



Legislative Council

## **Sessional orders**

First Session of the Fifty-Sixth Parliament

Current as at 9 November 2016



**TABLE OF CONTENTS**

SESSIONAL ORDERS.....	5
(1) Sitting days.....	5
(2) Questions – time for questions without notice.....	5
(3) Motion for the adjournment.....	5
(4) Precedence of business.....	6
(5) Debate on committee reports.....	6
(6) Formal motions – SO 44.....	6
(7) Quorums – SO 29 and 30.....	7
(8) Lapsed questions – SO 106.....	8
(9) Tabling of reports and documents when House not sitting – SO 55.....	8
(10) Pecuniary interest – SO 210 (10).....	8
(11) Postponement of items in the order of precedence – SO 188.....	9
(12) Expiry of private members’ business notices of motions.....	9
(13) Debate on private members’ motions – SO 186.....	9
(14) Time limits to debate on government bills.....	10
(15) Substituting an item in the order of precedence – SO 185.....	10
(16) Presentation of petitions – SO 68.....	11
(17) Participation by members of the House and others – SO 218.....	11
(18) Consideration of a document – variation to SO57.....	12
(19) Instruction to committee of the whole – variation to SO 180.....	12
(20) Suspension of standing and sessional orders – variation to SO 198.....	12
(21) Passing of bill through all stages – variation to SO 154.....	13
(22) Conduct of business – variation to SO 37.....	13
(23) Cut-off dates for Government bills 2016.....	14
(24) Cut-off dates for Government bills 2017.....	15
EXPIRED SESSIONAL ORDERS.....	17
Cut-off date for government bills.....	17
Cut-off date for government bills.....	17
Variation to sessional orders.....	18



## **SESSIONAL ORDERS**

### **(1) Sitting days**

[adopted 6 May 2015, amended 24 February 2016]

That, during the present session and unless otherwise ordered, this House meet for the despatch of business each week as follows:

Monday	11.00 am
Tuesday	2.30 pm
Wednesday	11.00 am
Thursday	10.00 am
Friday	11.00 am.

### **(2) Questions – time for questions without notice**

[adopted 6 May 2015]

That, during the present session and unless otherwise ordered:

1. Questions are to commence at 4.00 pm on Monday and Tuesday, and at 2.30 pm on Wednesday, Thursday and Friday.
2. Whenever the House adjourns to a day and time later than the time appointed in paragraph 1, questions are to commence 30 minutes after the time appointed for the meeting of the House.
3. If, at the time for interruption:
  - (a) a division is in progress, the division is to be completed and the result announced,
  - (b) the House is in committee of the whole, the Chair is to leave the Chair and report progress,

and any business then under discussion, if not disposed of, is to be set down on the Notice Paper for a later hour of the sitting.

### **(3) Motion for the adjournment**

[adopted 6 May 2015, amended 24 February 2016]

That, notwithstanding anything to the contrary in the standing orders, during the present session and unless otherwise ordered:

1. Proceedings must be interrupted at 10.00 pm on Tuesday, 7.00 pm on Wednesday and half an hour after the conclusion of Questions on Thursday and at the conclusion of Questions on Friday to permit a motion for adjournment to be moved to terminate the sitting if a minister thinks fit.

2. If at the time of interruption the House is in committee of the whole, the Chair will interrupt business and inquire if the Minister wishes to move that the Chair report progress and seek leave to sit again.

**(4) Precedence of business**

[adopted 6 May 2015, amended 25 February 2016]

That, during the present session and unless otherwise ordered:

1. Government business is to take precedence of general business on Monday, Tuesday, Wednesday and Friday, and after the conclusion of general business on Thursday each week.
2. General business is to take precedence until half an hour after the conclusion of Questions on Thursday each week.

**(5) Debate on committee reports**

[adopted 6 May 2015]

That, notwithstanding anything contained in the standing orders, during the present session and unless otherwise ordered, debate on committee reports is to take precedence after questions on Tuesdays until 6.30 pm.

