

SOUTH



AUSTRALIA

The
Standing Orders

OF THE

LEGISLATIVE COUNCIL

RELATING TO

PUBLIC BUSINESS

TOGETHER WITH THE

Joint Standing Orders

AGREED TO BY BOTH HOUSES

Ordered to be printed with amendments, 1 August 2024

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STANDING ORDERS

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The Standing Orders

OF THE

Legislative Council

RELATING TO

PUBLIC BUSINESS

Amended and amendments adopted by the Council, 6th and 22nd October, 1903, and approved by the Governor, 30th October, 1903.

Amended and amendments adopted by the Council, 4th August, 1914, and approved by the Governor, 13th August, 1914.

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Further amended and amendment adopted by the Council, 6th December, 1939, and approved by the Governor, 11th January, 1940.

Further amended and amendments adopted by the Council, 22nd September, 1953, and approved by the Governor, 24th September, 1953.

Further amended and amendments adopted by the Council, 6th October, 1953, and approved by the Governor, 8th October, 1953.

Further amended and amendment adopted by the Council, 4th October, 1956, and approved by the Governor, 11th October, 1956.

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Further amended and amendments adopted by the Council, 5th February, 1976, and approved by the Governor, 19th February, 1976.

Further amended and amendment adopted by the Council, 31st July, 1986, and approved by the Governor, 7th August, 1986.

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Further amended and amendments adopted by the Council, 12 October 2021 and 18 November, 2021, and approved by the Governor, 3 February 2022.

Further amended and amendments adopted by the Council, 4 June 2024 and approved by the Governor, 1 August 2024.

INTRODUCTORY

CHAPTER I

INTRODUCTORY

1. In all cases not provided for hereinafter or by Sessional or other Orders, the President shall decide, taking as the guide the rules, forms and usages of the House of Commons of the Parliament of the United Kingdom of Great Britain and Northern Ireland in force from time to time so far as the same can be applied to the proceedings of the Council or any Committee thereof.

Usages of House of Commons to be observed, unless other provision is made.

2. Except so far as is expressly provided herein, these Standing Orders shall in no way restrict the mode in which the Council may exercise and uphold its powers, privileges, and immunities.

Reservation of powers, etc.

3. The words and phrases following shall in these Orders have and include the meanings hereby respectively assigned to them, viz:-

Definition.

“Council” - The Legislative Council of South Australia; or the said Council sitting as a House and not in Committee:

“Clerk” - The Clerk of the Legislative Council and Clerk of the Parliaments:

“Black Rod” - The Usher of the Black Rod:

“Minutes” - The Minutes of the Proceedings of the Legislative Council:

“Leave of the Council” - Leave granted without dissentient voice:

“Written” and “in writing” - Written by hand or printed, or partly the one and partly the other.

4. All previous Standing Rules and Orders of this Council relating to Public Business are hereby repealed.

Repeal.

OPENING OF PARLIAMENT

CHAPTER II

PROCEEDINGS ON THE OPENING OF PARLIAMENT

Proclamation
read.

5. On the Council assembling pursuant to the Proclamation convening the Parliament for the dispatch of business, the Clerk shall read the Proclamation, and the Council shall then await the arrival of the Governor or the Commission representing the Governor.

Governor,
how received.

6. The Governor on arrival shall be announced by Black Rod, and shall be conducted to the Chair by the President, who shall take the chair on the right hand of the Governor.

Commissioners,
how received.

7. The Commissioners of the Governor shall be announced and introduced to the Chamber by Black Rod. The Commission shall be read by the Clerk.

Message to
House of
Assembly,
how
delivered.

8. The Message to the House of Assembly from the Governor or Commissioner, requiring the attendance of that House in the Council Chamber shall be delivered by Black Rod. When the Members of the Assembly have come with their Speaker into the Chamber, the Bar shall be drawn until the departure of the Governor or the Commissioners.

See also Order No. 15.

Members to be
sworn.

Writs.

9. New Members present shall be admitted within the Bar and take and subscribe the Oath or Affirmation provided by the Constitution, the Writ of Election of each Member, with the Return duly endorsed thereon, having been previously received and laid upon the Table.

President to
be elected.

10. If the office of President be vacant, the Council shall proceed to the election of a President, in manner hereinafter provided, so soon as the Commissioners shall have withdrawn.

See Orders Nos. 16-23.

OPENING OF PARLIAMENT

11. Standing Committees shall be appointed.

Committees
appointed.

See Order No. 414.

12. The President shall lay on the Table a copy of the Governor's Opening Speech, and a Committee to prepare a draft Address in Reply thereto shall be nominated, to whom the said Speech shall stand referred.

Address in
Reply,
Committee
appointed.

See Order No. 377.

13. The Address, when reported by the Committee, shall be considered by the Council, and, when adopted, shall be presented to the Governor by the President, accompanied by any Members of the Council who may think fit to attend.

Address
adopted and
presented to
Governor.

See also (*Addresses*) Orders Nos. 239-241.

14. *Standing Order repealed.*

15. When the Opening Speech is delivered by the Sovereign in person:-

Opening by
Sovereign in
person.

- (a) The Message to the House of Assembly mentioned in Standing Order No. 8 need not be sent and the Speaker and Members of the House of Assembly may be admitted to the Legislative Council Chamber without any such message;
- (b) Standing Order No. 5 shall apply as if the words "the Sovereign" were substituted for the words "the Governor or the Commission representing the Governor";
- (c) Standing Order No. 6 shall apply as if the words "the Sovereign" were substituted for the words "The Governor";
- (d) Standing Orders Nos. 12 and 14 shall apply as if the words "Speech of the Sovereign" were substituted for the words "Governor's Opening Speech";
- (e) Subject to the preceding paragraphs, the procedure set out in these Orders shall apply as when the Opening Speech is delivered by the Governor.

ELECTION OF PRESIDENT

CHAPTER III

ELECTION OF PRESIDENT

A Member
proposed as
President.

16. At the time for election of a President a Member, addressing the Clerk, shall propose another Member then present to the Council for their President, and move that such Member be President of the Council.

See Order No. 10.

When
unopposed,
such Member
conducted to
the Chair.

17. Such motion having been seconded, if no other Member is proposed as President, the Member so proposed, being called to the Chair without question put, shall submit to the House; and being again called upon shall be conducted by the Mover and Seconder to the Chair.

When two
Members
proposed,
mode of
voting.

18. In the event of there being two Members proposed and seconded for the office of President, the votes shall be taken by each Member of the Council then present delivering to the Clerk in writing the name of the Member whom the Member considers most fit and proper to be the President of the Council; and the Member obtaining the greater number of votes shall be declared elected, and conducted to the Chair as aforesaid.

When more
than two
Members
proposed,
mode of
voting.

19. If more than two Members have been so proposed and seconded the votes shall be taken in like manner, and the Member having the greatest number of votes shall be the President, provided that the Member has also a majority of the votes of the Members present; but if no candidate has such majority the name of the Member who has the smallest number of votes shall be withdrawn, and the votes shall be taken for the remaining candidates in like manner until the number is reduced to two; and of such two the Member in like manner obtaining the greater number of votes shall be the President, and shall be conducted to the Chair in manner aforesaid.

ELECTION OF PRESIDENT

20. In the event of there being an equality of votes between candidates having the smaller number, or when the number of candidates is, or has been reduced to, two, the Clerk shall declare such to be the case, and the votes shall be again taken; when, if again there shall be an equality of votes, the Clerk shall determine by lot which name of such candidates shall be withdrawn, or which shall be deemed to have obtained the greater number of votes, as the case may be.

In case of tie.

21. Prior to the President assuming the Chair, the Clerk shall act as Chairperson of the Council.

Clerk acts as Chairperson till President elected.

22. The President having assumed the Chair, and having received and acknowledged the congratulations of the Council, the Council shall notify such election to the Governor, by a Deputation of the said Council, at such time as the Governor shall be pleased to appoint.

Election of President to be notified to Governor.

23. In presentation to the Governor, the President shall, in the name and on behalf of the Council, lay claim to the right of free access to and communication with the Governor, and that the most favourable construction may be placed upon all the proceedings of the Council; and, being returned to the Chamber, the President shall report the circumstances of the presentation, and the reply of the Governor to the Deputation.

President to make certain claims.

And report to Council.

ABSENCE OF PRESIDENT - THE CLERK

CHAPTER IV

ABSENCE OF PRESIDENT AND VACANCY DURING SESSION - THE CLERK

Unavoidable
absence of
the President.

24. Whenever the Council shall be informed by the Clerk at the Table of the unavoidable absence of the President, the Council shall choose some other Member who shall fill the office and perform the duties of President in relation to all proceedings of the Council as Deputy President until the next meeting of the Council, the question being put to the Council by the Clerk; and so on from day to day, on the like information being given to the Council, until the Council shall otherwise order: Provided that, if the Council shall adjourn for more than twenty-four hours, the Deputy President shall continue to perform the duties and exercise the authority of President for twenty-four hours only after such adjournment.

Absence of
the President
on leave.

25. In case of the absence of the President in consequence of leave granted to the President by the Council, the Council shall, in like manner, choose some other Member to fill the office and perform the duties of the President as Deputy President, and such other Member shall have all the powers and authorities of the President during such absence.

President's
Office
vacated
during
Session.

26. When a vacancy occurs in the office of President during a Session, the Clerk shall report the same to the Council on its next meeting, and the Council shall forthwith proceed to the election of a new President in the manner hereinbefore provided.

See Orders Nos. 16-23.

Absence of
Clerk.

27. In the case of the unavoidable absence or the illness of the Clerk, the Clerk's duties shall be performed by the Deputy Clerk.

MEMBERS' ROLL - THE MINUTES

CHAPTER V

MEMBERS' ROLL - THE MINUTES

28. A Members' Roll shall be kept by the Clerk, showing the names of the Members elected, the date on which each Member was elected and takes the Oath or Affirmation, and the date of each Member's ceasing to be a Member and the cause thereof. The name of each Member shall be written in the Member's own handwriting on the said Roll, on the day on which such Member takes the Oath or Affirmation.

Members'
Roll to be
kept by Clerk.

Names
inscribed by
Members.

29. All proceedings in the Council and in Committee shall be noted by the Clerk, and, being printed, shall be signed by the Clerk, and shall constitute the "Minutes of the Proceedings of the Legislative Council".

Minutes of
Proceedings.

30. The Clerk shall keep a record of the names of all Members present during any part of each day's proceedings, such record to be appended to each day's Minutes.

Members
present to
be recorded.

31. The custody of all Documents and Papers belonging to the Council shall be in the Clerk who shall not permit any to be removed from the offices or produced in evidence without the express leave or order of the President or Council.

Custody of
documents
in the Clerk.

See also Orders Nos. 400, 444.

ATTENDANCE AND LEAVE OF ABSENCE

CHAPTER VI

ATTENDANCE OF MEMBERS AND LEAVE OF ABSENCE

Members to
attend the
service of
the Council.

32. Every Member shall attend the service of the Council, unless leave of absence be given to the Member by the Council.

See Constitution Act, section 17, regarding absence of Members for 12 consecutive sitting days without leave.

Leave of
absence may
be given.

33. Leave of absence may be given by the Council to any Member for any sufficient cause to be stated to the Council. With the exception that a Member who is pregnant shall be entitled, without vote of the Council, to twenty weeks maternity leave of absence, and that leave shall commence at a time notified by the President.

Motion for
leave
requires
notice.

34. Notice shall be given of a motion for giving leave of absence except for a period of maternity leave, to any Member, stating the cause and period of absence.

See (Priority on Notice Paper) Order No. 64.

Leave
excuses from
service.

35. A Member shall be excused from service in the Council or on any Committee so long as the Member has leave of absence.

Leave
forfeited.

36. Any Member, having leave of absence, shall forfeit the same by attending the service of the Council before the expiration of such leave except for a period of maternity leave.

CALL OF THE COUNCIL

CHAPTER VII

CALL OF THE COUNCIL

37. No order for a Call of the Council shall be made for any day earlier than seven days from the day on which such order shall have been made.

Call of Council not earlier than seven days.

38. A notice of the order for a Call of the Council, signed by the Clerk, shall be forwarded to each Member of the Council.

Notice of call.

39. For the purpose of enabling such notice to be given, Members shall, at the commencement of each Session, or so soon as they shall have taken their seats, enter their names and addresses in a book to be kept by the Clerk.

Members to give their addresses.

40. The order for calling over the Council on a future day shall be set down as the first Order of the Day for the day so appointed.

First Order of the Day.

41. When the Order of the Day for calling over the Council is read, unless the same be postponed or discharged, the names of the Members shall be called over by the Clerk alphabetically.

Order of calling the names.

42. The names of all Members who do not answer when called shall be taken down by the Clerk, and subsequently called over a second time; when those who answer, or afterwards attend in their places on the same day, may be excused.

Members not present but subsequently attending.

43. Members not attending in their places on the day of a Call of the Council may be ordered to attend on a future day.

Members ordered to attend.

PLACES OF MEMBERS

CHAPTER VIII

PLACES OF MEMBERS

Places reserved
for Ministers of
the Crown.

44. The seats nearest to the right hand of the President shall be reserved for Members holding office under the Crown.

Seat of
ex-Minister.

45. Whenever a change of a Minister holding office under the Crown takes place, the outgoing Minister shall be entitled to take the seat vacated by the Minister's successor.

Of New
Members.

46. Any question with regard to the seats to be occupied by new Members shall be determined by the President.

Tenure of
seats.

47. Members shall be entitled to retain the seats occupied by them at the time of their taking their seats for the first time after their election, so long as they may continue Members of the Council without re-election.

SITTING AND ADJOURNMENT - QUORUM

CHAPTER IX

SITTING AND ADJOURNMENT OF COUNCIL -
WANT OF QUORUM

48. The Council shall, unless otherwise ordered, meet for the dispatch of business on Tuesday, Wednesday, and Thursday in each week of the Session, at the hour of fifteen minutes past two o'clock in the afternoon.

Days of meeting.

49. The bells shall be rung for five minutes prior to the time appointed for the meeting of the Council.

Bells rung
for five
minutes.

50. The President shall take the Chair at the time appointed for the meeting of the Council; and if a *Quorum be not present before the expiration of ten minutes after that time, the President shall declare the Council adjourned to the next sitting day.

President
shall take Chair.

Quorum not
present.

51. Upon the President taking the Chair each day, the President, or the President's delegate, shall read the following Prayers and Acknowledgement of Country and Traditional Owners:

Opening
proceedings
with Prayers and
Acknowledgement
of Country and
Traditional Owners

Almighty God, we humbly beseech Thee to vouchsafe Thy blessing upon this Parliament. We pray Thee to direct and prosper our deliberations to the advancement of Thy Glory and the true Welfare of the people of this State.

Our Father, which art in Heaven, Hallowed by Thy Name. Thy Kingdom come. Thy will be done in earth, as it is in Heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive them that 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.

* By the *Constitution Act*, section 26, a quorum of the Council consists of at least 10 Members, including the President, or the person chosen to preside in the President's absence.

SITTING AND ADJOURNMENT - QUORUM

We acknowledge Aboriginal and Torres Strait Islander peoples as the traditional owners of this country throughout Australia, and their connection to land and community.

We pay our respects to them and their cultures, and to Elders both past and present.

Whilst Prayers and Acknowledgement of Country and Traditional Owners are being read, Members shall stand in their places, the Bar being drawn.

Members present to remain.

