not agreed to, the bill may be introduced and proceeded with in the ordinary manner.

160. Presentation for assent

- (1) A bill originated in the Council and finally passed by both Houses will be printed and presented by the President to the Governor for the Sovereign's assent, having been certified by the Clerk accordingly.
- (2) On the second sitting day of each month, a Minister is to table a list of all legislation that has not been proclaimed ninety days after assent.

161. Protest against the passing of a bill

Any member objecting to the passing of a bill may have a protest entered in the Minutes, copies of which will be forwarded to the Governor by the President.

162. Procedures after presentation of bills

- (1) All public Acts assented to and public bills reserved for the signification of the Sovereign's pleasure, will be numbered by the Clerk immediately before the title, in the order of assent or reservation,

with the date of assent or reservation added after the title, and commencing with a new series of numbers from the January of each year.

- (2) After numbering, the Act will be enrolled and recorded in the manner required by law.

163. Explanation, under the Constitution Act, of a departmental bill

- (1) Any Minister of the Crown who is a member of the Legislative Assembly may, at any time, on motion agreed to by the Legislative Council, according to section 38(A) of the Constitution Act 1902, sit in the Legislative Council for the purpose of explaining the provisions of any bill relating to or connected with any department administered by that Minister.
- (2) Such motions may be moved without notice at any time after the bill has been read a first time.
- (3) The question will be decided without debate or amendment, except for a statement, not exceeding 10 minutes, by the mover in support of the motion.
- (4) Under this standing order a Minister who is a member of the Legislative Assembly may take part in any debate or discussion in the Legislative Council, but may not vote.
- (5) Unless otherwise decided, the consent will extend only to the second reading of a bill and the proceedings in committee following the second reading.
- (6) Only one Minister of the Crown who is a member of the Legislative Assembly may sit in the Legislative Council at any one time under this standing order.

CHAPTER 26 – PRIVATE BILLS

164. Notice of intention

- (1) Notice of the intention to apply for a private bill must, within three months prior to the presentation of the petition (for the private bill), be published once a week, for four consecutive weeks:
 - (a) in the Government Gazette,
 - (b) in at least one daily newspaper published in Sydney, and
 - (c) in one newspaper published in or nearest to the district affected by the bill.
- (2) The published notice must contain a true statement of the general objectives of the bill, and state what private interests, so far as they can be conveniently set forth, will probably be affected by the bill.
- (3) The production of the numbers of the Government Gazette and newspapers containing the notice will be required at the time of presenting the petition, and will be sufficient proof of such notice.

165. Initiation

- (1) A private bill may only be initiated in the Council by petition first presented and received, together with a printed copy of the proposed bill. The petition must be signed by one or more of the parties applying for the bill.
- (2) Every petition for a private bill will:
 - (a) commence by stating that the public notice required has been duly given,
 - (b) contain a copy of the public notice, and
 - (c) conclude with a request for leave to bring in the bill.
- (3) When the petition has been received, notice of motion for leave to bring in the bill may be given, as in the case of public bills.
- (4) When leave to bring in a private bill has been given, and before it is read a first time, it will be printed, at the expense of the parties applying for it, in the same form as public bills, and a sufficient number of copies of it will be delivered to the Clerk, for the use of the House.

166. Payment for private bills

- (1) Before a private bill may be read a first time, the sum of \$50 towards meeting incurred expenses, must be paid to the credit of the Legislature, and a certificate of such payment must be produced by the member moving the first reading of the bill.
- (2) Whenever the expenses incurred exceed the amount paid, as determined by the Clerk, a further sum of \$50 must be paid to the credit of the Legislature by the parties applying for the bill, and further certificates produced before the bill is further proceeded with.
- (3) Whether the bill is passed, rejected or withdrawn, the promoters must pay any additional sum which may be required to fully pay any expenses incurred. In the event of a balance remaining in favour of the promoters the Clerk will issue a certificate of the actual expenses incurred and arrange for the refund of any unexpended amounts.

167. Form of the bill

Every private bill must contain a preamble, reciting the circumstances on which the bill is founded, and the matters in reference to, or by reason of which the legislation is required.

168. Reference to select committee

- (1) When a private bill has been read a first time, it will be referred to a select committee, to be appointed upon notice of motion, and such committee will require proof of the allegation contained in the preamble.
- (2) Every petition for or against a private bill will, if received, be referred without motion to the select committee on the bill, and any petition against a bill must distinctly specify the grounds of opposition.
- (3) The select committee may hear counsel if it is desired, take evidence as required, and decide on matters in issue between the persons conducting and opposing the bill.
- (4) The select committee will determine whether the preamble, with or without amendment, will stand part of the bill. If decided in the affirmative, the several clauses of the bill, together with any amendments, will be considered. If determined in the negative it will be fatal to the bill.

169. Report of the Select Committee

When a select committee reports in favour of a private bill, a future day will be appointed for the second reading, and the bill will be proceeded with in the same manner as public bills.

170. Private bills originating in the Assembly

Private bills originating in the Assembly, if accompanied by printed copies of the reports and proceedings of the select committee to which they were referred, will be proceeded with in all respects as public bills, unless the House determines otherwise.

171. Lapsed private bills

- (1) A private bill, originated in the Council and having been reported by a select committee, which lapses in either house by reason of a prorogation before it has reached its final stage may, upon receipt of a petition by the promoters for leave to proceed, be introduced again, including any amendments already agreed to in the Council, and read a first time without notice or debate.
- (2) Such private bill may also, on motion agreed to, be passed through all subsequent stages through which it had passed in a previous session without further notice or debate.
- (3) If a motion for such proceedings is negatived then the bill may be proceeded with in the ordinary way.
- (4) If a private bill having been read a first time and referred to a select committee, lapses by reason of a prorogation before the committee has reported, it may, upon receipt of a petition from the promoters, and by order of the House, be read a first time and referred to a select committee together with the minutes or evidence taken before, together with all papers, petitions and instructions previously referred or given. When the committee reports on the bill, it may be proceeded with in the ordinary way.
- (5) In the case of every private bill the standing orders will be held to be satisfied in all respects, where they have been complied with in a previous session.