**(6) Formal motions – SO 44**

[adopted 6 May 2015]

That, notwithstanding anything to the contrary in the standing orders, during the current session and unless otherwise ordered, standing order 44 be varied as follows:

1. Before the House proceeds to the business on the Notice Paper, the President will ask with respect to each notice of motion, at the request of the member who gave the notice, whether there is any objection to its being taken as a formal motion. If no objection is taken, the motion shall be taken as a formal motion.
2. Formal motions will be taken in the order in which they appear on the Notice Paper.
3. The request from a member that a notice of motion standing in the name of that member on the Notice Paper be taken as formal business must be signed by that member and handed to one of the Clerks-at-the-Table by 4.00 pm on the sitting day before the sitting day on which the member wishes the matter to be considered as formal business.
4. The question of 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.

**(7) Quorums – SO 29 and 30**

[adopted 6 May 2015]

That, notwithstanding anything to the contrary in the standing orders, during the current session and unless otherwise ordered, standing orders 29 and 30 be varied to read as follows:

**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.

**(8) Lapsed questions – SO 106**

[adopted 6 May 2015]

That, notwithstanding anything to the contrary in the standing orders, during the current session and unless otherwise ordered, standing order 106 be varied to read as follows:

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.

**(9) Tabling of reports and documents when House not sitting – SO 55**

[adopted 6 May 2015]

That, during the current session and unless otherwise ordered, standing order 55 be varied to read as follows:

1. Where, under any Act, a report or other document is required to be tabled in the House, 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:
  - (a) on presentation, and for all purposes, deemed to have been laid before the House,
  - (b) to be printed by authority of the Clerk,
  - (d) for all purposes, deemed to be a document published by order or under authority of the House, and
  - (e) to be recorded in the Minutes of Proceedings of the House.
3. A report or other document which is not required to be tabled in the House according to legislation may not be lodged with the Clerk when the House has been prorogued.

**(10) Pecuniary interest – SO 210 (10)**

[adopted 6 May 2015]

That, during the present session and unless otherwise ordered, standing order 210 (10) be amended to read:

- 210 (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.



**(11) Postponement of items in the order of precedence – SO 188**

[adopted 6 May 2015]

That, during the current session and unless otherwise ordered, standing order 188 be varied to read as follows:

188. (1) A notice of motion in the order of precedence may only be postponed once. A notice of motion postponed for a second time will be removed from the order of precedence and returned to its position outside the order of precedence, unless the House otherwise orders, on motion moved without notice.
- (2) This sessional order does not apply to notices of motions for bills.

**(12) Expiry of private members' business notices of motions**

[adopted 6 May 2015]

1. That, during the current session and unless otherwise ordered, a private members' business notice of motion outside the order of precedence that has remained on the Notice Paper for 20 sitting days without being moved will be removed from the Notice Paper.
2. This sessional order does not apply to notices of motions for bills or for the disallowance of statutory rules.

**(13) Debate on private members' motions – SO 186**

[adopted 6 May 2015]

That, during the current session and unless otherwise ordered, standing order 186 be varied to read as follows:

1. An item of private members' business, other than a bill, must not receive more than two hours of debate.
2. When an item other than a bill is being considered:
  - (a) the mover of the motion may speak for not more than 20 minutes, and
  - (b) any other member may speak for not more than 15 minutes.
3. When an item other than a bill is not earlier disposed of, at 10 minutes before the end of the time provided for the consideration of the item, the President is to interrupt proceedings to allow the mover of the motion to speak in reply for not more than 5 minutes. The President will then put every question necessary to dispose of the motion, forthwith and successively without further amendment or debate, unless the motion is withdrawn as provided by the standing orders.
4. When an item is interrupted to allow the mover of the motion to speak in reply:

- (a) 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 in debate, and
- (b) a motion moved under this sessional order members may not speak for more than five minutes, and after the expiration of 30 minutes, the President will put the question including any amendments.

#### **(14) Time limits to debate on government bills**

[adopted 6 May 2015]

That, during the current session and unless otherwise ordered, 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 the following time limits will apply:
  - (a) the Minister moving the motion, and the lead Opposition speaker 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 made in committee of the whole 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.

#### **(15) Substituting an item in the order of precedence – SO 185**

[adopted 6 May 2015]

That, during the current session and unless otherwise ordered, standing order 185 be varied as follows:

1. A member who has an item of private members' business in the order of precedence may substitute for that item, an item of private members' business outside the order of precedence standing in the name of that member.
2. A member substituting an item in the order of precedence must hand a signed notification of the substitution to one of the Clerks-at-the-Table during a sitting of the House.
3. Notification is to be given no later than the last sitting day in the week preceding the next day on which general business has precedence under the sessional orders.