52. A Member, having entered the Chamber after the time appointed for the meeting of the Council, shall not be permitted to withdraw until a Quorum be made up or the Council adjourn.

Tellers or Chairperson reporting want of a quorum, Council is adjourned.

53. If it shall appear, on the report of a Division of the Council by the Tellers, or upon the report of the Chairperson of Committees, that a Quorum is not present, the President shall forthwith adjourn the Council to the next sitting day. No decision shall be considered to have been arrived at by such Division.

See (*in Committee*) Orders Nos. 368, 369.

When want of a quorum is noticed, the Council is counted.

54. If a Member shall, at any time after the commencement of business, take notice that a Quorum is not present, the President shall count the Council; whereupon, if a Quorum be not present, the bells shall be rung as for a Division, and if a quorum be not made up before the expiration of two minutes, the President shall then forthwith adjourn the Council to the next sitting day.

Adjournment.

See (*Taking Notice*) Order No. 182; (*Divisions*) Order No. 222.

Members present to remain.

55. When the President so proceeds to count the Council, no Member shall leave the Chamber until a Quorum be made up or the Council adjourn.

SITTING AND ADJOURNMENT - QUORUM

- 56.** Whenever the Council is adjourned for want of a Quorum, the hour of adjournment and the names of the Members then present shall be entered in the Minutes. Names of Members present recorded.
- 57.** Whenever the Council is adjourned for want of a Quorum to the next sitting day, and the same shall prove to be a public holiday proclaimed by the authority of the Government, then the Council shall stand adjourned to the next succeeding sitting day. Provision when next sitting day a holiday.
- 58.** Except in the cases provided for in Orders Nos. 50, 53, 54 and 213, the Council can only be adjourned by its own resolution. Council adjourns by resolution, exceptions.
- 59.** A motion “That the Council do now adjourn” may be made without notice at any time when no other Member is speaking or in possession of the House, and shall be moved and seconded without discussion and be immediately determined; but, if it be negatived, no such motion shall be again made within the next fifteen minutes, except by a Minister of the Crown. Motion to adjourn Council.

If negatived.
- This motion shall not be made or seconded during a debate by any Member who has already spoken in the debate, nor may the Mover of this Motion during the same debate either move it a second time or second it if moved by another Member; and similarly, a Seconder of this motion shall not subsequently move or again second it; but Members so moving or seconding shall not be held to have spoken in the debate. Restrictions.
- See (*Possession of House*) Order No. 166; and (*Other Summary Motions*) Orders Nos. 127, 195.

SITTING AND ADJOURNMENT - QUORUM

Half-past
six o'clock
suspension
of sitting.

60. If at half-past six of the clock the Council or a Committee of the Whole be sitting, the sitting of the Council or Committee shall be suspended for one hour, unless otherwise ordered: Provided that, if at the said time a Ballot or a Division shall have been ordered, the President, or the Chairperson of Committees, as the case may be, shall not leave the Chair until such Ballot or Division shall have been taken and any formal business immediately consequent thereon shall have been completed; after which it shall be in order on motion, without discussion or amendment -

- I. To adjourn any question still pending, and any business remaining on the Notice Paper, to a future day;
and

- II. To adjourn the Council,

but if any one of these motions be negatived, the sitting shall be forthwith suspended for one hour.

Suspension
of sitting at
other times.

61. A sitting of the Council may be temporarily suspended at any time on the motion of a Minister of the Crown.

Order in Business, see Orders Nos. 67-78; *Resumption of Business*, see Orders Nos. 76, 77; and *Suspension and Adjournment by President*, see Order No. 213.

THE NOTICE PAPER

CHAPTER X

THE NOTICE PAPER - ORDER IN BUSINESS

THE NOTICE PAPER

62. A Notice Paper showing all business of which Notice has been given or respecting which Order has been made by the Council, and the respective days for which such business is set, shall be prepared each sitting day by the Clerk, and, being signed by the Clerk, shall be printed, circulated amongst Members, and published and be appended to the Minutes.

Notice
Paper.

63. *Standing Order repealed.*

64. Unless otherwise ordered, Government Business shall on Tuesdays and Thursdays be entitled to take precedence on the Notice Paper of all other business, and Private Business on Wednesdays to the like precedence of Government Business:

Precedence
of business
on certain
days.

Provided that priority on the Notice Paper may, if so desired by the Member in charge, be given to Notices of Motion for the production or printing of Papers, for leave of absence to a Member, or for leave to introduce a Bill, and to Orders of the Day for the third reading of Bills; but if debate arise thereon the question shall either stand adjourned to a day to be fixed, or the determination thereof shall be postponed until the other business of the day has been disposed of, according as the Member in charge of the same may elect.

Priority of
unopposed
business.

See also (*Private Business*) Order No. 70.

65. Notices of Motion shall, as a rule, have priority on the Notice Paper over Orders of the Day; but a Minister may arrange the order of Government Business as the Minister thinks fit.

Precedence of
Notices of
Motion.
Government
Business.

NOTICE PAPER - ORDER IN BUSINESS

Order of
Notices and
Orders of
the Day.

66. Subject to preceding Standing Orders, Notices shall be entered on the Notice Paper in the order in which they were delivered at the Table and Orders of the Day according to priority of appointment.

Questions of Order or Privilege see Order No. 201.

Objections to President's Ruling see Order No. 205.

ORDER IN BUSINESS

Ordinary
routine of
business.

67. The Council shall, unless it otherwise directs, proceed each day with its ordinary business in the following order -

1. Presentation of Petitions. 2. Replies to Questions on Notice. 3. Tabling of Papers and Committee Reports. 4. Ministerial Statements. 5. Asking Questions without Notice and giving Notices of Motion. 6. The Business of the Day as set down on the Notice Paper.

See also (*Prayers*) Order No. 51.

Ministerial
Statements.

67a. In addition to Ministerial Statements being made in accordance with Order No. 67, Ministerial Statements may be made at any other time, by leave of the Council.

Matters of
Interest.

67b. At the conclusion of the period for Questions without Notice on Wednesdays, Members may make statements on matters of interest. Up to seven Members may speak for a maximum of five minutes each. The President may order the Member to be seated if, in the opinion of the President, the Member infringes Standing Orders governing the rules of debate.

Orders of
the Day
postponed,
discharged,
and revived
without
notice.

68. When the Business of the Day is called on by the Clerk, any Member in charge of any Order of the Day which appears on the Notice Paper or which may have lapsed therefrom, may move, without notice, that such Order be postponed, discharged, or revived for a future day, as the case may be; but no discussion or amendment shall be allowed on such motions.

See also (*Notices of Motion*) Orders Nos. 101, 120; (*Orders of the Day*) Orders Nos. 73, 155-157; (*Bills*) Order No. 281; and (*Committees*) Orders Nos. 372, 374.

ORDER IN BUSINESS

69. Unless otherwise ordered, the period for asking Questions without Notice and giving Notices of Motion may not exceed one hour. If, however, before the expiration of one hour, a Question is in the process of being asked or answered, then that Question may be asked and/or answered even though the period of one hour has expired.

Period for Questions without Notice and giving Notices of Motion.

70. The Business of the Day, when called on, shall, unless it be otherwise ordered, be proceeded with, and be disposed of in rotation, each Notice of Motion or Order being read by the Clerk at the Table: Provided that, on days on which Private Business has precedence, Government Business of the Day shall stand postponed to any Private Business which may have been previously interrupted and which the Council may order to be resumed.

Business of the Day disposed of without interruption except on Wednesdays.

See (*Precedence of Private Business*) Order No. 64.

71. *Standing Order repealed.*

72. A Notice of Motion called on in its order and not moved shall lapse.

Notices called and not moved lapse.

See (*Revival*) Order No. 120.

73. Orders of the Day which have been read and not moved or disposed of prior to the adjournment of the Council shall lapse; but they may be revived on Motion after notice, or as provided in Order No. 68.

Orders of the Day read and not disposed of lapse.
Revival.

74. If, at the adjournment of the Council, any Notices of Motion or Orders of the Day have not been called on or read, such Notices and Orders of the Day shall be set down on the Notice Paper for the next sitting day, at the end of the business already appointed for that day.

Business not called on.

ORDER IN BUSINESS

Business set
for day over
which
Council
adjourns.

75. If the Council adjourns over a day for which business has been appointed, such business shall be placed on the Notice Paper for the next sitting day, at the end of the business already appointed for that day, unless otherwise ordered.

Resumption of
interrupted
business.

76. Whenever the business before the Council shall have been interrupted by the receipt of a Message from the Governor or the House of Assembly and by the consequent dealing therewith, or by the holding of a Conference, or by any proceeding other than the calling on of the Business of the Day, the said business shall, so soon as the cause of such interruption has been disposed of, the Council not being adjourned, be resumed at the point where it was so interrupted.

See Orders Nos. 242, 250, 254, 60, etc.; (*in Committee*)
Orders Nos. 372-374; and (*Orders of the Day*)
Order No. 71.

Business
interrupted by
adjournment.

77. Any business interrupted by adjournment of the Council may be ordered to be resumed at the point where it was so interrupted, on Motion after Notice, or as provided in Order No. 68.

See (*in Committee*) Order No. 372.

Liberty to
Minister to
move.

78. Any motion connected with the ordering of the business of the Council may be moved by a Minister of the Crown at any time without notice.

Giving of Notices see Orders Nos. 98-106.

Questions to Members see Orders Nos. 107-113.

Debates on Matters of Urgency see Order No. 116.

Motions, etc. see Orders Nos. 114-120.

Orders of the Day see Orders Nos. 153-157.

Half-past Six O'clock Rule see Order No. 60.

Questions of Privilege and Order see Order No. 201.

Limit to Suspending Standing Orders see Order
No. 460.

Unopposed Business see Order No. 64.

PETITIONS

CHAPTER XI

PETITIONS

79. Every Petition shall be lodged with the Clerk at least two hours previously to the meeting of the Council at which it is proposed to present the same; and no Petition shall be presented to the Council unless it bears the Clerk's certificate that it is in conformity with the Standing Orders.

Petition to be lodged with and certified by Clerk.

80. No Petition shall be presented after the Council shall have proceeded to the giving of Notices, unless such Petition refer to the question before the Chair, when it may be presented at the time the Notice of Motion or Order of the Day is called on.

Time for presenting.

See (*Order in Business*) Order No. 67.

81. Every Petition shall be fairly written, and contain a request at the end thereof.

To be fairly written, and to contain a request.

See (*Definition of "Written"*) Order No. 3.

82. Every Petition shall be in the English language, or be accompanied by an English translation certified by the Member who presents it to be correct.

To be in English, or accompanied by translation.

83. Every Petition must be signed by at least one person upon the same sheet as that upon which the request has been inscribed.

To be signed on same sheet as request.

84. Every Petition shall be signed personally by the parties thereto, with their names and addresses, and shall not be signed by deputy, except under power of attorney or in cases of incapacity by sickness; and in all such instances the person actually signing shall affix their own name and address as well as those of the person for whom the person signs. Persons not knowing how to write shall affix their marks in the presence of a witness, who, shall, as such, affix their own name and address.

By whom to be signed.

PETITIONS

Signatures
not to be
transferred.

85. Every signature shall be upon the sheets bearing, or attached to the Petition itself, and not be pasted thereon or otherwise transferred thereto.

As from
persons
signing.

86. All Petitions shall be received only as the petitions of the parties signing the same.

From
Corporations.

87. Petitions of Corporations aggregate shall be under their common seal.

No document
to be
attached,
exception.

88. No letters, affidavits, or other documents shall be attached to any Petition, not being a Petition for a Private Bill.

Must be
respectful.

89. Every Petition shall be decorous and temperate in its language, and not disrespectful to any branch of the Legislature.

By whom
presented.

90. Petitions can only be presented to the Council by a Member.

Not from
Member
presenting.

91. A Member cannot present a Petition on the Member's behalf.

Member to affix
name and number
of signatures.

92. The name of a Member presenting a Petition shall be affixed at the beginning thereof, with the number of signatures.

PETITIONS

93. The Clerk shall make an announcement to the Council as to the Petitions lodged with the Clerk for presentation to the Council (except a Petition for a Private Bill or relating to a Private Bill before the Council), indicating in the case of each Petition, the Member who lodged it, the identity of the petitioners and the subject matter of the Petition. A Member may, however, present a Petition personally, indicating the identity of the petitioners, and the subject matter of the Petition before bringing it to the Table. No discussion on the subject matter of a Petition shall be allowed and every Petition so presented shall be deemed to have been received by the Council: Provided that in the case of a Petition complaining of some present personal grievance, for which there may be an urgent necessity for providing an immediate remedy, the matters contained in such Petition may be brought into discussion on the presentation thereof.

Clerk to announce particulars of Petitions lodged.

Provision for urgency.

94. *Standing Order repealed.*

95. *Standing Order repealed.*

96. No Member shall move that a Petition be printed unless the Member shall state it to be their intention to make a motion upon the subject to which the Petition relates.

Motion for printing.

See (*Printing of Petitions*) Orders Nos. 418-419.

97. No Petition, the prayer of which is for a distinct grant of money, shall be received by the Council.

Not received for grant of money.

GIVING OF NOTICES

CHAPTER XII

GIVING OF NOTICES

Notice of
Motion,
how given.

98. Notice of Motion shall be given at the time of giving Notices, unless otherwise provided, by a Member reading it aloud, and delivering at the Table a copy thereof fairly written, signed by the Member, and showing the day proposed for bringing on such motion.

See (Order in Business) Order No. 67; (Period for Questions without Notice giving Notices of Motion) Order No. 69; (On a previous day) Order No. 114; and (Exceptions as to time) Orders Nos. 310, 411, 419.

Notice of
Question,
how given.

98a. A Member may give Notice of Question by delivering a written copy of such Question to the Clerk not less than two hours before the time appointed for the meeting of the Council.

When entered on
Notice Paper.

98b. When Notice of Question is given pursuant to Order 98a, the Clerk shall place the same on the Notice Paper and shall show on the Notice Paper the day on which such Question was first printed.

Answers to
Questions on
Notice.

98c. The Answer to a Question on Notice pursuant to Order 98a shall be given by delivering the Answer in writing to the Clerk not less than two hours before the time appointed for the meeting of the Council on any day. After presentation of Petitions on each day, the President shall direct that a copy of such Answer be provided by the Clerk forthwith to the Member who asked the Question, the subject of the Answer. The President shall further direct that such Question and Answer be printed in *Hansard* as part of the proceedings of that day.

Question to
President not
entered.

99. No Notice of a Question addressed to the President shall be given for entry on the Notice Paper.

GIVING OF NOTICES

100. A Member may give notice for another Member not then present. The names of both Members must appear on the Notice.

Given for an absent Member.

101. A Member desiring to change the day for bringing on a Motion, may give fresh Notice for any day subsequent to that first named.

Postponement of Motion.

102. After a Notice has been given, the terms thereof may be altered by the Member reading aloud and delivering at the Table, at the usual time of giving Notices, an amended Notice, any day prior to that appointed for proceeding with the motion; but such amended Notice must not exceed the scope of the original Notice.

Terms altered.

Limitation.

103. No Notice shall be received after the Council shall have proceeded to the Business of the Day.

Not received after commencement of Business of the Day.

See (Business of the Day) Order No. 67.

104. If any Notice contains unbecoming expressions, or offends against any Standing or other Order of the Council, the President shall amend the same or order that it be not printed; or it may be expunged from the Notice Paper by order of the Council.