CHAPTER 27 – COMMITTEE OF THE WHOLE HOUSE

172. Appointment of committee

- (1) A committee of the whole House will be appointed by a resolution that the House resolve itself into a committee of the whole immediately or at a future time.
- (2) When an order of the day is read for the House to resolve itself into a committee of the whole the President will leave the Chair without putting any question, and the House then resolve itself into committee, unless a motion for an instruction to the committee is moved.

173. Proceedings in committee

- (1) A committee may consider only the matters referred to it by the House.
- (2) A question in committee will be decided in the same manner as in the House.
- (3) A motion contradictory to the previous decision of a committee may not be entertained in the same committee.
- (4) A motion for the previous question may not be made in committee.
- (5) In committee members may speak more than once on the same question, and, when a question has been proposed from the Chair, must confine themselves to that question.
- (6) Motions “That the question be now put” and “That the Chair report progress and ask leave to sit again” must be moved without debate and immediately put and determined, but neither of those motions may be repeated within 15 minutes after either of them has been moved, unless debate on the matter has concluded.
- (7) Except as otherwise provided by the standing orders, the same rules of the conduct of members and of debate, procedures, and the conduct of business will be observed in committee as in the House, the Chair of Committees having the same authority as the President for the preservation of order, but disorder in a committee may be censured only by the House, on receiving a report.

174. Appointment of acting Chair

If the Chair wishes to leave the Chair any Temporary Chair may take the Chair, and if no Temporary Chairs are present, then the Chair may appoint any other member to take the Chair, such member having the same powers as the Chair.

175. Disorder in committee

- (1) The Chair may name a member for being guilty of a wilful or vexatious breach of any of the standing orders or for interrupting the orderly conduct of the business of the committee.
- (2) When the Chair names a member, the Chair will leave the Chair and report such action to the President.
- (3) After the House has dealt with the named member the Committee will resume.
- (4) If disorder arises in Committee, the President may resume the Chair without any question being put, and may leave the Chair in the same manner, after which the committee will resume its proceedings.

176. Quorum

- (1) The quorum in committee of the whole will be the same as for the House.
- (2) If notice is taken of the absence of a quorum in committee, the Chair will count the committee, and if after the bells have been rung for five minutes a quorum is not formed, or if it appears on a division (by which division no decision will be taken to have been arrived at) that a quorum is not present, the Chair will leave the Chair and report to the House.
- (3) When the Chair reports an absence of a quorum in committee to the President, the President will count the House, and if a quorum of members is then present, the House will again resolve itself into a committee of the whole without any question being put.
- (4) If the proceedings of a committee are interrupted by lack of a quorum and consequent adjournment of the House, the resumption of the committee will be an order of the day for the next day of sitting, and when the order is called on the proceedings will be resumed at the point where they were interrupted.

177. Report of the committee

- (1) When all matters referred to a committee have been considered, the Chair will be directed to report to the House, and when the consideration of those matters has not been concluded, the Chair may be directed to report progress and ask leave to sit again.
- (2) A motion may be made at any time during the proceedings of a committee that the Chair report progress and ask leave to sit again.
- (3) Resolutions reported from a committee may be agreed to or disagreed to by the House, or agreed to with amendments, recommitted to the committee, or the further consideration of them postponed.
- (4) A motion may be made “That the Chair do now leave the Chair”, which if carried will terminate the proceedings of the committee.
- (5) Any committee whose proceedings have been so terminated may be revived by order on motion.

178. Objection to Chair’s ruling

If objection is taken to a decision of the Chair of Committees, such objection must be stated at once in writing. If the committee decides, the Chair will then leave the Chair, and the House resume. When the matter has been laid before the President and disposed of, the committee will resume proceedings where they were interrupted.

CHAPTER 28 – INSTRUCTIONS BY THE HOUSE TO COMMITTEES

179. Effect of instructions

- (1) An instruction may give a committee of the whole House authority to consider matters not otherwise referred to it, or extend or restrict its authority.
- (2) An instruction may be given to a committee on a bill to divide a bill into two or more bills or to consolidate several bills into one.
- (3) An instruction may be given to a committee on a bill to amend an existing Act or consider amendments which are not relevant to the subject matter of the bill but are relevant to the subject matter of the Act it is proposed to amend.

180. When moved

- (1) A motion for an instruction is to be moved:
 - (a) before the House resolves itself into a committee of the whole House, or
 - (b) on the order of the day being read for consideration in committee of the whole or the resumption of committee.
- (2) An instruction may be moved as an amendment on the question for the adoption of the report of the committee.

181. Debate on instructions

Debate on a motion for an instruction:

- (a) must be relevant to the instruction,
- (b) may not refer to the objects of the bill to which the instruction relates, and
- (c) may not anticipate discussion of a clause in the bill.

182. Instruction to select or standing committees

An instruction may be given to a select or standing committee to extend or restrict its terms of reference. Any instruction must be moved before the committee reports.

CHAPTER 29 – PRIVATE MEMBERS’ BUSINESS

183. Notice given

Any member may give notice of an item of private members’ business for debate during the session.

183A. Business Committee

- (1) A Business Committee will be appointed at the commencement of each Parliament.
- (2) The committee is to be Chaired by the Government Whip, or in his or her absence, the Deputy Government Whip.
- (3) Every party is entitled to be represented at each meeting of the committee by one member nominated by the Leader of the Government, the Leader of the Opposition, the Government and Opposition Whips, and Cross Bench Members, as applicable.
- (4) Every independent is entitled to participate in each meeting.
- (5) The committee is to determine the order of items of private members’ business and debate on committee reports and government responses to be taken when such business has precedence.
- (6) The committee may determine the duration for each debate and for each member speaking.
- (7) The Clerk is to publish the committee’s determinations on the Parliament’s website and in the Notice Paper for the next sitting day.

186. Debate on motions

- (1) The debate of an item of private members’ business other than a bill is to be conducted as follows:
 - (a) the mover of the motion may speak for not more than five minutes,
 - (b) any other member may speak for not more than three minutes,
 - (c) if the motion is not sooner disposed of after 30 minutes the President is to interrupt proceedings to allow the mover of the motion to speak in reply for not more than three minutes, and put all the questions necessary to dispose of the motion and any amendments.
- (2) On a notice of motion being called on under this standing order, the member with carriage of the matter may, prior to moving the motion, move that the motion be considered in long form as follows:
 - (a) the mover of the motion may speak for not more than 20 minutes,
 - (b) any other member may speak for not more than 15 minutes,
 - (c) if the motion is not sooner disposed of, after two hours the President is to interrupt proceedings to allow the mover of the motion to speak in reply for not more than five minutes, and put all the questions necessary to dispose of the motion and any amendments.