4. Once a motion has been moved, it cannot be substituted.

### **(16) Presentation of petitions – SO 68**

[adopted 6 May 2015]

That, during the current session and unless otherwise ordered:

1. When a petition referred to Minister under standing order 68 contains more than 500 signatures the Minister must table a response within 35 calendar days of a petition being received by the House.
2. If at the time the Minister is required to table the response the House is not sitting, the response may be presented 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) to be printed by authority of the Clerk,
  - (c) for all purposes, deemed to be a document published by order or under the authority of the House,
  - (d) to be recorded in the Minutes of the Proceedings of the House, and
  - (e) to be forwarded by the Clerk to the member who lodged the petition.

### **(17) Participation by members of the House and others – SO 218**

[adopted 6 May 2015]

That, during the current session and unless otherwise ordered, standing order 218 be varied to read as follows:

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 and question witnesses 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 express invitation of the committee, and will always be excluded when the committee is deliberating.

**(18) Consideration of a document – variation to SO57**

[adopted 6 May 2015]

That, for the duration of the current session and unless otherwise ordered, standing order 57 be varied to include the following paragraph:

- (2) (a) Debate is to be immediately adjourned and set down on the Notice Paper for resumption on the next sitting day as government or general business, as the case may be.
- (b) Each speaker in the debate is limited to 10 minutes.
- (c) After one hour, the Chair is to interrupt business and put all questions to finally dispose of the matter.

**(19) Instruction to committee of the whole – variation to SO 180**

[adopted 6 May 2015]

That, for the duration of the current session and unless otherwise ordered, standing order 180 be varied to read as follows:

180. Motion for an instruction

- (1) A motion for an instruction is to be moved before the House resolves itself into committee of the whole House or when the order of the day is read for the resumption of committee.
- (2) An instruction to committee of the whole in relation to a bill must be moved after the second reading and before the House resolves itself into committee of the whole, or when the order of the day is read for the resumption of committee.
- (3) An instruction may be moved as an amendment on the question for the adoption of the report of the committee.

**(20) Suspension of standing and sessional orders – variation to SO 198**

[adopted 6 May 2015]

That, for the duration of the current session and unless otherwise ordered, standing order 198 be varied to read as follows:

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 motion on notice, or
  - (b) by leave of the House.

- (2) On the President calling on any notice of motion, or reading the prayers; or on the Clerk being called upon to read any 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 member may not speak for more than five minutes, and if the debate is not concluded after the expiration of 30 minutes after the moving of the motion the question on the motion will then be put.
- (4) A motion for the suspension of standing orders to allow the moving of a motion forthwith that an order of the day or motion on the Notice Paper relating to an order for papers under standing order 52, or an Address to the Governor under standing order 53, 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.

### **(21) Passing of bill through all stages – variation to SO 154**

[adopted 6 May 2015]

That, for the duration of the current session and unless otherwise ordered, standing order 154 be varied to read as follows:

#### 154. Bills received from the Legislative Assembly

- (1) Bills coming to the Council for the first time from the Assembly will be proceeded with in the same manner as bills originated in the Council, except for initiation.
- (2) On any bill being presented by the Legislative Assembly to the Legislative Council for its concurrence and being read a first time and printed, 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.
- (3) Whenever the President has several messages from the Legislative Assembly to report transmitting bills for concurrence, the President may inquire if leave is granted for procedural motions for the first reading, printing suspension of standing orders, and fixing the day for the second reading to be dealt with on one motion without formalities.

### **(22) Conduct of business – variation to SO 37**

[adopted 6 May 2015]

That, for the duration of the current session and unless otherwise ordered, standing order 37 be varied to read as follows:

#### 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.

### **(23) Cut-off dates for Government bills 2016**

[adopted 18 November 2015]