If out of order, amended, or expunged.

105. If a Notice of Motion be given which contains matter not relevant to each other, the President may instruct the Clerk to divide such Notice into two or more Notices.

If of irrelevant matter, may be divided.

106. *Standing Order Repealed*

QUESTIONS TO MEMBERS

CHAPTER XIII

QUESTIONS TO MEMBERS

Questions respecting public business.

107. At the time of giving Notices, Questions may be put to a Minister of the Crown relating to public affairs; and to other Members, relating to any Bill, Motion, or other public matter connected with the business of the Council, in which such Members may be specially concerned.

Members may ask further Questions.

108. Whenever a Question is answered after Notice, it shall be open to any Member to put further Questions arising out of and relevant to the answer given.

Not to involve argument, inference, etc.

109. In putting any Question, no argument, opinion or hypothetical case shall be offered, nor inference or imputation made, nor shall any facts be stated or quotations made including quotations from *Hansard* of the debates in the other House, except by leave of the Council and so far only as may be necessary to explain such Question.

No debate allowed in reply.

110. In answering any Question, a Member shall not debate the matter to which the same refers.

Minister may decline to reply, and may answer an unasked Question.

111. A Minister of the Crown may, on the ground of public interest, decline to answer a Question; and may, for the same reason, give a reply to a Question which, when called on, is not asked.

112. *Standing Order repealed.*

113. *Standing Order repealed.*

Order in Business see Order No. 67.

Questions to President see Order No. 99.

MOTIONS

CHAPTER XIV

MOTIONS - QUESTIONS FROM THE CHAIR -
AMENDMENTS - PREVIOUS QUESTION

MOTIONS

114. No substantive Motion shall, unless by leave of the Council, or in pursuance of these Orders, be moved except after Notice openly given at a previous sitting of the Council and duly entered on the Notice Paper.

No Motion to be made without a previous day's Notice.

See (*Giving of Notices*) Orders Nos. 98-106.

115. In the absence of a Member who has given Notice of a Motion, the same may not, except by leave of the Council and at the request of such Member, be moved by another Member.

May not be moved by another Member except by leave.

See also (*Order of the Day*) Order No. 156; (*Reply*) Order No. 177.

116. A Debate on any definite matter of urgent public importance, the nature of which shall be stated in writing to the President - and of which urgency the rising in their places of three Members shall be sufficient evidence - may be allowed on a Motion, without notice, that the Council at its rising adjourn to some irregular day or hour, provided that it be moved after the giving of Notices and before the Business of the Day has been proceeded with.

Matters of urgent public importance.

Any such Motion shall be in lieu of Questions without Notice for that day and shall be limited to one hour's duration unless otherwise ordered. Not more than one Motion under this Order shall be allowed during a sitting of the Council, nor may more than one such matter be raised upon the same motion.

Restrictions.

See (*Order in Business*) Order No. 67.

MOTIONS - QUESTIONS FROM THE CHAIR

Not to
anticipate
business on
the Paper.

117. No Motion under the next preceding Order, or otherwise, shall seek to anticipate Debate upon any matter which appears upon the Notice Paper.

See (*Anticipating Debate*) Order No. 185.

Vote of
Thanks.

118. A Motion for a Vote of Thanks of the Council may be moved, without notice, by a Minister of the Crown.

See also (*Addresses*) Order No. 235.

Motion not
seconded.

119. A Motion, not being an Order of the Day, if not seconded, may not be further debated, and no entry thereof shall be made in the Minutes.

See (*in Committee*) Order No. 363; (*Order of the Day*) Order No. 154; and (*Amendments*) Order No. 133.

Motions
withdrawn,
etc. again
brought on.

120. A Motion which has lapsed, or has been withdrawn or superseded, or which has not been seconded, may be again made after notice.

See Orders Nos. 72, 123, 122, 119, and Nos. 140 and 152.

Same Question see Order No. 124.

Order in Business see Orders Nos. 67-78.

QUESTIONS FROM THE CHAIR

Question
proposed by
President.

121. When a motion has been made and seconded, a Question thereon shall be “proposed” to the Council by the President.

How
superseded.

122. A Question is superseded -

- I. By adjournment of the Council;
- II. By the Previous Question being resolved in the affirmative;
- III. By amendment.

See (*Revival*) Orders Nos. 73, 77, 145, 120.

QUESTIONS FROM THE CHAIR

123. A motion shall, after a Question has been proposed thereon, be deemed to be in possession of the House, but, by leave of the Council, it may be withdrawn by the mover, provided that, if an amendment has been moved thereto, such amendment has been first disposed of.

How
withdrawn.

See (*Revival*) Order No. 120; and (*Amendment*) Order No. 140.

124. No Question shall be proposed which is the same in substance as any question or amendment which during the same Session has been resolved in the affirmative or negative, unless the resolution of the Council on such question or amendment shall have been first read and rescinded. This Standing Order shall not be suspended.

Same
Question.

Order not
to be
suspended.

See (*Amendment*) Order No. 139; (*Bills*) Orders Nos. 281, 282, 295, 300; (*Instructions*) Order No. 425, and (*Rescinding of Resolutions*) Order No. 159.

125. The President may divide a complicated Question if the President thinks fit.

Complicated
Questions.

126. So soon as the debate upon a Question is concluded, the President shall “put” the Question to the Council.

Question
when put.

See (*Debate Closed*) Order No. 178.

127. A motion “That the Question be now put” may be made without notice at any time during a debate by a Member who has not already spoken in the debate, if so made as not to interrupt a Member speaking, and shall be moved and seconded without discussion and be immediately determined; but if it be negatived, no such motion shall be again made within the next fifteen minutes, except by the Member in charge of the Bill or other matter which is in question.

Closure.

If negatived.

QUESTIONS FROM CHAIR - AMENDMENTS TO QUESTIONS

Restrictions.

The mover of this motion cannot during the same debate either move it a second time or second it if moved by another Member; and similarly, a seconder of this motion shall not subsequently move or again second it; but Members so moving and seconding shall not be held to have spoken in the debate.

See (*Other Summary Motions*) Orders Nos. 59, 195.

If closure
carried,
Question put.

128. If the Motion “That the Question be now put” be carried, the Council shall without further debate or amendment, vote on the Question immediately before it, and, subject to the discretion of the President, on any other Question already proposed from the Chair and still pending; but if such motion be negatived, the debate on the Question shall be resumed.

Pending
Question.

Determined
by majority
of voices.

129. A Question when put shall, except as provided in Orders Nos. 159 and 457, be resolved in the affirmative or negative by the majority of voices “Aye” or “No”.

President
gives opinion
on voices.
Call for
Division.

The President shall state whether, in the President’s opinion, the “Ayes” or the “Noes” have it; and if the President’s opinion be not acquiesced in, a Division may be called for by one of the minority.

Divisions see Orders Nos. 219-232.

Previous Question see Orders Nos. 144-152.

AMENDMENTS TO QUESTIONS

Different
forms of
Amendments.

130. A Question having been proposed may be amended -

- I. By leaving out certain words;
- II. By leaving out certain words in order to insert or add other words;
- III. By inserting or adding words.

See (*Exception*) Order No. 147.

AMENDMENTS TO QUESTIONS

131. Every Amendment must be in writing and in the name of the mover.

Must be in writing and in the name of the mover.

132. Every Amendment must be relevant to the question to which it is moved.

Must be relevant.

See (*in Bills*) Orders Nos. 287, 293, 328, 329, (*Instructions*) Order No. 422.

133. An Amendment moved but not seconded, shall not be further proceeded with, nor shall it be entered in the Minutes.

Must be seconded.

See (Exception) Order No. 363.

134. When the proposed Amendment is to leave out certain words, the President shall put a question, “That the words proposed to be left out stand part of the question.”

To leave out words.

135. When the proposed Amendment is to leave out certain words in order to insert or add other words, the President shall first put a question, “That the words proposed to be left out stand part of the question”, which, if resolved in the affirmative, shall dispose of the Amendment; but if in the negative, another question shall be put, “That the words of the Amendment be inserted (*or* added) in lieu of the words left out.” No Amendment to the words proposed to be inserted or added can be entertained until the amendment to leave out certain words has been determined. However, if the President considers the amendment to be uncomplicated, the President may put the question, “That the amendment be agreed to.”

To leave out words, and insert or add others.

Restriction.

Uncomplicated amendment.

136. When the proposed Amendment is to insert or add certain words, the President shall put a question, “That the words proposed to be inserted (*or* added) be so inserted (*or* added)”.

To insert or add words.

137. No Amendment shall be proposed to any prior part of a question after an Amendment has been made or has been proposed from the Chair to a later part, unless such last-named Amendment has been, by leave of the Council, withdrawn.

Not admissible when later part of a question amended.

AMENDMENTS TO QUESTIONS - PREVIOUS QUESTION

Nor to words already agreed to.

Exception.

138. No Amendment shall be proposed to be made to any words which the Council has resolved shall stand part of the question or which have been inserted in or added to a question, except it be the addition of other words thereto.

Same Amendment.

139. No Amendment shall be proposed which is the same in substance as any Question or Amendment which during the same Session has been resolved in the affirmative or negative unless the resolution of the Council on such Question or Amendment shall have been first read and rescinded. This Standing Order shall not be suspended.

How withdrawn.

140. A proposed Amendment may, by leave of the Council, be withdrawn by the Mover; and may be again moved.

To proposed Amendments.

141. Amendments may be proposed to a proposed Amendment, as if such proposed Amendment were a main question.

See (*Exception*) Order No. 287.

Question, when Amendments made.

142. When Amendments have been made, the main question, as amended, shall be put.

Question, when Amendments not made.

143. When Amendments have been proposed but not made, the question shall be put as originally proposed.

To Bills see Orders Nos. 324, *sqq.*; (*in Committee*) Orders Nos. 293, *sqq.*, and (*Instructions*) Orders Nos. 422-425.

PREVIOUS QUESTION

Form of Previous Question.

144. The Previous Question may be moved without notice, and shall be put in the form "That the original question (*or* the original question as amended) be not now put."

PREVIOUS QUESTION

145. If it be resolved in the affirmative, the Council shall proceed to the next business on the Notice Paper; but the original motion may be revived on Motion after Notice, or as provided in Order No. 68.

If affirmed.

Revival of original motion.

146. If it be resolved in the negative, the original question, amended or otherwise, shall be put forthwith without any further amendment or debate.

If negatived.

147. The Previous Question cannot be moved upon an amendment, nor can it be itself amended.

Not moved on amendments, etc.

148. The Previous Question cannot be moved after an amendment to the original question has been proposed from the Chair, until such amendment has been disposed of; nor can any such amendment be moved after the Previous Question has been proposed from the Chair, unless the Previous Question be first withdrawn.

Relation to amendments.

149. The Previous Question cannot be moved or debated by a Member who has already spoken in the debate.

Not moved by Member who has spoken.

150. Whenever the Previous Question shall be moved upon any question consisting of a series of propositions which have been brought under discussion or debate as one motion, with the understanding that the question be put on such propositions *seriatim*, the decision of the Previous Question, before putting the question on the first of such propositions, shall be taken and held to be conclusive, whether in the affirmative or negative, as regards the whole of such propositions.

With regard to series of propositions.

151. In debating the Previous Question, Members may debate the original question, whether amended or not, and the whole debate is open to adjournment.

Relation to debate.

Adjournment.

PREVIOUS QUESTION

May be
withdrawn
and again
moved.

152. The Previous Question may, be leave of the Council, be withdrawn by the Mover; and may be again moved during the same debate.

Rule in Committee see Order No. 365.

No Reply see Order No. 176. *How superseded* see Order No. 122(i).

ORDERS OF THE DAY

CHAPTER XV

ORDERS OF THE DAY

153. 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. Order of the Day defined.

154. An Order of the Day does not require a seconder. Need not be seconded.

See Order No. 119.

155. An Order of the Day may, on the motion of the Member in charge thereof, be discharged on being read or after it has been debated, or as provided in Order No. 68. How discharged.

156. In the absence of the Member in charge thereof an Order of the Day may be moved or postponed by any other Member, but may not be discharged except on Motion after Notice. In absence of Member in charge.

157. When postponing an Order of the Day it shall not be competent to propose, by way of amendment, a time beyond the probable duration of the Session, except after Notice. Restriction on period of postponement.

See also (*Adjournment of Debate*) Order No. 196.

Order on Notice Paper and *Order in Business* see Orders Nos. 64-66 and 67-78.

Revival, when not read or lapsed see Orders Nos. 73, 74.

Postponement and Revival at Commencement of Business see Order No. 68.

RESOLUTIONS AND ORDERS

CHAPTER XVI

RESOLUTIONS AND ORDERS

Definition.

158. By Resolution the Council declares its opinions and purposes; and by Orders it directs its Committees, Members, and Officers, and other persons, and the order of its own proceedings.

See (*Instructions*) Orders Nos. 421-428.

Resolution
rescinded.

159. A Resolution of the Council may be read and rescinded; but no such Resolution may be rescinded during the same Session, except with the concurrence of an absolute majority of the whole number of Members of the Council upon Motion after at least seven days' Notice: Provided that to correct irregularities or mistakes one day's Notice only shall be sufficient.

Order
discharged.

160. An Order of the Council may be read and discharged, or the proceedings thereon may be declared to be null and void, on Motion after Notice.

Orders of the Day see Orders Nos. 153-157.

CONDUCT IN HOUSE

CHAPTER XVII

CONDUCT OF MEMBERS AND ORDER IN DEBATE

CONDUCT IN HOUSE

161. Whenever the President rises during a debate, any Member then speaking or offering to speak shall sit down, and the Council shall be silent, so that the President may be heard without interruption.

When the President rises.

162. When the President is putting a question, no Member shall walk out of or across the Chamber.

Or puts a question.

163. Members shall make obeisance to the Chair on entering or leaving the Chamber.

When Members enter or leave Chamber.

See also (*Message from Governor*) Order No. 243.

164. No Member shall pass between the President and the Member who is speaking.

When passing about the Chamber.

165. Members shall take their places when they come into the Chamber, and shall not at any time stand in any of the passages or gangways when attention is called thereto by the President.

Members to take their places.

See (*Places*) Orders Nos. 44-47.

ORDER IN DEBATE - RIGHT OF SPEECH

ORDER IN DEBATE

Right of Speech

Right of
Member to
speak when
Member's
business
called on.

166. Whenever a Notice of Motion is called on, or an Order of the Day is read, the Member in charge of the business in question, or entitled to preaudience thereon, shall be held to be in possession of the House, if the Member desires to speak.

See also Orders Nos. 59 and 182; and (*Preaudience*) Orders Nos. 197, 198.

Place
whence
Members
may speak.

To address
President.

167. Every Member desiring to speak shall rise in their place or in the place of some other Member who does not object thereto, and address the President; and may advance to the Table for the purpose of continuing the address.

See (*Places*) Orders Nos. 44-47.

Indulgence
to Members
unable to
stand.

168. By the indulgence of the Council, a Member unable conveniently to stand, by reason of sickness or infirmity, may speak sitting.

President
names a
Member to
be heard.

169. If two or more Members rise to speak at the same time, the President shall name the Member whom the President first saw rising to speak; which Member shall be entitled to preaudience.

Speeches not
to be read.

170. Speeches must not be read, but Members may refer to notes.

When
Member may
speak.

171. A Member may only speak -

Upon a Motion or Amendment to be moved or seconded by the Member:

Upon a Question from the Chair:

Upon a Question of Order:

Upon a Question of Privilege.