187. Debate on bills

- (1) Where there is debate on the question for leave to bring in a bill the following time limits will apply:
 - (a) a maximum of one hour debate,

- (b) the mover of the motion, and any other member, may speak for not more than 10 minutes, and
 - (c) 10 minutes before the end of the time for debate, the President is to interrupt proceedings to allow the mover of the motion to speak in reply for not more than 10 minutes.
- (2) On any motion being agreed to for leave to bring in a bill, the question on the first reading and printing will be taken together as one motion, and put without amendment or debate.
 - (3) Where there is debate on the question for the second or third reading of a bill the following time limits will apply:
 - (a) the mover may speak for not more than 30 minutes, and
 - (b) any other member and the mover in reply may speak for not more than 20 minutes.
 - (4) After the second reading speech of the mover, debate on the bill must be adjourned for at least five calendar days.

189. Time limits to apply

When an item of private members' business is dealt with on days set aside for government business the time limits in this chapter apply.

189A. Expiry of private members' notices of motions

- (1) A private members' business notice of motion that has remained on the Notice Paper for 20 sitting days without being moved will be removed from the Notice Paper.
- (2) This standing order does not apply to notices of motions for bills or for the disallowance of statutory rules.

CHAPTER 30 – CONDUCT OF MEMBERS AND STRANGERS

190. Member called to order

If the President or Chair of Committees calls a member to order three times in the course of any one sitting for any breach of the standing orders, or a member conducts themselves in a grossly disorderly manner, that member may, by order of the President or Chair of Committees, be removed from the chamber by the Usher of the Black Rod for a period of time as the President or Chair may decide but not beyond the termination of the sitting.

191. Disorderly conduct by members

- (1) If a member, after warning by the President:
 - (a) continues to obstruct the business of the House, or
 - (b) continues to abuse the rules of the House, or
 - (c) refuses to comply with an order of the Chair, or
 - (d) refuses to comply with the standing orders, or
 - (e) continues to disregard the authority of the Chair, or
 - (f) otherwise obstructs the orderly conduct of business of the House,the President may name the member and report the member's offence to the House.
- (2) If an offence indicated in paragraph (1) is committed by a member in committee of the whole, the Chair is to suspend the proceedings of the committee and report the offence to the President.
- (3) A member who has been reported as having committed an offence may make an explanation or apology, as the member thinks fit, and then, if required by the Chair, withdraw from the Chamber. A motion may then be moved without notice that the member be suspended from the service of the House. No debate or amendment is allowed on the motion, which must be put immediately by the President.

192. Suspension of member

- (1) A member found guilty of an offence under the standing orders may be suspended from the service of the House by motion moved without notice for any period of time that the House decides.
- (2) Any suspension may have effect:
 - (a) until the House terminates the suspension,
 - (b) until the submission of an apology by the offending member, or
 - (c) both of the above.
- (3) A member who is suspended from the service of the House is excluded from the chamber and galleries, and may not serve on or attend any proceedings of a committee of the House during the period of suspension. If a member enters the chamber during the member's suspension, the President will order the Usher of the Black Rod to remove the member from the chamber.

193. President may suspend sitting or adjourn House

In cases of serious disorder in the House or in committee of the whole House, the President may suspend the sitting of the House for a time to be stated or adjourn the House until the next sitting day without any motion.

194. Powers of House not affected

Nothing in this chapter affects any power of the House to proceed against any member for any conduct unworthy of a member of the House.

CHAPTER 31 – VISITORS

195. Distinguished visitors

Distinguished visitors may be admitted to a seat on the floor of the House, by motion without notice.

196. Conduct of visitors

- (1) Visitors may attend in the galleries during a sitting of the Legislative Council, unless otherwise ordered by the House.
- (2) The President only may admit visitors to the seating in the gallery on either side of the President's Chair.
- (3) No person other than a member, a Clerk-at-the-Table or an officer attending on the House may enter any part of the chamber reserved for members, while the House is sitting.
- (4) Paragraph (3) does not apply in respect of a member breastfeeding a child or a child under the age of four in the care of a member.
- (5) The Usher of the Black Rod, subject to any direction by the President, is to remove any person who enters any part of the chamber reserved for members while the House is sitting, or causes a disturbance in or near the chamber.

197. Removal of strangers for disorderly conduct

If a person, not being a member:

- (a) interrupts the orderly conduct of the business of the House,
- (b) obstructs the approaches to the House, or
- (c) creates a disturbance within the precincts of the House,

the President or Chair of Committees may order the Usher of the Black Rod to remove that person from the precincts of the House and to exclude them from the House for the period directed by the President or Chair.

CHAPTER 32 – EFFECT AND SUSPENSION OF STANDING ORDERS

198. Suspension of standing orders

- (1) Except as provided in paragraph (2), in urgent cases, any standing order or other order of the House may be suspended by the House in whole or in part:
 - (a) by a motion on notice, or
 - (b) by leave of the House.
- (2) On the President reading the prayers, calling on any notice of motion, or calling on the Clerk to read the order of the day, a motion may be moved, without notice, that standing and sessional orders be suspended to allow a particular order of the day or motion on the Notice Paper to be called on forthwith.
- (3) On a motion for the suspension of a standing or other order, with the exception of motions referred to in paragraph (4),
 - (a) a member may not speak for more than five minutes, and
 - (b) if the motion is not sooner disposed of after 30 minutes the President will interrupt proceedings and put all questions necessary to dispose of the motion and any amendments.
- (4) On a motion being moved for the suspension of standing orders to allow a notice of motion or order of the day relating to an order for papers under standing order 52, or an Address to the Governor under standing order 53, to be called on forthwith, the question is to be decided without amendment or debate except a statement by the mover and a statement by a Minister not exceeding 5 minutes each.

199. Effect of suspension

The suspension of a standing or other order is limited in its operation to the particular purpose for which the suspension has been sought.