1. That the following procedures apply to the passage of government bills introduced by a Minister or received from the Legislative Assembly after 12 May 2016 (Budget sittings):
  - (a) If after the first reading, a Minister declares a bill to be an urgent bill and copies have been circulated to members, 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 cross bench 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.
  - (b) If the question on urgency is negatived or if urgency is not sought:
    - (i) if the bill originated in the Legislative Assembly, 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 any one sitting of the House after the winter recess, and
    - (ii) the debate on the motion for the second reading of any bill introduced or received after 12 May 2016 is to be adjourned at the conclusion of the speech of the Minister moving the motion, and the resumption of the debate is to be made an order of the day for the first sitting day after the winter recess.
2. That the following procedures apply to the passage of government bills introduced by a Minister or received from the Legislative Assembly after 20 October 2016 (Spring sittings):
  - (a) If after the first reading, a Minister declares a bill to be an urgent bill and copies have been circulated to members, 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 cross bench 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.
  - (b) If the question on urgency is negatived or if urgency is not sought:
    - (i) if the bill originated in the Legislative Assembly, 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 any one sitting of the House after the summer recess, and

- (ii) the debate on the motion for the second reading of any bill introduced or received after 20 October 2016 is to be adjourned at the conclusion of the speech of the Minister moving the motion, and the resumption of the debate is to be made an order of the day for the first sitting day after the summer recess.

**(24) Cut-off dates for Government bills 2017**

[adopted 19 October 2016]

1. That the following procedures apply to the passage of government bills introduced by a Minister or received from the Legislative Assembly after 25 May 2017 (Budget sittings):
  - (a) If after the first reading, a Minister declares a bill to be an urgent bill and copies have been circulated to members, 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 cross bench 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.
  - (b) If the question on urgency is negatived or if urgency is not sought:
    - (i) if the bill originated in the Legislative Assembly, 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 any one sitting of the House after the winter recess, and
    - (ii) the debate on the motion for the second reading of any bill introduced or received after 25 May 2017 is to be adjourned at the conclusion of the speech of the Minister moving the motion, and the resumption of the debate is to be made an order of the day for the first sitting day after the winter recess.
2. That the following procedures apply to the passage of government bills introduced by a Minister or received from the Legislative Assembly after 19 October 2017 (Spring sittings):
  - (a) If after the first reading, a Minister declares a bill to be an urgent bill and copies have been circulated to members, 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 cross bench 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.
  - (b) If the question on urgency is negatived or if urgency is not sought:
    - (i) if the bill originated in the Legislative Assembly, 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 any one sitting of the House after the summer recess, and
    - (ii) the debate on the motion for the second reading of any bill introduced or received after 19 October 2017 is to be adjourned at the conclusion of the

speech of the Minister moving the motion, and the resumption of the debate is to be made an order of the day for the first sitting day after the summer recess.

**(25) Votes of members with the care of a child**

[adopted 9 November 2016]

That, for the duration of the current session, standing order 113 be varied by inserting after paragraph (3):

- (4) Paragraph (3) does not apply, at the discretion of the President, to a member caring for a child and seated in the President's gallery when the question is put with the doors locked.



## **EXPIRED SESSIONAL ORDERS**

### **Cut-off date for government bills**

[adopted 6 May 2015]

That, during the current session and unless otherwise ordered, the following procedures apply to the passage of government bills:

1. Where a bill is introduced by a Minister, or is received from the Legislative Assembly after 4 June 2015 (Autumn Session) debate on the motion for the second reading is to be adjourned at the conclusion of the speech of the Minister moving the motion, and the resumption of the debate is to be made an Order of the Day for the first sitting day after the winter recess.
2. However, if after the first reading, a Minister declares a bill to be an urgent bill and copies have been circulated to members, 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 cross bench 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.

### **Cut-off date for government bills**

[adopted 13 October 2015]

That, during the current session and unless otherwise ordered, the following procedures apply to the passage of government bills:

1. Where a bill is introduced by a Minister or is received from the Legislative Assembly after 29 October 2015 (Spring Session), debate on the motion for the second reading is to be adjourned at the conclusion of the speech of the Minister moving the motion, and the resumption of the debate is to be made an Order of the Day for the first sitting day after the summer recess.
2. However, if after the first reading, a Minister declares a bill to be an urgent bill and copies have been circulated to members, 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 cross bench 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.

**Variation to sessional orders**

[adopted 14 October 2015 for the remainder of 2015]

That for the remainder of 2015:

- (a) the House meet for the despatch of business on Thursdays at 10.00 am,
- (b) general business is to take precedence until half an hour after questions on Thursday each week, and
- (c) proceedings must be interrupted half an hour after the conclusion of questions on Thursday to permit a motion for adjournment to be moved to terminate the sitting if a minister thinks fit.