ORDER IN DEBATE - RIGHT OF SPEECH

172. If a Member, having risen and being called upon by the President, fails to begin (or to proceed) speaking, the President may direct such Member to be seated, and may call upon some other Member.

Member rising, but not speaking.

173. By the indulgence of the Council, a Member may explain matters of a personal nature although there be no question before the Council; but such matters may not be debated.

Personal explanation when no debate.

174. No Member may speak more than once during a debate, except in explanation or reply or to a Point of Order or Privilege suddenly arising:

Member not to speak twice in same debate.

Provided that when a lapsed Bill has been restored to the Notice Paper pursuant to Section 57 of the *Constitution Act 1934*, as amended from time to time, and the debate on any motion relating to that Bill has been resumed, any Minister or other Member who had spoken on that motion before the restoration of the Bill, shall have the same rights to speak in the debate after such restoration, as if the Minister or other Member had not spoken before such restoration.

Exceptions.

See (*other Exceptions*) Orders Nos. 175, 176, 200.

175. A Member who has spoken may again be heard, to explain in regard to some material part of the speech on which the Member has been misquoted or misunderstood, but shall not introduce any new matter or interrupt any Member in possession of the Chair.

Explanation.

176. Reply shall be allowed to a Member who has made a substantive Motion, but not to any Member who has moved an amendment, the Previous Question or an Instruction to a Committee.

Reply.

ORDER IN DEBATE - RIGHT OF SPEECH

Reply where
Motion
moved by
one Member
for another.

177. Where a Member has, by leave of the Council, moved a Motion, Notice of which was given by another Member, the right of Reply shall belong to the former, but may be waived by that Member in favour of the other Member.

See Order No. 115.

Reply closes
debate.

178. The Reply of the Mover of the original Motion closes the debate.

Seconder of
Motion may
reserve
speech.

179. It shall be competent to a Member when seconding a Motion or Amendment without speaking to it, to address the Council on the subject of such Motion or Amendment at some subsequent period of the debate.

Motion
without
Notice to
print Paper
not debated,
unless covering
Ministerial
Statement.

180. Upon a Motion for the printing of a Paper, made by a Minister of the Crown without Notice when laying the same on the Table, no discussion shall arise unless the Motion has been moved for the purpose of making a Ministerial Statement.

See also Orders Nos. 450, 418, 419; and (Printing) Order No. 451.

Loud
conversation
or repeated
interjections
not allowed.

181. No Members shall converse aloud or make repeated interjections or other disturbance whilst any other Member is orderly debating, or whilst any Bill, Order, or other matter is being read or opened.

See (When President rises) Order No. 161.

Member
not to be
interrupted.

Exceptions.

182. No Member shall interrupt another Member whilst speaking, unless (I.) to request that the words of the Member speaking be taken down: (II.) to call attention to a point of Order or Privilege suddenly arising: or (III.) to call attention to the want of a Quorum.

See (*Exceptions*) Orders Nos. 207, 200, 54.

No Member
to speak
after
Question put.

183. No Member may speak to any Question after the same has been put by the President and the voices have been given in the affirmative and negative thereon.

See (*Questions put*) Orders Nos. 126, 129.

ORDER IN DEBATE - MATTER OF SPEECH

184. Every Member may of right require the original Question, or any Amendment proposed thereto, to be read by the Clerk for the Member's information at any time during a debate, but not so as to interrupt a Member speaking.

Question
read by
Clerk.

Matter of Speech

185. No Member shall digress from the subject matter of the Question under discussion, or anticipate debate on any matter which appears on the Notice Paper.

Members
not to
digress or
anticipate.

See (*Anticipatory Motions*) Order No. 117; and (*in Committee*) Orders Nos. 299, 366.

186. The President may call attention to the conduct of a Member who persists in continued irrelevance, prolixity, or tedious repetition, and may direct such Member to discontinue speaking and to be seated. The Member so directed shall not be again heard during the same debate.

Irrelevance,
prolixity,
or tedious
repetition.

See (*in Committee*) Order No. 367.

187. No Member shall allude to any debate of the same Session upon a Question or Bill not being then under discussion nor to any speech made in Committee, except by the indulgence of the Council for personal explanation.

Debates of same
Session and
Committee
speeches not
to be alluded
to.

188. No Member shall quote from any debate of the current Session in the other House of Parliament or comment on any measure pending therein unless such quotation be relevant to the matter then under discussion.

Quotation
from, and
comment on,
debate in the
other House.

189. No Member shall read extracts from newspapers or other documents, referring to debates in the Council during the same Session, excepting *Hansard*.

Extracts referring
to debates not
to be read,
except *Hansard*.

190. No reference shall be made to any proceedings of a Committee of the whole Council or of a Select Committee, until such proceedings have been reported except for evidence that has been given to a Select Committee in public and authorised to be published.

Proceedings
of Committees
not to be noticed
till reported.

ORDER IN DEBATE - MATTER OF SPEECH - ADJOURNMENT OF DEBATE

Use of the
Sovereign's
or
Governor's
name.

191. No Member shall use the Sovereign's name or the name of the Governor irreverently or to influence a debate.

Reflections
on votes or
Statutes.

192. No Member shall reflect upon any vote of the Council or upon any Statute, except upon a Motion for rescinding or repealing the same.

Objectionable
words and
injurious
reflections.

193. The use of objectionable or offensive words shall be considered highly disorderly; and no injurious reflections shall be permitted upon the Governor or the Parliament of this State, or of the Commonwealth, or any Member thereof, nor upon any of the Judges or Courts of Law, unless it be upon a specific charge on a substantive Motion after Notice.

See also (*Disorder, etc.*) Orders Nos. 208-218;
(*Objection taken*) Order No. 207; and (*in Committee*)
Order No. 359.

On Presenting Petitions, Papers, and Reports, see
Orders Nos. 95; 180, 419, 450, 451: 13, 306, 310,
376, 410.

On Urgent Public Matter see Order No. 116.

On Previous Question see Orders Nos. 149, 151.

On Privilege and Order see Orders Nos. 200, 201.

On Suspending Standing Orders see Order No. 458.

Paper Quoted in Debate see Order No. 452.

Closure and Adjournment see Orders Nos. 127, 128;
59; 195-197.

Adjournment of Debate

Adjournment
of debate.

194. A Debate may be adjourned either to a later hour of the same day or to any other sitting day.

ADJOURNMENT OF DEBATE

195. A Motion - “That this Debate be now adjourned” - may be moved without Notice at any time during a debate by a Member who has not already spoken in the debate, if so made as not to interrupt a Member speaking, and shall be moved and seconded without discussion, and be immediately determined; but if negatived, no such Motion shall be again entertained within the next fifteen minutes, unless moved by the Member in charge of the Bill or other matter which is in debate.

Motion for adjournment of debate.

If negatived.

Members moving or seconding this Motion shall not be held to have spoken in the debate.

See (*Other Summary Motions*) Orders Nos. 59, 127.

196. Upon a Debate being adjourned, a Motion shall be made to appoint a time for its resumption, the debate whereupon shall be strictly limited to the choice of date; nor shall a day beyond the probable duration of the Session be proposed by way of amendment thereto except after Notice.

Time fixed for resumption.

Limit to debate and to date.

See also (*Orders of the Day*) Order No. 157.

197. It is not competent for a Member to move, while speaking to a Question, the adjournment of the Debate; but at the unanimous pleasure of the Council leave may be obtained for the Member’s speech to be concluded at a future time, and the Debate shall be thereby adjourned.

Adjournment of debate whilst speaking to Question.

198. The Member, upon whose Motion any Debate shall be adjourned, shall be entitled to preaudience on the resumption of the Debate; but a Member who is granted leave to continue speaking and fails so to continue immediately on resumption of the Debate, shall not speak again at any subsequent stage of the debate.

Preaudience.

See also Order No. 166.

Resumption of Interrupted Business, see Orders Nos. 71, 76, 77, 128, 372-374.

ORDER IN DEBATE - ORDER AND PRIVILEGE

Order and Privilege

Order
maintained
by President.

199. Order shall be maintained in the Council by the President.

See (*in Committee*) Order No. 357.

Speaking
“to Order”
or Privilege.

200. Members may rise at any time to speak “to Order” or upon a matter of Privilege suddenly arising, except that while the Council is dividing, a Member can only speak to a point of Order by permission of the President and while covered and seated.

During
Division.

Precedence
to Question
of Order or
Privilege.

201. All Questions of Order or Privilege shall temporarily suspend the consideration and decision of every other Question; but an adjourned debate on such Questions shall not be entitled to precedence unless so ordered.

Questions
of Privilege
referred to
Committee.

202. All Questions of Privilege, except a Question arising out of the relations between the two Houses of Parliament, shall be at once referred without debate to a Committee of Privilege for inquiry and report, if a Minister of the Crown so claims or the Council so resolves; and on the report of the Committee being received, the Council may take such action as shall appear expedient.

Complaint
against
Media.

203. Any Member, complaining to the Council of a statement published in the media as a Breach of Privilege, shall produce a record of the media containing the statement in question, and be prepared to give the name of the printer or publisher.

Proceedings
on Question
of Order.

204. Upon a Point of Order being raised, the Member called to Order shall be seated, and after the Question of Order has been stated to the President by the Member rising thereto, the President shall give a ruling or decision thereon.

ORDER IN DEBATE - ORDER AND PRIVILEGE

205. If any objection be taken to a Ruling or decision of the President, such objection shall, except during a Division, be taken at once and not otherwise; and having been stated in writing, a Motion shall be made, which, if seconded, shall be proposed to the Council and debate thereon shall stand adjourned and be the first Order of the Day for the next sitting day, unless the Council decides that the matter requires immediate determination.

Objection to
Ruling of the
President.

See (*Chairperson*) Order No. 360.

206. If any question arise on any Point of Order during a Division, the President shall decide it, and no exception shall be taken to such decision until the Division is concluded.

Decision on
Point of
Order during
Division.

See also Order No. 200.

207. When any Member objects to words used in debate, and stating them, desires that they should be taken down, the President, if it appears to be the pleasure of the Council, shall direct them to be taken down by the Clerk accordingly.

Objectionable
words
taken down.

Every such objection must be taken at the time when such words are used, and shall not be afterwards entertained.

Objection to
be taken at
once.

See also Order No. 193 and (*in Committee*) Order No. 359.

Rules as to Disorder, etc., see Orders Nos. 208-218.

Strangers see Orders Nos. 445-447.

DISORDER, SUSPENSION, ARREST

CHAPTER XVIII

DISORDER - SUSPENSION - ARREST

Disorderly
conduct
stated.

208. If any Member persistently and wilfully -

(a) obstructs the business of the Council;

or

(b) refuses to conform to any Standing or other Order of the Council, or to regard the authority of the Chair,

or if any Member, having used objectionable words, refuses either to explain the same to the satisfaction of the President, or to withdraw them and apologise for their use; the President shall name such Member and report the offence to the Council.

Procedure.

See (*Conduct of Members and Order in Debate*) Orders Nos. 161-207.

If occurring
in Committee.

209. The President shall similarly report to the Council any Member whom the Chairperson of Committees shall have reported as having committed any of the foregoing offences in a Committee of the whole Council.

See (*in Committee*) Orders Nos. 357-359.

Suspension.

210. When any Member shall be so reported by the President, a Motion may forthwith be made - "That such Member be suspended from the service of the Council" - and such Motion shall be moved and seconded without discussion and be immediately determined.

Period of
suspension.

211. If a Member be suspended, the Suspension shall, unless otherwise ordered, be on the first occasion for the remainder of that day's sitting; on the second occasion of the same Session, for one week; and on the third or any subsequent occasion of the same Session, for one month.

DISORDER, SUSPENSION, ARREST

212. A Member who has been suspended shall immediately withdraw from the precincts of the Council, and shall not presume to re-enter the Chamber during the period of the suspension. Black Rod shall act upon such orders as may be received from the Chair in pursuance of this Order.

Member
suspended to
withdraw
from
precincts.
Black Rod.

213. In cases of very grave disorder the President may, if the President thinks it necessary so to do, adjourn the Council without question put, or suspend the sitting for a time to be named by the President.

Power to
President to
adjourn
Council or
suspend sitting.

214. Whenever a Charge is made against a Member upon any matter which has been reported from a Committee or has otherwise arisen, the Charge must be raised upon a substantive Motion after Notice, and shall be stated before the Member accused shall withdraw. Such Member shall then be allowed the opportunity of explaining to the Council the motives of the conduct in the matter alleged against the Member; after which the Member shall withdraw, and the Council shall at once take the case into consideration.

When
Charge made
against a
Member.

See (*Charge in Select Committee*) Order No. 399; and
(*Objectionable Words and Charges against
Persons*) Order No. 193.

215. If any Member shall wilfully disobey any Order of the Council, the Member may be ordered to attend in the Member's place, or, if the Member be under suspension, at the Bar, to answer for the conduct; and, in default, or if the Member's excuses be deemed unsatisfactory, the Member may be suspended or otherwise dealt with, at the pleasure of the Council.

When
Orders of
Council
disobeyed.

216. Black Rod shall, on being directed by the President, deliver into custody any Stranger whom the President may see, or who may be reported to the President to be in any part of the Chamber appropriated to the Members of the Council; and also, any Stranger who, having been admitted into any other part of the

Arrest of
Strangers in
the Chamber
or Gallery.

DISORDER, SUSPENSION, ARREST

Chamber or Gallery, shall display improper conduct or shall not withdraw when Strangers are ordered to withdraw, or who shall obstruct the approaches to the Chamber or occasion a disturbance within the precincts thereof.

Arrests to be reported and time fixed for further procedure.

217. If a Member or other person be ordered into custody, the arrest shall be reported to the Council by the President without delay; and a time shall be fixed for such Member or other person to be brought to the Bar to be censured, fined, committed, or otherwise dealt with by the Council. The Member or person so committed shall remain in custody for the period directed, unless sooner discharged by Order of the Council, or the fine be paid, or the Session of Parliament be concluded.

Period of custody.

Council will not permit quarrels.

218. The Council shall interfere to prevent the prosecution of any quarrel between Members arising out of debates or proceedings of the Council or any Committee thereof.

Witnesses, see Order No. 432.

DIVISIONS

CHAPTER XIX

DIVISIONS

219. The Council shall not proceed to a Division if only one voice has been given for the Ayes or for the Noes.

If only one voice on either side, no Division.

See *Call for Division* Order No. 129.

220. A Member calling for a Division shall not leave the Chamber until the Division is concluded, and shall vote with those whose voices, in the opinion of the President, were in the minority.

Member calling must vote with minority of voices.

See Order No. 129.

221. A call for a Division may, by leave of the Council, be withdrawn, at any time before the Tellers are appointed, and the Division shall not be proceeded with.

Call may be withdrawn.

222. Before the Division is proceeded with, the Clerk shall ring the Division bells and, so soon after the lapse of two minutes as the President shall direct, the doors shall be closed and locked, and so remain until the Division is concluded, so that no Member may enter or leave the Chamber.

Bells rung,

Doors locked after two minutes.

223. When the doors have been locked and the Bar drawn, and all the Members are in their places, the President shall again put the question to the Council, and direct the “Ayes” to proceed to the right side of the Chair, and the “Noes” to the left side, and shall appoint one Teller for each party.

Question put and Members divide to right and left.

224. Every Member, except the President, present within the Bar when the Question is so put, and qualified to vote, shall be required to vote.