CHAPTER 33 – MATTERS OF PUBLIC IMPORTANCE AND MOTIONS OF URGENCY

200. Proposal for debate

- (1) A member may give notice of a motion – That the following matter of public importance should be discussed forthwith: [specifying the matter].
- (2) Consideration of the motion is to take precedence of all other business set down on the Notice Paper for that day, except for a matter of privilege under SO 77 and business of the House under SO 39.
- (3) When the motion has been made, the question is to be decided without amendment or debate, except a statement by the mover and a statement by a Minister not exceeding 10 minutes each.
- (4) If the question is agreed to, subsequent discussion of the matter may not exceed one hour thirty minutes, whether on the same or subsequent sitting days, excluding the reply of the mover.
- (5) The following time limits on speeches will apply:
 - (a) member proposing the matter – 15 minutes,
 - (b) any Minister first speaking – 15 minutes,
 - (c) Leader of the Opposition or member nominated by the Leader of the Opposition, when the matter is proposed by a member of the government – 15 minutes,
 - (d) any other member – 10 minutes,
 - (e) proposer in reply – 10 minutes.
- (6) After one hour and thirty minutes, the President will interrupt proceedings to allow the mover to speak in reply.
- (7) If discussion of a matter is adjourned to another sitting day, the order of the day for its resumption is to take precedence as provided in paragraph (2).
- (8) Only one matter of public importance may be proceeded with on any sitting day, but this is not to preclude the resumption of an adjourned discussion on the same day.
- (9) Matters of public importance will only be considered on days on which government business has precedence.

201. Urgency motions

- (1) A member may move a motion, without notice – That the House now adjourn to discuss the following matter of urgency: [specifying the matter].
- (2) The member proposing the motion to debate the matter of urgency must hand to the President, prior to the commencement of the sitting on the day to which the proposal relates, a written statement of the proposed matter of urgency.
- (3) The President will inform the House at the conclusion of formal business that a motion has been received, at which time the President will put the question on urgency without amendment or debate, except a statement by the mover and a statement by a Minister not exceeding 10 minutes each.
- (4) If urgency is agreed to, the following time limits on speeches will apply:
 - (a) member proposing the matter – 15 minutes,

- (b) any Minister first speaking – 15 minutes,
 - (c) Leader of the Opposition or member nominated by the Leader of the Opposition, when the matter is proposed by a member of the government – 15 minutes,
 - (d) any other member – 10 minutes,
 - (e) proposer in reply – 10 minutes.
- (5) At the conclusion of the debate the motion will lapse, with no question being put.
- (6) No second motion for the adjournment of the House to discuss a matter of urgency may be made on the same day.

CHAPTER 34 – CITIZEN’S RIGHT OF REPLY

202. Person referred to

- (1) Any person who has been referred to in the House by name, or in such a way as to be readily identified, may make a submission in writing to the President, on any one or more of the following grounds, claiming:
 - (a) that they have been adversely affected:
 - (i) in reputation,
 - (ii) in respect of dealings or associations with others,
 - (b) that they have been injured in occupation, trade, office or financial credit, or
 - (c) that their privacy has been unreasonably invaded, and requesting that they should be able to include an appropriate response in the parliamentary record.
- (2) Where a person makes a submission to the President, the President must, as soon as practicable, consider the submission and decide whether:
 - (a) to refer the submission to the Privileges Committee for inquiry and report, or
 - (b) it is inappropriate to be considered by the committee on the grounds that the subject matter of the submission is trivial, frivolous, vexatious or offensive in character.
- (3) The President must inform the person in writing of the decision.

203. Reference to committee

- (1) Where a submission is referred to the Privileges Committee, the committee may decide not to consider a submission referred to it if, in the opinion of the committee, the subject matter of the submission is not sufficiently serious or is frivolous, vexatious or offensive in character. The committee must report its decision to the House.
- (2) Where the committee decides to consider a submission, the committee may confer with, but not take evidence from any person, including:
 - (a) the person who made the submission, and
 - (b) any member who referred to the person in the House.
- (3) In considering any submission, the committee:
 - (a) must meet in private,
 - (b) must not consider or judge the truth of any statements made in the House or in the submission,
 - (c) must not make public:
 - (i) any minutes of proceedings,
 - (ii) any evidence, or
 - (iii) any submissions, either in whole or in part, except in its report to the House.
- (4) In reporting to the House on a submission, the committee may recommend:

- (a) that no further action be taken by the House or by the committee in relation to the submission, or
 - (b) that a response by the person who made the submission, in a form of words agreed to by the person and the committee and specified in the report of the committee, be published in the Minutes of the Proceedings or incorporated in Hansard, and must not make any other recommendation.
- (5) Any response by a person who made a submission and which is included in a report to the House:
- (a) must be succinct and strictly relevant to the questions in issue,
 - (b) must not contain anything offensive in character,
 - (c) must not contain any matter where publication would have the effect of:
 - (i) unreasonably adversely affecting or injuring a person, or unreasonably invading a person's privacy, in the manner referred to in paragraph 1, or
 - (ii) unreasonably adding to or aggravating any adverse effect, injury or invasion of privacy suffered by a person.
- (6) In this order, person includes an unincorporated association, a corporation and a body corporate.
- (7) A notice of motion to adopt a report from the Privileges Committee on a citizen's right of reply is to be placed on the Notice Paper as business of the House with precedence according to standing order 39.

CHAPTER 35 – COMMITTEES

204. Sessional committees

- (1) The House may establish sessional committees at the commencement of each session of Parliament to consider matters relating to the provision of services to members.
- (2) The functions and composition of any sessional committee will be as determined by the House from time to time.

205. Procedure committee

- (1) A Procedure Committee will be appointed at the commencement of each Parliament.
- (2) The committee may:
 - (a) consider on its own initiative any amendments to the standing orders,
 - (b) propose to the House changes in practice and procedures of the House, and
 - (c) consider any matter relating to the procedures referred to it by the House or the President.
- (3) The President, Deputy President, Assistant President, Leader of the Government, Deputy Leader of the Government, Leader of the Opposition, Deputy Leader of the Opposition, the Government Whip and the Opposition Whip are to be among the members of the committee.
- (4) The composition of the committee will be determined by the House but must ensure representation of all parties and independent members.
- (5) Members may be appointed to the committee as substitutes for a member of the committee, by notice in writing to the Chair of the committee.
- (6) Nominations may be made by the Leader of the Government, the Leader of the Opposition, the Government and Opposition Whips, and Cross Bench Members, as applicable.