All present, except the President, must vote.

See also (*in Select Committee*) Order No. 394.

DIVISIONS

Pecuniary
interest.

225. No Member shall be entitled to vote upon any question in which the Member has a direct pecuniary interest not held in common with the rest of the subjects of the Crown, and the vote of any Member so interested may, on Motion, be disallowed by the Council; but this Order shall not apply to Motions or Public Bills which involve questions of State policy.

Vote
disallowed.
Exception.

See (in Committee of the Whole) Order No. 362; and (Select Committee) Order No. 379.

No Member
to vote unless
present when
the Question
is put.

226. No Member shall be entitled to vote unless the Member was present within the Bar when the Question was put with the doors locked, and the vote of any Member not so present shall be disallowed by the President.

Members
counted, and
names taken
down.

227. Members having taken their sides, every Member shall then be counted and the Member's name taken down by the Teller for the respective side, who shall sign the list and present the same to the President, who will declare the result to the Council.

If only one
Member on
one side.

228. If there shall be only a single Member on one of the sides, the Division shall not further proceed; and the President shall declare for the "Ayes" or "Noes" as the case may be.

In case of
error Council
again to
divide.

229. In the case of confusion or error concerning the names or the numbers reported, unless the same can be otherwise corrected, the Council shall proceed to another Division.

Mistakes
corrected
in Minutes.

230. If it shall afterwards appear that the names or numbers have been inaccurately recorded, the President shall order the Minutes to be corrected.

DIVISIONS

231. In the case of an equality of votes, the President shall give a *Casting Voice, and any reason given by the President shall be entered in the Minutes.

President gives casting voice.

Where the casting voice of the President has not been exercised, the concurrence or non-concurrence in the passing of the second or third reading of any Bill may be indicated by the President.

See (*in Committees*) Orders Nos. 361, 389 and Joint Standing Order No. 6.

232. The Division lists shall be entered by the Clerk in the Minutes.

Lists entered in Minutes.

Speaking to Order during Division see Order No. 200.

President's Ruling during Division see Order No. 206.

Divisions not to be interrupted see Orders Nos. 60, 69.

* See *Constitution Act*, Sec. 26.

THE BALLOT

CHAPTER XX

THE BALLOT

Bells first
rung.

233. Before the Council proceeds to Ballot, the bells shall be rung for two minutes as for a Division.

See Order No. 222.

Ballot, how
taken.

234. The Ballot shall be taken in the following manner:-

A list of the Members, initialled by the Clerk, shall be handed to each Member present, who shall strike out thereon the names of so many Members as are required to be elected whom the Member may think fit and proper to be chosen; and when all the lists are collected, the Clerk, together with two Members to be named by the President, shall ascertain and report to the President the names of the required number of Members having the greatest number of votes; which Members shall be declared to be duly elected. In case of a tie between two or more Members, the President shall determine by lot which shall be chosen. If any list contains a larger or lesser number of names than is required it shall be void and rejected.

Voting for President see Orders Nos. 18-20.

Ballots not to be interrupted see Orders Nos. 60, 69.

ADDRESSES

CHAPTER XXI

ADDRESSES

- 235.** Addresses to the Sovereign, to either House of the Imperial or the Commonwealth Parliament, or to the Governor, shall be proposed on Motion after Notice, except in cases of urgency, and when agreed to shall be signed by the President.
- Address to the Sovereign, Imperial or Commonwealth Parliament, and Governor.
- 236.** Addresses of congratulation and of condolence to Members of the Royal Family, and to other persons, shall be proposed and signed in a similar manner.
- To Members of Royal Family and others.
- 237.** Addresses to the Sovereign, or any Members of the Royal Family, and to other persons, shall be transmitted to the Governor by the President, requesting the Governor to cause the same to be forwarded for presentation.
- How presented to Sovereign, etc.
- 238.** Addresses to either House of the Imperial or Commonwealth Parliament shall be forwarded in a similar manner for presentation, or, by vote of the Council, be transmitted for that purpose by the President to some Peer or Member of the said Parliaments.
- How presented to Imperial or Commonwealth Parliament.
- 239.** Addresses to the Governor shall be presented by the President, unless ordered to be presented by the Council in a body or by a deputation of Members named for that purpose.
- How presented to Governor.
- 240.** When an Address is ordered to be presented by the whole Council, the President, with the Council, shall proceed to Government House, and being admitted to the Governor's presence, the President shall read the Address to the Governor, the Members who moved and seconded such Address being on the President's left hand.
- When presented by the whole Council.

ADDRESSES

Governor's
reply, how
reported.

241. When an Address has been presented to the Governor by the whole Council, the Governor's reply shall be reported to the Council by the President; but if by a deputation, then by the Member first named thereon.

Address in Reply see Orders Nos. 12, 13, 15.

Addresses for Papers see Order No. 449.

Joint Addresses see Joint Standing Orders Nos. 10-13.

MESSAGES FROM THE GOVERNOR

CHAPTER XXII

MESSAGES FROM THE GOVERNOR

242. Whenever a Message from the Governor shall be announced by Black Rod, the business of the Council shall be immediately suspended, and the bearer of the Message shall be introduced to deliver the same to the President in the Chair.

How
received.

See (*Interrupted Business*) Orders Nos. 76, 373.

243. The President shall immediately read the Message to the Council.

How read.

244. So soon as the Message has been read, the bearer of the Message shall withdraw.

Messenger
withdraws.

245. The Message may, if necessary, be at once considered, or may be ordered to be printed and a future time fixed for its consideration.

Message,
when
considered.

246. A Message from the Governor may be communicated to the Council by a Minister of the Crown from the Minister's place in the Council.

Communicated
by Minister.

When Council in Committee see Order No. 373.

Recommending Amendments to Bills see Order No. 342.

COMMUNICATION BETWEEN THE TWO HOUSES

CHAPTER XXIII

COMMUNICATION BETWEEN THE TWO HOUSES

Modes of
communi-
cation.

247. Communication with the House of Assembly shall be by Message, by Conference, or by Committees conferring with each other.

BY MESSAGE

Messages
moved for
without
Notice.

248. A Motion to communicate any Resolution of the Council to the House of Assembly by Message may be moved without Notice.

To be signed
by President
and delivered
by Clerk.

249. Every Message from the Council to the House of Assembly shall be in writing and signed by the President, and shall be delivered to the House of Assembly by the Clerk, the Deputy Clerk, or a Clerk-Assistant, or to the Speaker if the House of Assembly is not sitting.

See (*in Writing*) Order No. 3.

From the
House of
Assembly,
how
received.

250. Every Message from the House of Assembly to the Council shall be received without delay by the Deputy Clerk, or a Clerk-Assistant, at the Bar, and be reported by the President as early as may be convenient. A future time shall then be appointed for its consideration unless the Council orders it to be dealt with forthwith.

See (*Interrupted Business*) Order No. 76; and (*on Bills*) Order No. 327.

BY CONFERENCE

Conference
requested
by Message.

251. Conferences desired by the Council with the House of Assembly shall in all cases be requested by Message.

BY CONFERENCE

252. In requesting a Conference, the Message from the Council shall state in general terms the object for which the Conference is desired, and the number of Managers proposed to serve thereon, which shall, unless otherwise ordered, be not less than five.

Object of Conference and number of Managers to be stated.

253. Every Motion for requesting a Conference shall contain the names of the Members proposed by the Mover to be the Managers for the Council, but if, upon such Motion, any one Member shall so require, the Managers for the Council shall be selected by ballot.

Managers nominated, but may be appointed by ballot.

See (*Ballot*) Orders Nos. 233, 234.

254. Conferences may be held during any adjournment of the Council, but when held during a sitting, the business of the Council shall be suspended, unless otherwise ordered by the Council.

Time for holding Conference.

See (*Interrupted Business*) Order No. 76; and (*in Committee*) Order No. 373.

255. No Conference shall be requested by the Council upon the subject of any Bill or Motion of which the House of Assembly is at the time in possession.

By whom Conference requested.

256. The number of Managers to represent the Council in a Conference requested by the House of Assembly shall be the same as that of the Managers for the House of Assembly.

If by House of Assembly, number of Managers.

257. In respect of a Conference requested by the House of Assembly, the time and place for holding the same shall be appointed by the Council; and when the Council requests a Conference, it shall agree to its being held at such time and place as shall be appointed by the House of Assembly. Such appointment or agreement shall be communicated by Message.

House agreeing to Conference to name time and place.

BY CONFERENCE

When
Council
receives
Assembly
Managers.

258. At all Conferences requested by the House of Assembly, the Managers for the Council shall assemble at the time and place appointed, and receive the Managers for the House of Assembly.

Communi-
cations to be
in writing.

259. The Resolutions to be communicated by the Managers for the Council shall be in writing; and the Managers for the Council shall not receive any communication from the Managers for the House of Assembly unless the same be in writing.

See (*in Writing*) Order No. 3.

Proceedings
at Conference.

260. It shall be the duty of the Managers for the Council -

- (a) when the Conference is requested by the Council - to read to the Managers for the House of Assembly any Resolution adopted by the Council, and to deliver to them the same, together with the Bill (whenever Amendments to a Bill are the subject of the Conference);
- (b) when the Conference is requested by the House of Assembly - to hear and receive from the Managers for that House the like matter which they may have to communicate,

To confer by
word of
mouth.

and thereupon the Managers for the Council shall be at liberty to confer freely by word of mouth with the Managers for the House of Assembly.

Where a Bill is concerned:

Duty of
Managers
for Council
in case of
Bills.

In the case of (*a*), except where otherwise ordered, it shall then be the endeavour of the Managers for the Council to obtain a withdrawal of the point in dispute between the Houses, and failing this, a modification of the same by way of further amendment;

BY CONFERENCE - BY COMMITTEES

And in the case of (b) it shall be competent to the majority of the Managers for the Council to agree to recommend to their House such solution of the question as shall seem to such majority, after conference, most likely to secure the final agreement of the two Houses.

but no Amendment shall be proposed or agreed to by them in any words to which both Houses have so far agreed, unless these be immediately affected by the disagreement in question.

See (*Amendments to Bills*) Order No. 329; and (*in case of Money Bills*) Order No. 341.

261. When the Conference has terminated, the Managers for the Council shall report the result to the Council in writing forthwith or at such time as the Council has otherwise ordered.

Result to be reported.

262. There shall be only one Conference on any Bill or other matter.

Not more than one Conference.

Conference on Bills see Orders Nos. 334, 338; and *Money Bills* Order No. 341.

BY COMMITTEES

263. Any Select Committee of the Council may be granted leave or ordered to confer with a similar Committee of the House of Assembly; but may not otherwise so confer.

Select Committee to confer by order only.

See (*Standing Committees*) Order No. 416.

264. When any such leave has been granted or order made, it shall be communicated by Message to the House of Assembly, with a request that leave may be given to the similar Committee of that House to confer with the Committee of the Council.

Conference desired by Message.

BY COMMITTEES

Committees
communicate
by word of
mouth.

265. Every Committee of the Council conferring with any Committee of the House of Assembly may confer freely by word of mouth, unless the Council shall otherwise order.

Committees
to report
proceedings
in writing.

266. A Report of the proceedings of every Conference between a Committee of the Council and a Committee of the House of Assembly shall be made in writing to the Council, signed by the Chairperson of its own Committee.

See (*in Writing*) Order No. 3.

The Conferring of Standing Committees see Order No. 416.

Joint Committees see Joint Standing Orders Nos. 1-9.

PUBLIC BILLS

CHAPTER XXIV

PUBLIC BILLS

DEFINITION, INITIATION, CONTENTS, ETC.

267. Every Bill not initiated under the Private Bill Orders or ruled to be a Private Bill shall be deemed to be a Public Bill. Definition of Public Bill.

268. Bills of a hybrid nature introduced to the Council by the Government, which - Hybrid Bills.

(a) have for their primary and chief object to promote the interests of one or more Municipal Corporations, District Councils, or public local bodies, rather than those of Municipal Corporations, District Councils, or public local bodies generally;

(b) authorise the granting of Crown or waste lands to an individual person, a company, a corporation, or local body,

shall be proceeded with as Public Bills, but shall each be referred to a Select Committee after the second reading.

See (*Select Committees*) Orders Nos. 305, 310, 377, *sqq.*

269. Every Public Bill, except such as may be brought from the House of Assembly, shall be initiated, either by a Motion asking for leave to bring in the Bill and specifying its Title; or by a Motion to nominate a Committee, of not less than two Members, to prepare and bring it in. Initiation.

See (*Priority of Motion on Notice Paper*) Order No. 64.

270. The Member having leave, or one of the Committee appointed, to bring in a Bill, shall present a fair copy thereof, signed by the Member, to the Council, at the Bar, and may so present it at any time when other business is not before the Council. Presentation at the Bar.

PUBLIC BILLS

Contents to
be mutually
relevant.

271. Such matters as have no proper relation to each other shall not be included in one and the same Bill.

Title and
clauses.

272. In every Bill, as presented to the Council, the Title shall coincide with the Order of Leave, and there shall be no clause that is not within the Title.

See (*Amendment of Title*) Orders Nos. 293, 315.

Duration of
temporary
Act to be
specified.

273. The duration of any Bill, the provisions of which are intended to be temporary, shall be inserted in a distinct clause at the end thereof.

Amending
Act of same
Session.

274. A Bill may amend or repeal an Act of the same Session.

Two or more
Bills dealing
with same
subject.

275. If more than one Bill dealing with the same subject appears on the Notice Paper, such of them as the Council may decide shall be withdrawn or deferred, or the Bills may be consolidated.

See (*Instructions*) Order No. 424.

If irregular,
to be
withdrawn.

276. Every Bill not prepared pursuant to the Order of Leave, or according to the Standing Orders of the Council, shall be withdrawn, unless at the time of the irregularity being noticed the Bill is before a Committee; and if withdrawn, a new Bill may be forthwith presented in lieu thereof under the same Order of Leave.

Bill
presented in
lieu of one
withdrawn.

Clerk to notify
State First
Nations Voice of
Bill.

276A. The Clerk shall advise the State First Nations Voice of each Bill introduced in the Legislative Council or received from the House of Assembly within 24 hours of its introduction or receipt.

BILLS APPROPRIATING REVENUE

BILLS APPROPRIATING REVENUE OR CLAUSES DEALING WITH TAXATION, ETC.

277. If any Bill or Amendment received from the House of Assembly be a Bill or Amendment for the Appropriation of any part of the Revenue, or of any tax, rate, duty, or impost, the Council will not proceed with such Bill or Amendment unless the Clerk of the House of Assembly shall have certified upon the Bill that the purpose of such appropriation has been recommended to the House of Assembly by the Governor during the current Session.*

Council will not proceed with Appropriation Bill unless certified.

278. If any Bill, introduced in the Council by the Government, contains a clause - or if a new clause or amendment is inserted therein in Committee - by which, in order to the better carrying out of the main objects of the measure, Revenue or other public money is appropriated, or if such clause or amendment deals with taxation or the raising, guaranteeing, or repaying, of any loan, the said clause or amendment shall be printed in erased type and shall not be deemed to form any part of the Bill.

Clause appropriating Public Money dealing with taxation, etc., to be in erased type.

The Message transmitting the Bill to the House of Assembly for its concurrence shall also draw attention to the suggestion indicated by the clause or amendment printed in erased type, stating that such a clause or amendment cannot originate in the Council, but is deemed necessary to the Bill.