206. Standing committees

- (1) The House may establish standing committees which have power to sit during the life of the Parliament.
- (2) The functions, source of references and composition of any standing committee will be as determined by the House in the resolution appointing the committee.

207. Select committees

- (1) The House may appoint select committees to consider matters referred by the House. A select committee has power to sit during the life of the Parliament. When the committee completes its inquiry and presents its final report to the House, the committee ceases to exist.
- (2) The composition of any select committee will be as determined by the House.

GENERAL COMMITTEE PROVISIONS

208. Powers

In addition to any power conferred by order of the Council or by law, a committee has power:

- (a) to adjourn from time to time,
- (b) to adjourn from place to place,
- (c) to send for and examine persons, papers, and records,
- (d) to make visits of inspection:
 - (i) within New South Wales,
 - (ii) with the approval of the President, elsewhere in Australia,
 - (iii) if authorised by the House, with the approval of the President, outside Australia, and
- (e) to request the attendance of and examine members of the House.

209. Must not sit while the House is sitting

- (1) A committee must not sit while the House is sitting, unless the House otherwise orders.
- (2) The restriction on meetings of committees in paragraph (1) does not apply:
 - (a) after the adjournment of the House,
 - (b) during the suspension of the House,
 - (c) during lunch or dinner breaks when no other business is being conducted by the House.

209A. Electronic participation

A committee is authorised to conduct meetings by electronic communication without members of the committee or witnesses being present in the one place, provided that:

- (a) when a committee deliberates, members of the committee constituting a quorum are able to speak to and hear each other, and
- (b) when a witness gives oral evidence, members of the committee constituting a quorum are able to hear the witness and to put questions to the witness.

210. Membership

- (1) The composition of each committee is to be determined by the House in the resolution appointing the committee.
- (2) Government members are to be nominated by the Leader of the Government.
- (3) Opposition members are to be nominated by the Leader of the Opposition.
- (4) Cross bench members are to be nominated by agreement between cross bench members.
- (5) In the absence of any agreement the representation on a committee is to be determined by the House.
- (6) Nominations for membership of the committees are to be in writing to the Clerk within seven days of the passing of the resolution appointing the committee.

- (7) Members may also at any time, by motion on notice, be discharged by the House from attending a committee, and other members appointed or added.
- (8) The President may not be elected to any committee other than one of which the President is an ex officio member.
- (9) If the Deputy President is elected to serve on a committee and declines to do so, another member is to be elected.
- (10) No member may take part in a committee inquiry where the member has a direct pecuniary interest in the inquiry of the committee, unless it is in common with the general public, or a class of persons within the general public, or it is on a matter of state policy.

211. Chair and Deputy Chair

- (1) Chairs and Deputy Chairs of Committees are to be appointed or elected by the committee in accordance with the resolution of the House appointing the committee.
- (2) The Chair presides at meetings and has the powers necessary to conduct the Committee's proceedings in an orderly and expeditious manner.
- (3) The member nominated as Deputy Chair is to act as Chair when the Chair is absent from a meeting.
- (4) In the absence of both the Chair and Deputy Chair from a meeting of a committee, a member of the committee is to be elected by the members present to act as Chair for that meeting of the committee.
- (5) In the absence of the Deputy Chair from a meeting of a committee, a member of the committee may be elected by the members present to act as Deputy Chair of the meeting of the committee.
- (6) In the specific circumstances where the Chair is attending a committee hearing remotely via electronic means, the Deputy Chair may act as Chair of the hearing at the request of the Chair. Alternatively, if the Deputy Chair is absent, the committee may elect another member present in the hearing room to act as chair of the hearing. However, the chair may resume chairing the proceedings at any time, and must resume chairing the proceedings when the committee is deliberating in private.
- (7) The Chair, Deputy Chair or other member acting as Chair at a meeting of a committee has a deliberative vote, and in the event of an equality of votes, a casting vote.

212. Priority of references

The priority to be accorded to a reference received by a committee may be determined by the Chair of the committee, unless the committee decides otherwise.

213. First meeting

- (1) The Clerk is to fix the time and place for the first meeting of each committee in such a manner as the Clerk thinks fit.
- (2) At the first meeting, before proceeding to any other business the Chair and Deputy Chair are to be elected, unless the resolution of the House appointing the committee provides otherwise.

214. Quorum

- (1) Unless otherwise ordered, the quorum of a committee is three members.
- (2) If, after 15 minutes from the time appointed for the meeting of a committee, a quorum is not present, the meeting is adjourned and the Chair of the committee will fix the next meeting of the committee.

- (3) The clerk of the committee is to record the names of the members present.

215. Loss of a quorum during a meeting

If, during the sitting of a committee, the loss of a quorum is brought to the attention of the Chair by another committee member, after ten minutes has elapsed the Chair will suspend the proceedings of the committee to a later hour. If a quorum is not then present, the committee will be adjourned to another day, to be fixed by the Chair.

216A. Substitute Members

- (1) Except as provided in standing order 205 in relation to the Procedure Committee, members may be appointed to a committee as substitute members for any matter before the committee, by notice in writing to the Committee Clerk.
- (2) Nominations for substitute government or opposition members are to be made by the Leader of the Government, Leader of the Opposition, Government or Opposition Whips or Deputy Whips, as applicable.
- (3) Nominations for substitute crossbench members are to be made by the substantive member or another crossbench member.

217. Sub-committees

- (1) Where the resolution appointing a committee makes provision for sub-committees, a committee has power to appoint sub-committees consisting of two or more of its members:
 - (a) to assist the committee in the exercise of any of its functions, or
 - (b) to investigate and report on any matter referred to the committee.
- (2) A sub-committee has the same powers as the committee appointing it.
- (3) The committee is to appoint one of its members to act as Chair of any sub-committee and the member appointed has a deliberative vote and, in the event of an equality of votes, a casting vote.
- (4) Unless otherwise ordered, the quorum of a sub-committee is two, of whom one must be a government member and one a non-government member.
- (5) A sub-committee is to report to the committee on any matter referred to it by the committee. The committee may adopt the report, reject the report, or adopt the report with variations.
- (6) A sub-committee is to conduct its meetings and business in the same manner as the committee appointing it.

218. Participation by members of the House and others

- (1) Unless a committee decides otherwise, a member of the House who is not a member of the relevant committee may take part in the public or private proceedings of a committee, question witnesses and, once they have formally communicated their intention to participate in the inquiry, have access to all committee evidence and documents but may not vote, move any motion or be counted for the purpose of any quorum or division.
- (2) Persons other than members of the House and officers of a committee may only attend a private meeting by resolution of the committee, and will always be excluded when the committee is deliberating.

219. Meeting or joining with other committees

A committee or any sub-committee may:

- (a) join together with any other committee of the House or the Legislative Assembly to take evidence, deliberate and make joint reports on matters of mutual concern, and
- (b) meet with any other State or Commonwealth parliamentary committees to inquire into matters of mutual concern.

220. Joint committees

- (1) A proposal for a joint committee of the House and Legislative Assembly must contain the names of the members of the House appointed to serve on the committee.
- (2) Any such proposal agreed to by the House will be forwarded to the Legislative Assembly by message.
- (3) The proceedings of a joint committee will be reported to the House by one of the members appointed to serve on the committee.
- (4) At least three members of the House must be present at any meeting of a joint committee.
- (5) If the House agrees to a proposal from the Legislative Assembly to appoint a joint committee, the House must, as soon as practical, advise the Legislative Assembly by message of the time and place of the first meeting of the committee.

221. Submissions

Any person or body may make written or recorded submissions to a committee with respect to any inquiry being conducted by the committee.

222. Evidence

- (1) A committee is to take all evidence in public unless the committee decides otherwise.
- (2) An answer must be directly relevant to a question.
- (3) A witness before a committee is to be given the opportunity of correcting their transcript of evidence, but corrections must be confined to typographical errors or the duplication or omission of words.
- (4) Corrections in substance can only be made by further giving of evidence.

223. Publishing submissions and evidence

- (1) A committee has power to authorise publication, before presentation to the House, of submissions received and evidence taken.
- (2) Evidence taken in camera may be published by resolution of the committee where it is in the public interest to do so.
- (3) A committee:
 - (a) may make available to any member of the public a copy of:
 - (i) any written submissions made to it,
 - (ii) the report of any inquiry carried out by it, or
 - (iii) the record of any evidence taken in public, and

- (b) may charge a reasonable sum for making copies available.
- (4) A committee or sub-committee may authorise the recording of its public hearings.

224. Unauthorised disclosure of evidence and documents

- (1) The evidence taken by a committee and documents presented to it, which have not been reported to the House, may not, unless authorised by the House or committee, be disclosed to any person other than a member or officer of the committee.
- (2) Paragraph (1) does not apply to:
 - (a) any proceedings of the committee that are open to the public and media,
 - (b) any member of the committee or officers of the House or committee in the exercise or performance of their duties,
 - (c) media releases or statements made by a member of the committee on the authority of the committee,
 - (d) written submissions presented to a committee and authorised to be published by the committee,
 - (e) any submission or document of the committee referred to any person for comment to assist the committee in its inquiry, and
 - (f) any document authorised to be published by the committee.
- (3) Any person committing a breach of this standing order may be reported to the House.

225. No representation of witnesses

A person or body is not entitled or permitted to be represented by an adviser at a hearing of a committee unless the committee decides otherwise.

226. Reports

- (1) A committee, including a select committee, has leave to report to the House from time to time its proceedings, evidence taken in public, and recommendations as it deems fit.
- (2) A committee may include in any report made to the House a draft bill to give effect to the recommendations of the committee.
- (3) For the purposes of preparing a draft bill for incorporation in a report to the House, a committee may, with the consent of the relevant Minister, make use of the services of any staff of the Parliamentary Counsel's Office.
- (4) A committee may publish discussion papers for the purpose of any inquiry.

227. Consideration of reports

- (1) The Chair, on the request of the committee, is to prepare a draft report and submit it to the committee at least 7 calendar days prior to the date scheduled for the report deliberative, unless the committee decides otherwise.
- (2) The draft report is to be considered at a meeting convened for that purpose and may be amended as the committee thinks fit. A report may be reconsidered and amended.

- (3) The report of a committee, as agreed to by the committee, must be signed by the Chair, or in the event of the Chair refusing, any other member appointed by the committee.

228. Members' opinions to be reflected

- (1) The report of a committee is, as far as practicable, to reflect a unanimity of opinion within a committee.
- (2) It is the responsibility of a committee Chair and all members of a committee to seek to achieve unanimity of opinion.
- (3) Where unanimity is not practicable, a committee's report should be prepared so as to reflect the views of all members of the committee.
- (4) Where unanimity is not practicable, any member may append to the report a brief statement of dissent, provided that:
 - (a) the member has sought to have their opinions included in the report agreed to by the committee,
 - (b) the statement of dissent is relevant to the committee's report and the terms of reference of the inquiry,
 - (c) the statement does not contain any matter which would unreasonably adversely affect or injure a person, or unreasonably invade a person's privacy,
 - (d) the statement of dissent is signed by the member or members making it,
 - (e) the statement of dissent is no more than 1,000 words in length.

229. Chair's foreword

A committee Chair's foreword must be approved by the committee prior to tabling of the committee's report in the House, if the committee so resolves.

230. Tabling reports

The report of a committee, with accompanying documents, is to be tabled in the House by the member signing the report, or in the absence of the member, by some other member of the committee, within ten calendar days of the report being adopted by the committee.

231. Tabling out of session

- (1) If the House is not sitting when a committee wishes to report to the House, including when the House is adjourned or suspended, the committee is to present copies of its report to the Clerk.
- (2) A report presented to the Clerk is:
 - (a) on presentation, and for all purposes, deemed to have been laid before the House,
 - (b) for all purposes, deemed to be a document published by order or under the authority of the House, and
 - (c) to be recorded in the Minutes of the Proceedings of the House.