Procedure in Committee see Order No. 298.

* See *Constitution Act*, Sec. 59.

BILLS AMENDING THE CONSTITUTION -
READINGS

BILLS AMENDING THE CONSTITUTION

Council will not proceed with Bill for alteration of Constitution unless certified.

279. If any Bill received from the House of Assembly be a Bill by which an alteration in the Constitution of the Council or House of Assembly is made, the Council will not proceed with such Bill unless the Clerk of the House of Assembly shall have certified upon the Bill that its second and third readings have been passed with the concurrence of an absolute majority of the whole number of the Members of the House of Assembly.*

Certificate in Council see Order No. 321.

Procedure on second and third readings see Order No. 282.

READINGS

Title only read.

280. On every order for the reading of a Bill, the Title only shall be read.

Effect of negative vote and of six months' postponement.

281. If the question that a Bill be now read a second or a third time be negatived, the Bill may be revived, on Motion after Notice or as provided in Order No. 68, but if the Bill be ordered to be read a second or a third time "this day six months", it shall be withdrawn from the Notice Paper, and shall not be revived during the same Session. This Standing Order shall not be suspended.

Order not to be suspended.

Constitution Bills: procedure when majority less than absolute majority.

282. Before the question for the second or third reading of a Bill to alter the Constitution of either House of the Legislature is put from the Chair, the President shall count the Council; and, if the question be carried by a majority less than an absolute majority of the whole

* See *Constitution Act*, Sec. 8.

READINGS

number of the Members of the Council, the Bill shall be read a second or third time, as the case may be, but shall not be further proceeded with, nor shall it be revived during the same Session. This Standing Order shall not be suspended.

Order not
to be
suspended.

First Reading

283. Upon a Bill being presented by a Member or received in due order from the House of Assembly for the concurrence of the Legislative Council, the Bill shall be read a first time without any question being put.

First
Reading.

284. After the First Reading, the Bill shall be printed and the Second Reading of the Bill may be moved forthwith or on motion at a later hour of the same day or made an Order of the Day for a future day. If the Second Reading of the Bill is moved forthwith after its First Reading, the debate thereon shall be immediately adjourned until a future day.

Second
Reading.

Alterations of text see Order No. 324.

285. *Standing Order repealed.*

Second Reading

286. On the Order of the Day being read for the Second Reading of a Bill, the Question shall be proposed “That this Bill be now read a second time”.

Question for
Second
Reading.

287. To such Question the only Amendments which may be moved shall be -

Amendments
to Question.

(i) To leave out “now”, and to add “this day six months”;

or

(ii) In the form of a Resolution strictly relevant to the objects of the Bill,

but the Previous Question may be proposed.

READINGS - COMMITTAL

How
determined.

The Amendments stated in paragraph (i.) are not themselves open to amendment, and whenever they are moved, the decision of the Council as to whether or not the word “now” shall stand shall be held to be conclusive upon the whole question, and the President shall forthwith declare the Second Reading to be carried or to be deferred for six months, as the case may be.

See (*Previous Question*) Orders Nos. 144-152.

See also (*as to revival*) Order No. 281; and (*Constitution Bills*) Order No. 282.

 COMMITTAL

Committal.

288. Every Bill, on being read a second time, shall, except as provided in Order No. 282, stand committed, and unless it be on motion or by these Orders, referred to a Select Committee, or a Motion be made for the Committee stages to be taken on motion at a later hour of the same day or made an Order of the Day for a future day, the President shall leave the Chair and the Council shall resolve itself into a Committee of the Whole for the consideration of the Bill: Provided that where Notice of an Instruction has been given such Instruction may be first disposed of.

Instruction.

See (*Instructions*) Orders Nos. 421-428; (*Hybrid Bills*) Order No. 268; and (*Consolidation Bills*) Joint Standing Order No. 18.

Restriction
on reference
to a Select
Committee.

289. No Motion for referring a Bill to a Select Committee shall be entertained after the Chairperson of Committees shall have reported the Bill.

Recommittal see Orders Nos. 307, 313.

COMMITTEES ON BILLS

COMMITTEES OF THE WHOLE ON BILLS

290. The following order shall be observed in considering a Bill and its title, viz.:- Order of consideration.

- (I.) The Clauses *seriatim* and any proposed new Clauses;
 - (II.) Postponed Clauses (not having been specially postponed to certain other Clauses);
 - (III.) The Schedules and any proposed new Schedules;
 - (IV.) The Preamble;
 - (V.) The Title,
- and the same order shall be observed when a Bill is reconsidered or recommitted.

See (*in Select Committee*) Order No. 305.

291. The Chairperson shall read each Clause and Schedule separately to the Committee, and shall put upon each Clause and Schedule the question “That this Clause (*or* Schedule) stand as printed.” Clauses and Schedules read and put.

In reading the Clauses and Schedules it shall be sufficient to read the numbers and marginal notes only. In what manner read.

292. The words of Enactment at the beginning of a Bill are not to be put to the Committee unless under an Instruction from the Council. Words of Enactment.

See (*Instructions*) Orders Nos. 421-426.

293. Any Amendment may be made to any part of a Bill, provided the same be relevant to the subject matter of the Bill, or pursuant to any Instruction, and be otherwise in conformity with the Standing Orders of the Council; but if any Amendment shall not be within the Title, the Committee shall amend the Title accordingly and report the same specially to the Council. Amendments must be relevant, etc.

Title.

See (*Instructions*) Orders Nos. 421-426 and (*Amending Title at Third Reading*) Order No. 315.

COMMITTEE ON BILLS

Principle of
Bill not to
be reversed.

294. No Amendment shall be made by which the principle of a Bill, as affirmed by its Second Reading, is reversed.

Decisions
not to be
reviewed
till Bill
recommitted.

295. No new Clause or Amendment shall at any time be proposed which is substantially the same as one already negatived by the Committee, or which is inconsistent with one that has been already agreed to by the Committee, unless a recommitment of the Bill shall have intervened.

See also Order No. 364; (*on Reconsideration*) Order No. 300; and (*Same Question*) Order No. 124.

Clauses put
as amended.

296. If a Clause or Schedule be amended, a further question shall be put, "That the Clause (*or* Schedule) stand as amended".

Clauses
postponed.

297. Any Clause may be postponed, unless it has already been amended.

Clauses in
erased type.

298. No question shall be put upon any Clause printed in erased type.

See Order No. 278.

Debate
confined to
single
question.

299. Debate shall be confined to the Clause, Schedule, or Amendment immediately before the Committee.

See also Orders Nos. 185, 366.

Reconsideration.

300. When a Bill has been gone through, its Reconsideration, in whole or in part, may be moved for the purpose of making Amendment or further Amendment thereto; but upon such Reconsideration no Amendment, not being a merely consequent Amendment, shall be entertained in respect of words which have been the subject either of a previous Amendment or of a proposed Amendment unless the latter was withdrawn.

COMMITTEES ON BILLS

The Bill may also be Reconsidered under this Order for the purpose of adding specified new Clauses or Schedules.

New Clauses
on
Reconsideration.

See also Orders Nos. 290, 295.

301. A Bill shall not be reprinted during its passage through Committee except by Order of the Council.

Not reprinted
before
Report.

302. When the proceedings upon a Bill have not been concluded at the end of any day's sitting of the Committee, the Chairperson shall be directed to report progress and ask leave to sit again.

Reporting
Progress.

303. When the proceedings upon a Bill have been concluded, the Chairperson shall leave the Chair and report the Bill to the Council, with or without Amendments as the case may be.

Bill reported
by Chairperson.

304. The Chairperson shall sign a printed copy of every Bill to be reported, with all amendments fairly written thereon; and the Bill so signed shall be handed by the Chairperson to the Clerk when reporting to the Council.

Chairperson to
sign copy of
Bill and
Amendments:
And hand
copy to
Clerk.

Further procedure in Committee see Orders Nos. 351, *sqq.*

Amendments Generally, and Between the Houses see Orders Nos. 324, *sqq.*

Money Bills see Order No. 341.

Consolidation Bills see Joint Standing Order No. 18.

Procedure before Select Committee

305. The foregoing procedure shall be followed by a Select Committee in considering a Bill, except that a Preamble shall have precedence of the Clauses, and if the allegations contained therein be not found to be true, the Committee, without further considering the Bill, shall so report to the Council. The Committee may also make a Special Report upon the Bill.

Consideration
by Select
Committee.

REPORT

Other Procedure in Select Committees see Orders Nos. 377-413.

Preamble see Order No. 290.

Exception as to Consolidation Bills see Joint Standing Order No. 18.

REPORT

Adoption of
Report.

306. Upon a Bill being reported from a Committee of the Whole Council, with or without amendment, the adoption of the Report may be immediately moved, or a future time may be fixed for that purpose, and the Bill, if amended, shall be printed as reported.

Recommittal.

307. On the Motion for the adoption of the Report, the Bill, either in whole or in part, may, on Motion, be recommitted.

Proposed
new Clauses
to be
indicated.

308. In moving for the Recommittal of a Bill, for the purpose of adding new Clauses or Schedules, Members must indicate to the Council the number and nature of such Clauses and Schedules.

See also Orders Nos. 300, 313.

Third
Reading
fixed.

309. Upon the Report being adopted, the Third Reading shall be made an Order of the Day for a future day.

See (*Exception*) Order No. 313.

When
reported by
Select
Committee.

310. Except where otherwise ordered, every Bill reported from a Select Committee shall, if not Recommended to the same or another Select Committee, or if Notice be not given of a Motion for its withdrawal, be forthwith Recommended to a Committee of the Whole Council for a future day, and the Report of the Committee shall in the meantime be printed.

See (*Exception*) Joint Standing Order No. 18.

REPORT - THIRD READING AND PASSING

311. Bills amended by a Select Committee shall, unless otherwise ordered, be reprinted as amended, with every addition or substitution in italic type, and the omissions therefrom included in brackets and underlined.

If amended
by Select
Committee,
how printed.

THIRD READING AND PASSING

312. On the Order of the Day being read for the Third Reading of a Bill, the question shall be proposed “That this Bill be now read a Third Time”; to which the only Amendment which may be moved shall be, to leave out “now” and to add “this day six months”, which Amendment shall be determined in the manner provided at the Second Reading; but the Previous Question may be proposed.

Question for
Third
Reading.

Amendments
admissible.

See (*as to Revival*) Orders Nos. 281, 282; (*Second Reading*) Order No. 287; and (*Previous Question*) Orders Nos. 144-152.

313. Before the question for the Third Reading is put the Bill, either in whole or in part, may, on Motion, be Recommitted, but in the latter event the number and nature of any proposed new Clauses and Schedules must be first indicated; and if the Bill be reported with Amendment or further Amendment, the Report may be adopted and a future day appointed for the Third Reading, and the Bill shall be again printed as amended; but if no such Amendment has been made, the Bill may be read a Third Time without delay.

Recommittal
on Third
Reading.

314. Before any Bill which has been referred to a Committee of the Whole Council shall be read the third time, the Chairperson of Committees shall certify in writing that the fair print is in accordance with the Bill as agreed to in Committee and reported, and the President shall announce that the Chairperson has so certified.

Certificate of
Chairperson
of Committees.

THIRD READING AND PASSING - TRANSMISSION - CERTIFICATES

Question for
passing put
without
debate.

315. So soon as a Bill shall have been read a third time, the President shall, except as provided in Order No. 282, without permitting discussion, amendment, or adjournment, put a question “That this Bill do now pass”: Provided that, if the Title does not conform to the contents of the Bill, the same may be first amended.

Title
amended.

See (*Title*) Orders Nos. 272, 293.

TRANSMISSION AND RETURN TO THE HOUSE OF ASSEMBLY

Council Bill
sent to
Assembly for
concurrence.

316. When a Bill originated in the Legislative Council shall have passed, it shall be sent to the House of Assembly with a Message desiring its concurrence thereto.

Assembly
Bill when
passed
returned.

317. When a Bill originated in the House of Assembly has passed in the Council with or without amendment it shall be returned, with a Message informing that House that the Council has agreed to the same “without amendment”, or “with the amendments indicated by the annexed Schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly”.

See (*Schedules*) Order No. 339; and (*Suggested Amendments*) Order No. 341.

Consolidation Bills see Joint Standing Order No. 18.

CERTIFICATES

On Council
Bill when
passed.

318. When a Bill originated in the Council shall have passed, the Clerk shall certify it as follows: “This Public Bill originated in the Legislative Council, and having this day passed, is now ready for presentation to the House of Assembly for its concurrence”.

CERTIFICATES

319. When a Bill originated in the House of Assembly shall have passed in the Council without amendment, it shall be certified by the Clerk as follows: “This Bill has been agreed to by the Legislative Council without amendment”.

On Assembly
Bill not
amended.

320. When a Bill originated in the House of Assembly shall have passed in the Council with amendment, the Clerk shall certify it as follows: “This Bill, with the amendment (*or* amendments) annexed, has been agreed to by the Legislative Council”.

On Assembly
Bill
amended.

321. Whenever any Bill, by which an alteration in the Constitution of the Legislative Council or House of Assembly is made, shall have passed its Second and Third Readings in the Council with the concurrence of an Absolute Majority of the whole number of the Members, the Clerk shall certify the Bill accordingly.

On Constitution
Amendment
Bill.

See (*Assembly Certificate*) Order No. 279.

322. In whatever other way the Council shall subsequently deal with a Bill, the Clerk shall at every stage certify it accordingly.

At
subsequent
stages.

323. All Certificates by the Clerk shall be written on the first page of the Bill.

Where to be
written.

Before Presentation to Governor see Orders Nos. 349, 345.

By Chairperson of Committees see Order No. 314.

ADDRESS BY STATE FIRST NATIONS VOICE

Address by State
First Nations
Voice.

323A. Should the State First Nations Voice give notice of the intention to address the Council in relation to any Bill, the President shall advise the Council of the date and time for the address. Should the Council not be sitting, the President shall give written notice to all Members of the date and time of the address providing as much notice as practicable.

Conduct of
Address by State
First Nations
Voice.

323B. At the time appointed for the address by the State First Nations Voice in relation to a Bill, the President shall admit the State First Nations Voice representative to the Chamber to be seated on the floor of the Chamber to the right of the President. The time allotted for the Address shall be no greater than 20 minutes. At the conclusion of the address, the State First Nations Voice representative shall leave the Chamber and Business of the Day be resumed.

Request to State
First Nations
Voice for report.

323C. Following either:

- i. a Resolution of the Council; or
- ii. a request from a Minister

The President may request the State First Nations Voice to present a report on a Bill or request a specified member of the State First Nations Voice attend and address the Council in relation to a Bill. Such Resolution or request shall be communicated to the State First Nations Voice by written notice of the President.

AMENDMENTS TO BILLS

AMENDMENTS TO BILLS

Generally

324. After the First Reading and before the Bill is issued to Members, no alteration shall be allowed to be made in the text thereof, except by permission of the President at the request of the Member having the Bill in charge; and only such alterations shall be so permitted as are necessary for the correction of errors of printing or drafting or for the omission of words included by mistake.

Alterations
after First
Reading.

325. No Amendment, not being of a merely verbal or formal nature or such as can be made after the Third Reading, shall be made to any Bill after it has been printed and issued to Members otherwise than by a Select Committee or in a Committee of the Whole Council.

Amendment
to be made in
Committee.

326. Amendments of a merely verbal or formal nature may be made, and clerical and typographical errors may be corrected, in any part of a Bill by the President at any time during its progress through the Council.