232. Debate on committee reports

- (1) On tabling of a report from a committee, a motion may be moved without notice "That the House take note of the report".

- (2) The mover may speak to the motion forthwith but further debate is to stand adjourned until debate on committee reports take precedence.
- (3) On tabling of a government response to a committee report:
 - (a) if debate on the committee's report is an order of the day, the government response is to be debated concurrently with the debate on the report and any member who has already spoken in debate may speak a second time to the government response,
 - (b) if debate on the committee's report is not on the Notice Paper:
 - (i) a motion may be moved without notice "That the House take note of the government response",
 - (ii) debate on a motion "That the House take note of the government response" is to be set down as an order of the day when committee reports next take precedence.
- (4) Each speaker in the debate on a committee report or government response is to be limited to 10 minutes, except the mover who is allowed 15 minutes and a further 10 minutes in reply.
- (5) When debate on committee reports takes precedence, the House will debate committee reports and government responses according to the order published on the Notice Paper or a determination of the Business Committee.

233. Government response

- (1) On the tabling of a report from a committee which recommends that action be taken by the government the Clerk is to refer the report to the Leader of the Government in the House who must within three months of a report being tabled, report to the House what action, if any, the government proposes to take in relation to each recommendation of the committee.
- (2) If, at the time at which the government seeks to report to the House, the House is not sitting, a Minister may present the response to the Clerk.
- (3) A response presented to the Clerk is:
 - (a) on presentation, and for all purposes, deemed to have been laid before the House,
 - (b) for all purposes, deemed to be a document published by order or under the authority of the House,
 - (c) to be recorded in the Minutes of the Proceedings of the House, and
 - (d) to be distributed by the clerk of the committee to inquiry participants.
- (4) A response is required notwithstanding prorogation of the House or the expiry of the Legislative Assembly.
- (5) The President is to report to the House when any government response has not been received within the three month deadline.
- (6) If a response does not address what action, if any, the government proposes to take in relation to each recommendation of the committee, the President is to inform the House on the next sitting day. The relevant Minister must immediately explain to the House the reason for non-compliance.
- (7) If, after explanation in the House, the Minister has not provided a full government response within a period of one month, the President is to again inform the House and the Minister will again be called to explain. This procedure is to continue until a full government response to each recommendation is provided.

234. Resources

- (1) A committee is to be provided with the resources necessary to carry out its functions.
- (2) A committee may, with the consent of the appropriate Minister, make use of the services of any staff or facilities of a government department, administrative office or public body.
- (3) A Chair of a committee may report to the President on any matter relating to the administration, functioning or operation of the committee.
- (4) The Clerk is to appoint an officer of the Council to act as clerk to the committee.
- (5) The committee minutes are the official record of each committee meeting.
- (6) The clerk to a committee must record and include in the committee's report to the House:
 - (a) the names of the members attending each meeting of a committee and apologies received,
 - (b) the votes and proceedings of the committee.

INDEX

Acknowledgement of Country	9	deadline for introduction and receipt of government bills	49
Addresses		explanation of, under Constitution Act	57
address-in-reply	4	initiation	47, 49
motion for to be seconded	4	lapsed	56
presented by President	4	private	59
presentation of	41	private	58
to Governor	41	originating in the Assembly	59
for documents	19	private members'	
to Sovereign	41	debate on	63
Adjournment		procedures after presentation	56
debate on	10	protest against passing	56
hard adjournment	11	recommittal on report	53
interruption for	10	recommittal on third reading	53
ministerial reply to matters raised	11	restoration to business paper	56
motion may not be amended	10	return of Legislative Assembly bill	55
motion moved by Minister	10	second reading	50
on House's own resolution	10	Selection of Bills Committee	47
to debate urgent motion	69	third reading	53
Amendments		time limits to debate on government bills	48
moving of	38	transmission to Assembly	53
no seconder required	38	uncompleted procedures on in committee	52
not to words already agreed	38	urgent Council bills	50
procedure for putting	38	Business	
withdrawn by leave	38	conduct of	12
Anticipation	33	interruption of	14
Assembly		of the House	13
attendance at opening	3	postponement of	14
communications with	43	routine of	12
messages from	43	Business Committee	63
Ballots		Casting vote	40
conduct of	46	Chair of Committees	
election of President	5	appointment of acting	60
equality of votes	46	calls member to order	65
Bills		member named by	60
amendments after disagreement	56	names member for disorder	65
amendments to		objection to ruling	61
by Assembly	53, 54	orders removal of strangers	67
disagreements with Assembly	54	presides over committee of whole	7
Assembly amendments to Council amendments	55	temporary Chairs	7
Assembly bills amended in Council	55	title	7
Assembly disagreement to Council amendments	55	Citizen's right of reply	71
assent to	56	precedence as business of the House	13
cognate	50	referred to privileges committee	71
committal	51	response from person referred to	72
consideration in Committee	51	Clerk	
correction of errors in amendments	53	absence of	8
		Deputy acts in absence of Clerk	8
		documents tabled	

documents produced by order to be tabled by	17	unauthorised disclosure	78
lodged with Clerk	17	witnesses before	78
to inform Premier's department of orders for	17		
petitions		Conferences	
notifies relevant Minister	26	appointment of managers	44
		appointment of time and place for	44
		free	44
		proceedings at	45
Commissioners		ordinary	44
appointed	2	proceedings at	44
		report of	45
Committee of the whole		sitting suspended during	44
amendments in	52	with Assembly	44
appointment	60		
appointment of acting Chair	60	Constitution Act	
disorder in	60	bills explained under	57
instructions to	62	free conference under	44
objection to Chair's ruling	61		
order of consideration	51	Council	
proceedings in	60	communications with Assembly	43
quorum	61	conferences with Assembly	44
report from on bills	52		
report of	61	Debate	
uncompleted procedures in	52	adjournment of	35
		anticipation	33
Committees		calling points of order	34
Business Committee	63	closure	35
Chair and Deputy Chair	75	continued irrelevance	33
Clerk to fix first meeting	75	extension of	33
election of Chairs and Deputy Chairs	75	interruption of speaker	34
electronic participation	74	motion to be heard	34
evidence taken	77	motion to be no longer heard	34
in camera evidence	77	persons referred to in	71
joint	77	previous question	37
meeting or joining with other committees	77	putting of question ends debate	35
membership	74	reading extracts	33
substitute	76	reading lists of names	33
must not sit while the House is sitting	74	relevance	33
participation by other members	76	rules of	32, 33
powers	74	tedious repetition	33
priority of references	75		
Procedure Committee	73	Deputy President	
quorum	75	acts in absence of President	8
in sub-committees	76	ex officio member of Procedure Committee	73
loss of during meeting	76		
reports from	78	Disallowance motions	30
Chair's forward	79	precedence as business of the House	13
consideration of	78		
debate on	79	Disorder	
government response to	80	conduct of strangers	67
members' opinions to be reflected	79	in committee of the whole	65, 66
precedence of debate on	63	in House	65, 66
tabling	79		
resources	81	Divisions	
select	73	called for by those against majority	39
on private bills	59	calling for	39
sessional	73	casting vote	40
standing	73	corrections of errors in	40
sub-committees	76	counting of	40
submissions to	77	in committee of the whole	40

members present must vote	40	notice required for	62
one member calling for may have name recorded	39	to committee of the whole	62
pairing of members	40	to select and standing committees	62
points of order in	40	Leader of the Opposition	
procedures for	39	ex officio member of Procedure Committee	73
recorded in Minutes of Proceedings	40	Leave	29
require more than one voice	39	motions moved by	29
successive divisions called	39	personal explanations	32
voting in	39	Legal arbiter	
Documents		appointment of	17
administration of justice	19	Legislative Assembly	
from Governor	19	Minister to sit in Council to explain bill	57
ordered for production	17	Matter of privilege	29
concerning Ministers' offices	19	Matters of public importance	
dispute of claim of privilege	17	considered only on government business days	69
privileged	17	motions for	69
register of persons examining	18	time limits on debate	69
role of Privileges Committee	18	Members	
variation of scope	18	called to order	65
presentation of	14	conduct of	65
presented by private members	14	conduct of in House	32
quoted in debate	20	conduct unworthy	66
tabled		debate	
correction of errors	20	motion to be heard	34
inspection of	20	motion to be no longer heard	34
methods of tabling	19	explanation of speeches	32
when House not sitting	19	leave of absence	21
take note of	20	new members sworn	2, 4
Election		record of attendance	21
periodic	2	record of to be kept by Clerk	21
Governor		reflections on	33
addresses both Houses	4	right to speak	32
addresses to	41	suspended from House	65
attendance at commission opening	2	to present petitions	26
documents from	19	to speak standing	32
introduced by Black Rod	2	Members' statements	13
messages from	42	Messages	
opening speech	3	from Governor	
presentation of President to	6	presentation of	42
reference to in debate	33	to Assembly	43
speech dealt with as government business	4	to be recorded	43
Hansard		Minister	
Clerk to ensure record kept	16	document quoted by may be ordered to be tabled	20
publication authorised	16	Ministers	
House		arranges order of government business	14
postponement of scheduled meeting	12	explanation of bill under Constitution Act	57
powers not affected	66	reply to matters raised on adjournment	11
recall of	12	statements by	15
times of meeting	12	Imputations	33
Instructions		Instructions	
debate on	62	debate on	62

responses to	15	Points of order	
to be present in the House	11	in division	40
		raising of	34
Motions		Postponement	
complicated questions may be divided	36	of business	14, 31
for disallowance of statutory instruments	30		
formal	14	Practice notes	1
lapsed question	36	disallowance of	1
matters of public importance	69		
moving of	29	Prayers	
notice required	29	read each day	9
precedence of	29		
putting of question	36	Pre-audience	31, 35
questions decided by majority	36		
questions put sequentially	36	Precedence	
right of reply	33	citizen's right of reply	13
same question	36	disallowance motions	13
second not required	29	government business	13
superseding question	36	Members' statements	13
urgent	69	private members' business	13
time limits on	70	reports of committees	13
		President	
Notices of motions		absence of	8
alteration or withdrawal of	28	Assistant	7
giving of notices	28	calls member to order	65
		casting vote	36
Offensive words	33	Deputy	
		absence of	8
Opening of Parliament		duties of Chair	7
by commission	2	election of	7
by Governor	2	term of office	7
by Sovereign	4	elected at opening	2
		election of	5
Order of the day		ex officio member of Procedure Committee	73
postponement	31	leaves Chair without question put	8
		maintains order	32
Orders of the day		names member for disorder	65
definition	31	orders removal of strangers	67
disposal of	31	presentation of to Governor	6
		presents address-in-reply	4
Parliament		relief of	8
opening by commission	2	rulings	34
opening by Governor	2	dissent from	34
		suspends sitting in case of disorder	66
Parliamentary secretary	8	takes Chair at time appointed	9
		taking part in debate	32
Parties		temporary Chairs	7
leadership of announced in House	8	vacancy in office	5
		Previous question	37
Personal explanations	32		
		Private members' business	
Personal reflections	33	bills	
		debate on	63
Petitions		Business Committee	63
content of	27	debate on	
form of	26	long form	63
government response to	27	short form	63
presentation of	26		

expiry of	64	Reply	
notice given	63	closes debate	33
time limits	64		
Privilege		Rescission	36
interruption of speaker to raise matter of	34	Resolutions	
		of continuing effect	30
Proclamation		Selection of Bills Committee	47
Clerk to read	2		
Questions		Sovereign	
on notice		addresses to	41
given to Clerks	23	reference to in debate	33
supplementary questions for written answer	24		
take note of	24	Standing orders	
without notice		cases not provided for	1
House to appoint time for	15	effect of suspension	68
referred to Minister in other place	23	repeal of previous	1
rules for	22	rights of House not restricted	1
to Ministers and other members	22	sessional orders	1
		suspension of	68
Quorum		Temporary Chairs	
at commencement	9	act in absence of President and Chair of	
during sitting	9	Committees	8
in committee of the whole	61		
in committees	75	Usher of the Black Rod	
in sub-committees	76	commands attendance of Assembly in Council	3
		introduces Governor	2
Records		removes member from chamber	65
Clerk to have custody of	16		
Clerk to publish	16	Visitors	
removal of	16	conduct of	67
Reflections on members	33	distinguished	67
Relevance	33		