Verbal
Amendments
and Clerical
Errors.

After Third Reading (Title) see Order No. 315.

Suggested Amendments see Order No. 341.

Governor's Amendments see Orders Nos. 342-345.

General Procedure see Orders Nos. 130, *sqq.* and 290 *sqq.*

Amendments between the Houses

327. Messages coming from the House of Assembly transmitting or dealing with Amendments shall be considered in Committee of the Whole Council, either forthwith or at such future time as the Council shall appoint.

All Messages
considered
in Committee.

If not considered forthwith, the Message or the Amendments shall be printed as Members may require.

AMENDMENTS TO BILLS

Amendment
must be
relevant.

328. No Amendment shall be proposed to an Assembly's Amendment that is not strictly relevant thereto.

Amendment
to Bill
restricted.

329. No Amendment shall be proposed to any words of a Bill which have been agreed to by both Houses, unless it be strictly relevant to or consequent upon the acceptance, amendment, or rejection of a previous Amendment as hereinafter provided.

See Orders Nos. 333, 334, 336; and (*at Conference*) Order No. 260.

When
Amendment
agreed to.

330. Whenever the Council agrees to an Amendment made by the House of Assembly, a Message shall be sent informing that House thereof and returning the Bill if the same be an Assembly Bill.

When
Amendment
disagreed to.

331. Whenever the Council disagrees to an Amendment made by the House of Assembly, the Bill shall be returned with a Message informing that House thereof and desiring the reconsideration of the Bill.

When
Amendment
amended.

332. Whenever the Council agrees to an Assembly's Amendment with amendment, or makes any further Amendment to the Bill, the Bill shall be returned with a Message, transmitting a Schedule of such Amendment, and desiring the concurrence of the House of Assembly thereto.

See (*Schedules*) Order No. 339.

In Bills Originated in the Council

Assembly's
Amendments,
how dealt with.

333. When the House of Assembly returns a Bill with Amendments, such Amendments may be -

- I. Agreed to, with or without amendment, and with any necessary consequent Amendment to the Bill;

or

AMENDMENTS TO BILLS

- II. Disagreed to; and, if desired, further amendments made to the Bill in words reinstated by disagreement;
 - or
 - III. Postponed as to their consideration for six months,
- or the Bill may be ordered to be laid aside.

334. If the House of Assembly again returns the Bill with a Message informing the Council that it -

Further proceedings on Council Bills.

- I. Insists on its original Amendments to which the Council has disagreed;
- or
- II. Disagrees to Amendments made by the Council;
- or
- III. Agrees to Amendments made by the Council with further amendments;
- or
- IV. Proposes further Amendments in lieu of and relevant to the Amendments disagreed to by the Council,

the Council may -

As to I. - Agree, with or without amendment, to the Amendments to which it had previously disagreed, and make, if necessary, consequent Amendments to the Bill; or may insist on its disagreement to such Amendments, and may -

As to II. - Insist, or not insist, on its Amendments, and may -

As to III. and IV. - Agree, with or without amendment, to such further Amendments of the Assembly, making consequent amendments to the Bill, if necessary; or may disagree thereto,

AMENDMENTS TO BILLS

and, if the Council shall so insist or disagree or if the Bill in cases of further Amendment be again returned by the House of Assembly with any of the requirements of the Council still disagreed to, or with further Amendments upon such Amendments to which the Council will not agree, the Council shall either request a Conference or order the Bill to be laid aside.

See (*Conferences*) Orders Nos. 251-262.

Final
agreement
communicated.

335. If the Council resolves not to insist on any of its requirements, a Message shall be sent to the House of Assembly informing that House thereof.

In Bills Originated in the House of Assembly

Further
proceedings
on Assembly
Bills.

336. When the House of Assembly -

- I. Disagrees to Amendments made by the Council;
or
- II. Agrees to Amendments made by the Council
with amendments;
or
- III. Proposes Amendments in respect of words
reinstated by disagreement,

the Council may -

As to I. - Insist, or not insist, on its Amendments; and may make amendments in lieu of and relevant to those to which the House of Assembly has disagreed; or may order the Bill to be laid aside,

and may -

As to II. and III. - Agree to the Assembly's Amendments, with or without amendment, making consequent amendments to the Bill if necessary; or may disagree thereto and insist on its own Amendments; or may order the Bill to be laid aside.

AMENDMENTS TO BILLS

337. If the Council insists, or does not insist, on its Amendments, a Message shall be sent to the House of Assembly informing that House thereof and returning the Bill.

Final
decision
communicated.

338. If a Conference be held with the House of Assembly, the Bill shall be brought back by the Managers, and if the Recommendations from the Conference be not adopted by the Council, or if no Recommendation be reported by the Managers, the Council shall either resolve not to further insist on its requirements, or shall order the Bill to be laid aside.

Procedure
after
Conference.

If such Recommendations be adopted, or if the Council does not further insist, a Message shall be sent to the House of Assembly accordingly.

See (*Conferences*) Orders Nos. 251-262.

Schedules and Reasons

339. Every Schedule of Amendments, required to be transmitted to the House of Assembly, shall contain specific reference to the page and line of the Bill where words are to be inserted, added, or left out - or to the Amendment of the House of Assembly which is proposed to be amended - and shall describe each proposed Amendment. The Schedule shall be signed by the Clerk and annexed to the Bill.

Schedules of
Amendments.

See (*Schedule*) Orders Nos. 332, 341.

340. *Standing Order repealed.*

BILLS - SUGGESTIONS

Suggestions in Money Clauses

Procedure on
Suggested
Amendments.

341. Whenever the Council shall, in an Assembly Bill, desire the amendment of any “Money Clause”, as is provided in Part 2 of the *Constitution Act 1934*, as amended from time to time, or the insertion of any such additional “Money Clause”, the foregoing procedure relating to Bills shall be varied in respect of the following particulars, viz:-

In Committee

When a Motion - “That it be a suggestion to the House of Assembly to amend any Clause” - has been carried, the Chairperson shall put a question - that the Clause, as suggested to be amended, be agreed to.

Report

The Chairperson shall report that the Committee has gone through the Bill and agreed to the same with certain Suggested Amendments.

The reported Bill when reprinted shall show -

(a) all Suggested Amendments involving insertion of words in erased type;

and

(b) all Suggested Amendments involving deletion of words in erased type, underlined and enclosed in brackets.

Third Reading and Passing

The Question first proposed at the Third Reading shall be - “That the Bill, with the Suggested Amendments, be now read a Third Time and passed”.

BILLS - SUGGESTIONS

Return to the House of Assembly

The Bill shall be returned to the House of Assembly with a Schedule of the Suggested Amendments and the following Message:- The Legislative Council has agreed to the Bill returned herewith titled with the Suggested Amendments indicated by the annexed Schedule, which Amendments the Legislative Council requests the House of Assembly to make to the said Bill.

See (*Schedule*) Order No. 339.

If Returned by House of Assembly

If the House of Assembly does not agree to make the Suggested Amendments, or agrees to make some and not others, or agrees to them with amendment, and returns the Bill to the Legislative Council with a Message to that effect, together with reasons for the action of that House, the Council shall insist or not insist on its Suggested Amendments, or agree or not agree to the Assembly's Amendment. But should the Council so insist or not agree, it shall either request a Conference or lay the Bill aside.

See (*Conferences*) Orders Nos. 251-262.

At Conferences

At a Conference it shall be the endeavour of the Managers for the Council to obtain the agreement of the Managers for the House of Assembly to the Council's requirements, and failing this, to a modification of the same by way of further amendment.

See Order No. 260.

After Conference

If after Conference held there be not agreement with the House of Assembly, the Bill shall be laid aside, and shall not be revived during the same Session.

BILLS - GOVERNOR'S AMENDMENTS

Governor's Amendments

Governor's
Amendments
treated like
those of
Assembly.

342. Whenever the Governor shall return by Message to the Council any Bill presented to the Governor by the President for the Royal Assent, together with any Amendment which the Governor desires to be made thereto, such Amendment shall be treated and considered in the same manner as Amendments made by the House of Assembly to Bills originated in the Council.

See Order No. 333; and (*Messages from the Governor*)
Orders Nos. 242-246.

If agreed to,
to be
forwarded to
Assembly.

343. When the Council shall have agreed to any Amendment recommended by the Governor, with or without amendment, such Amendment, together with any alterations rendered necessary to be made in the Bill in consequence of such Amendment, shall be forwarded by Message to the House of Assembly for its concurrence; and any Amendment made by the House of Assembly thereto shall be dealt with in the same manner as Amendments made by that House to Bills originated in the Council.

Assembly's
Amendments.

See Orders Nos. 333-335.

If received
through the
Assembly.

344. Amendments recommended by the Governor to Bills originated in the House of Assembly which shall have been agreed to by that House and forwarded for the concurrence of the Council, shall be proceeded with in the same manner as Amendments made by the House of Assembly upon the Council's Amendments to Bills first received from the Assembly.

See Orders Nos. 336-338.

When
Amendment
finally
agreed to,
Bill again
presented to
Governor.

345. When any Amendment recommended by the Governor in any Bill originated in the Council has been agreed to by both Houses, with or without Amendment, the Bill shall be fair printed as amended and presented by the President to the Governor for the Royal Assent, having been certified as in manner hereinafter provided;

LAPSED BILLS - REVIVAL

but if such Amendment be disagreed to by the Council, or if no agreement between the two Houses be arrived at thereon, the President shall again present to the Governor for the Royal Assent the Bill in the form as first presented by the President for that purpose.

When
disagreed to.

See (*Certificate*) Order No. 349.

REVIVAL IN NEXT SESSION*

346. A Bill which has passed its Second Reading in either House, but shall not have been finally disposed of at the close of the Session, may, in the next Session of the same Parliament, be restored to the stage reached in the previous Session by the carrying of a Motion, after Notice, that the Bill be restored to the Notice Paper.

Bill revived
in next
Session at
same stage.

Such Motion shall be put to the Council without any debate.

See also Order No. 174.

347. For the purposes of the next preceding Order, and until otherwise defined by law, the word "Parliament" shall comprise the period elapsing between a general election for the House of Assembly and the next ensuing dissolution or expiry of that House; and the word "stage" shall mean the commencement of whatever stage such Bill had reached.

Definition
of
"Parliament"
and "stage".

PRESENTATION FOR ASSENT

348. Every Bill originated in the Council, which shall have been finally agreed to by both Houses, shall be fair printed and presented by the President to the Governor for the Royal Assent.

Council Bills
when finally
passed
presented to
Governor by
President.

* See *Constitution Act*, Sec. 57.

PRESENTATION FOR ASSENT

Bills not to
be presented
unless
certified.

349. No Bill shall be so presented until certified by the signatures of the President and the Clerk as having originated in the Council and finally passed both Houses.

See also Order No. 345.

Bill not Assented to prior to Prorogation see Joint Standing Order No. 17.

DEPOSIT OF ACTS

Copy of all
Acts to be
deposited
with Clerk.

350. One copy of every Act of the Parliament, bearing the signature of the Governor, shall be delivered to the Clerk, for deposit amongst the records of the Council.

Custody of Records see Order No. 31.

COMMITTEES OF THE WHOLE

CHAPTER XXV

COMMITTEES OF THE WHOLE COUNCIL

351. A Committee of the Whole Council shall, where not appointed by these Orders, be appointed by a Resolution that the Council resolve itself into a Committee of the Whole either “now” or at some future time.

Committees
of the Whole,
how
appointed.

See (*Exceptions*) Orders Nos. 288, 310.

352. Whenever an Order is made for the Council to resolve itself into Committee forthwith, and whenever an Order of the Day is read for a Committee of the Whole Council, the President shall leave the Chair without Question put, and the Council shall thereupon resolve itself into such Committee: Provided that, where Notice of an Instruction has been given, such Instruction may be first disposed of.

President
leaves Chair
without
Question
put.

Instruction.

See Order No. 288; and (*Instructions*) Orders Nos. 421-426.

353. The President shall, unless it be otherwise ordered, take the Chair of Committees of the Whole Council.

President to
act as
Chairperson.

354. A Quorum shall consist of ten Members, including the Chairperson.

Quorum.

See (*Quorum of Council*) Note to Order No. 50.

355. A Committee shall consider such matters only as shall have been referred to it by the Council.

To consider
only matters
referred.

See (in Select Committees) Order No. 397.

356. Except as provided by the Orders contained in this chapter, the same rules for regulating debate, divisions, order, and general procedure shall be observed in Committee as in the Council itself.

Rules of
procedure.

See Orders Nos. 161, sqq., 219, sqq., 199, sqq., etc.; and (*Exceptions*) Orders Nos. 363, 365, 366.

COMMITTEES OF WHOLE COUNCIL

Chairperson
maintains
order, but
Council
punishes
disorder.

357. Order shall be maintained in Committee by the Chairperson; but disorder therein can only be censured or punished by the Council, and on receiving a Report from the Chairperson.

See (*Disorder, etc.*) Orders Nos. 208-218.

Grave
disorder.

358. If any grave disorder arises, the Chairperson shall leave the Chair and the Council having resumed, make Report to the President.

Objectionable
words.

359. When a Member, having used objectionable words, refuses either to explain them to the satisfaction of the Chairperson or to withdraw them, and whenever objectionable words have been taken down, the Chairperson shall forthwith report the occurrence to the President in the Chair.

See Orders Nos. 207, 193 and 208, *sqq.*

Objection to
Ruling of
Chairperson.

360. If any objection be taken to a Ruling or decision of the Chairperson, such objection shall be taken at once and not otherwise; and, having been stated in writing, the Chairperson shall leave the Chair and the Council shall resume, and the matter be laid before the President.

See (*President*) Order No. 205.

Chairperson
has casting
voice only.

361. The Chairperson shall have a Casting Voice only, and any reason for the vote stated by the Chairperson shall be entered in the Minutes.

See (*President*) Order No. 231.

Personal
Interest, how
determined.

362. Any Question of Personal Interest as affecting a Member's vote, arising in the Committee, shall be determined by the Committee.

See (*Definition of Interest*) Orders Nos. 225, 379.

Motions not
seconded.

363. A Motion made in Committee need not be seconded.

COMMITTEES OF WHOLE COUNCIL

364. A Motion contradictory of, or inconsistent with, a previous decision of the Committee shall not be entertained unless a recommittal shall have intervened.

Decisions not to be reviewed till after recommitment.

See also (*Bill in Committee*) Orders Nos. 295, 300.

365. No Motion for the Previous Question can be made in Committee.

No Previous Question.

366. Members may speak more than once to the same question, and debate shall be confined to the Motion or Amendment immediately before the Committee.

Members may speak more than once, and to confine debate to question.

See Orders Nos. 185, 299.

367. When the Chairperson shall have directed a Member who persists in continued irrelevance, prolixity, or tedious repetition to discontinue speaking, the Member named shall not be again heard during the discussion of the question then before the Chair.

Irrelevance, prolixity, or tedious repetition.

See (*Order in Debate*) Order No. 186.

368. If notice be taken that a Quorum of Members is not present, the bells shall be rung as for a Division, and, if a Quorum be not made up before the expiration of two minutes, the Chairperson shall leave the Chair, and report to the President accordingly.

Want of Quorum noticed.

No Member shall leave the Chamber while the bells are ringing.

Members not to leave Chamber.

See (*Further Procedure*) Order No. 53.

369. If it appears from a Division that a Quorum is not present, the Chairperson shall leave the Chair and report to the President accordingly, and no decision shall be considered to have been arrived at by such Division.

Want of Quorum in Division.

No decision.

See also Order No. 53.

COMMITTEES OF WHOLE COUNCIL

Report.

370. When the consideration of all matters referred to a Committee has been concluded, the Chairperson shall leave the Chair and report the Resolutions of the Committee to the Council; and when the consideration of such matters has not been concluded, the Chairperson shall be directed to report progress and ask leave to sit again.

Progress reported.

See (*Bills*) Orders Nos. 302, 303.

Certain motions to be immediately determined, and repetition limited.

371. A Motion -

- I. That the Question be now put;
- II. That the Chairperson report progress and ask leave to sit again;
- III. That the Chairperson do now leave the Chair,

shall always be in order, if made so as not to interrupt a Member speaking, and shall be moved without discussion and be immediately determined; but none of these motions shall be again entertained within the next fifteen minutes unless it be moved by the Member in charge of the Bill or other matter before the Committee; nor shall any Member, not being such Member in charge, move more than one of such Motions during the same sitting.

See (*Corresponding Motions in Council*) Orders Nos. 127, 195, 59.

Motion: That the Chairperson leave the Chair.

372. A Motion "That the Chairperson do now leave the Chair" will, if carried, supersede the proceedings of a Committee, but the Committee may, on Motion after Notice or as provided in Order No. 68, be revived for a future day.

When Chairperson leaves Chair without Question put.

373. The Chairperson shall leave the Chair without Question put -

Whenever a Message is brought from the Governor;

COMMITTEES OF THE WHOLE - REPORT TO COUNCIL

When the time is come for holding a Conference, or for doing anything which the Council has ordered to be done at a stated time;

For the purpose of reporting Resolutions, Bills, matters of Order, or want of Quorum,

and, on the cause of the interruption, other than a want of Quorum, being disposed of, if any business of the Committee remain unfinished, the same shall be resumed in Committee at the point where it was so interrupted. Interrupted
business
resumed.

See Orders Nos. 242, 254, 69, 370, etc.; and (*Half Past Six O'Clock Rule*) Order No. 60.

374. If the proceedings of a Committee be interrupted by a Count-out followed by an adjournment of the Council, the Council may order the resumption of such Committee on a future day, on Motion after Notice or as provided in Order No. 68 and the proceedings shall then be resumed at the point where they were so interrupted. Business
interrupted
by Count-out.

See (*Similar Interruption in Council*) Order No. 77.

Instructions see Orders Nos. 421-426.

Procedure on Bills see Orders Nos. 288-304.

Strangers see Orders Nos. 445-447.

Speeches and Proceedings see Orders Nos. 187, 190.

REPORT TO COUNCIL

375. Every Report from a Committee of the Whole shall be brought up and received by the Council, without Question put. Report
received
without
Question.

376. The Resolutions so reported may then be agreed to or disagreed to; or agreed to with amendments, or recommitted; or the further consideration thereof may be postponed. Resolutions,
how dealt
with.

Bills on Report see Orders Nos. 306-309.

SELECT COMMITTEES

CHAPTER XXVI

SELECT COMMITTEES - STANDING COMMITTEES

SELECT COMMITTEES

Constitution and General Procedure

To consist
of five
Members.

377. Every Select Committee shall, unless it be otherwise ordered, consist of five Members to be nominated by the mover; but if any one Member so demands, they shall be elected by ballot.

President and
Chairperson
of Committees.

378. The President shall be *ex officio* a Member and Chairperson of the Library and Standing Orders Committees, and a Member (and alternating Chairperson) of the Joint Parliamentary Service Committee, but shall not be liable to be elected to any other.

See Order No. 414.

Pecuniarily
interested
Member not
to sit.

379. No Member shall sit on a Committee who has a direct pecuniary interest in the inquiry before such Committee, not held in common with the rest of the subjects of the Crown and any question of interest arising in Committee may be determined by the Committee.

See also Orders Nos. 225, 362.

Members
discharged and
substituted.

380. Members may be discharged from attending a Committee and other Members substituted on Motion after Notice.

SELECT COMMITTEES

381. Any Notice of Motion for discharging, substituting, or adding Members shall contain the names of the Members proposed to be discharged; but the Members to be added or substituted shall be elected by ballot.

Members discharged, named.

New Members elected.

See (*Ballot*) Orders Nos. 233, 234.

382. On the appointment of every Committee, a day shall be fixed for the reporting of their proceedings to the Council.

Day fixed for bringing up Report.

383. Leave may be granted to a Committee, on the application of the Chairperson, on Motion without Notice, to report, from time to time, its opinions or observations, or the Minutes of Evidence only, or its Proceedings.

Progress Report.

384. Whenever it may be necessary, the Council may give a Committee power to send for persons, papers, and records, and to adjourn from place to place.

Power to send for persons, etc., and to adjourn from place to place.

385. The mover for the Committee, if a Member thereof, shall fix the time for its first meeting; otherwise the Clerk shall summon the Members for some convenient time.

First meeting.

386. In Committees consisting of five Members, three shall, unless otherwise ordered, form a Quorum, and in other cases the Quorum shall be appointed by the Council when the Order for the Committee is made.

Quorum.

See also Order No. 417, and Joint Standing Order No. 4.

387. The Committee, prior to the commencement of business, shall, except where otherwise ordered, elect one of its Members to be Chairperson.

Election of Chairperson.

See (*Exception*) Order No. 378.

SELECT COMMITTEES

Absence of
Chairperson.

388. In the absence of the Chairperson, the Committee shall appoint another of its Members to act for the time being.

Chairperson
to have a
deliberative vote
only.

389. The Chairperson shall have a deliberative vote only.

See (*in the case of Joint Committees*) Joint Standing Order No. 6.

When no
Quorum at
time of
meeting.

390. If after the lapse of ten minutes from the time appointed for the meeting of a Committee, there shall not be a Quorum, the Members present may retire after entering their names on the Minutes of Proceedings of the Committee; and the Clerk shall convene the next meeting.

No Quorum
at other
times.

If at any other time a Quorum is not present, the Chairperson shall suspend the proceedings until a Quorum is made up, or adjourn the Committee to some future time.

Adjournment
and sitting.

391. A Committee may adjourn from time to time, and may sit on those days over which the Council is adjourned; but may not sit during the sitting of the Council without permission of the Council.

Committee
to suspend
business on
President
taking the
Chair.

392. All Committees sitting at the time the President is about to take the Chair shall be informed by Black Rod that the President is about to take the Chair; and all proceedings after such notice shall be null and void.

Records of
proceedings
and divisions.

393. The names of the Members attending each meeting shall be entered in the Minutes of Proceedings of the Committee, as also every Motion or Amendment proposed in the Committee, together with the name of the Mover thereof; and if any Division take place, the Chairperson shall take down the names of the Members voting in any such Division, distinguishing on which side of the question they respectively vote.

SELECT COMMITTEES

394. The doors of the room are deemed to be locked while a division is being taken, and every Member of the Committee who was present when the question was put is required to vote.

Doors locked at division.

Obligation to vote.

See also (*Divisions*) Orders Nos. 223, 224.

395. The examination of witnesses shall be conducted as follows, viz.:- The Chairperson shall first put to the Witness, in an uninterrupted series, all such questions as the Chairperson may deem essential, with reference either to the subject referred to the Committee or to any branch of that subject, according to the mode of procedure agreed on by the Committee. The Chairperson shall then call on the other Members severally, in the order of their sitting, to put any other questions they may think fit; and the name of every Member so interrogating a Witness shall be noted and prefixed to the questions asked; and all such questions and the replies thereto, together with the name of the questioner prefixed, shall be duly noted by the reporter, unless the Committee otherwise directs, and shall form the Minutes of Evidence of the Committee.

Examination of Witnesses.

Minutes of Evidence.

396. When a Committee is examining Witnesses, Strangers may be admitted, unless the Committee otherwise resolves, but shall always be excluded when the Committee is deliberating.

Admission of Strangers.

397. No matters shall be considered which are not within the Order of Reference.

To consider only matters referred.

See also (*Committees of the Whole*) Order No. 355.

398. The Evidence taken by any Committee and Documents presented to such Committee, which have not been reported to the Council, shall not be disclosed or published by any Member of such Committee or by any other person, without the permission of the Council.

Evidence, etc., not to be disclosed.

See also (*Giving of Evidence*) Order No. 444; and (*after Report*) 453.

SELECT COMMITTEES

Committee to report but not inquire into charges against Members.

399. If any information come before a Committee that charges any Member of the Council, the Committee shall only direct that the Council be acquainted with the matter of such information, without proceeding further thereupon.

See (*Further Procedure*) Order No. 214.

Papers to be endorsed by Chairperson, and not released without Order.

400. Any documents laid before a Committee shall be endorsed by the Chairperson, and shall remain in the custody of the Clerk of the Council, unless released by Order of the Council or President.

See (*Council Papers*) Order No. 31.

Chairperson to prepare Report.

401. It shall be the duty of the Chairperson to prepare a draft Report; which shall be printed and circulated amongst the Members of the Committee.

Draft Report presented.

402. The Chairperson shall present to the Committee, which shall be convened for the purpose of considering the Report, the whole of the draft Report; which may be at once considered; but, if any Member so desires, a subsequent day shall be fixed for its consideration.

Report, how considered.

403. At the time of considering the Report, it shall be considered paragraph by paragraph or page by page or section by section and on each occasion the Chairperson shall put the question to the Committee – “That this.....(whichever is relevant).....stand part of the Report”.

Draft Report submitted by other Members.

404. If any Member, other than the Chairperson, submits a draft Report to the Committee, the Committee shall first decide upon which Report they will proceed.

Report amended.

405. Any amendment to be made by a Member objecting to any portion of the Report shall be proposed by the Member at the time the paragraph to be amended is under consideration, but any Protest or Dissent may be added to the Report.

Dissent or protest.

SELECT COMMITTEES

406. After a draft Report has been considered, the whole or any paragraph thereof may be reconsidered and amended.

Reconsideration of Report.

407. The Report when agreed to shall be signed by the Chairperson.

Chairperson to sign Report.

408. The final Report of the Committee shall be brought up on the appointed day unless further time be moved for and granted; but the Council will at any time prior to such day, when there is no other business before the Council, receive the Report.

Report, when to be brought up.

409. The Report shall be brought up and presented to the Council by the Chairperson, and shall lie upon the Table.

Report brought up by Chairperson.

410. Upon the presentation of a Report, no discussion thereon shall take place; but the Report may be ordered to be printed with the documents accompanying it.

Report may be read and printed, but not then discussed.

See (*Exceptions*) Orders Nos. 13, 419.

411. If any measure or proceeding be necessary upon a Report of a Select Committee, not being a Committee on a Bill, such measure or proceeding shall be brought under the consideration of the Council by Motion after Notice, which Notice may be given at the time of the presentation of the Report.

Subsequent proceedings to be after Notice.

See (*in cases of Bills*) Order No. 310, and Joint Standing Order No. 18.

412. A Committee is closed by the bringing up of the Report, not being a progress or interim Report, but may be revived on Motion after Notice.

Closed by Report.
Revival.

SELECT COMMITTEES - STANDING COMMITTEES

Payment of
Witnesses
and others.

413. Every Committee shall, until otherwise ordered, have power to award reasonable payment to any professional or other Witnesses, or to any person whom they may deem it necessary to employ in furtherance of the inquiry with which the Committee is charged; and the Chairperson's certificate on the face of an account shall be sufficient authority for its payment by the Clerk of the Council.

Witnesses see Orders Nos. 429, *sqq.*

Committal and Report of Bills see Orders Nos. 288, 305, 310; and Joint Standing Order No. 18.

Instructions see Orders Nos. 427, 428.

Conference with Committees of House of Assembly see Orders Nos. 263-266.

STANDING COMMITTEES

Standing
Orders,
Printing
Committees
appointed.

414. On the first day of every Session, until it be otherwise ordered, the Council shall proceed to appoint the following Committees, viz:-

(a) A Standing Orders Committee, consisting of the President and four Members;

(b) A Printing Committee, consisting of five Members,

Communicated to
House of
Assembly.

and their appointment shall be communicated by Message to the House of Assembly.

See *(Time for Appointment)* Order No. 11 and *(Chairperson)* Order No. 378.

STANDING COMMITTEES

415. The Members of the said Committees, who are not such *ex officio*, shall be nominated by the Mover, but, if any one Member so demand, they shall be elected by ballot.

How elected.

See (*ex officio Member*) Order No. 378; and (*Ballot*) Order No. 234.

416. Such Committees shall have power to act during the Recess, and, when necessary, to confer, or sit as Joint Committees, with similar Committees of the House of Assembly; and may report to the Council from time to time.

Powers.

Report.

See (*Joint Committees*) Joint Standing Orders Nos. 1-9.

417. The Quorum of such Committees shall, unless otherwise ordered, be three Members.

Quorum.

See also Order No. 386.

418. All Petitions and Papers laid on the Table of the Council which are not already printed by the Government Printer, or the printing of which is not thereupon moved by a Minister of the Crown, shall stand referred to the Printing Committee, and it shall be the duty of such Committee to report from time to time which of the Petitions and Papers referred to them ought, in their opinion, to be printed, and whether in full or in abstract; and it shall be in the power of the Committee to order such Petitions or Papers, or abstracts thereof, to be prepared for press by the Clerk in attendance upon such Committees.

Duties of
Printing
Committee.

See (*Printing*) Orders Nos. 96, 419, 451; and (*Debate on motion to print*) Orders Nos. 180, 419.

419. On the Report of the Printing Committee being received, it shall be in order to move that it be adopted, but the details of any individual Paper shall not be open to discussion on such motion. A Member desiring that any Petition or Paper should be printed, which the

Procedure
after Report
of Printing
Committee.

STANDING COMMITTEES

Committee has not recommended for printing, may give Notice when the Report has been dealt with, or subsequently, of the Member's intention to move therein.

See (*Priority on Notice Paper*) Order No. 64.

420. *Standing Order repealed.*

INSTRUCTIONS

CHAPTER XXVII

INSTRUCTIONS

421. Notice shall be required of an Instruction and of every material amendment thereto. Notice required.

TO COMMITTEES OF THE WHOLE

422. An Instruction empowers the Committee to consider matters which are relevant, and not contradictory, to the Order of Reference, but which had not been expressly referred; and to make Amendments to Bills which are relevant to the Title. Scope of an Instruction.

See also (*No reply*) Order No. 176; (*Amendments to Bills*) Orders Nos. 292, 293.

423. No Instruction shall be given to such Committee of a mandatory nature, nor to do that which the Committee is already empowered to do. Not to be mandatory or supererogatory.

424. An Instruction may be given to divide a Bill into two or more Bills, or, where two or more Bills are referred to the same Committee, to consolidate them into one. To divide or consolidate Bills.

425. The rejection of an Instruction to a Committee on a Bill shall not prevent the introduction during the same Session of a separate Bill dealing with the object of such Instruction; but will prevent any Amendment being proposed in Committee on the Bill which would contravene the decision of the Council on such Instruction. Effect of rejection of Instruction.

426. The time for moving an Instruction to a Committee of the Whole is whenever the Council is about to resolve itself into the Committee in question, before the President leaves the Chair. Time for moving.

See Orders Nos. 288, 352.

Enacting Words see Order No. 292.

INSTRUCTIONS

TO A SELECT COMMITTEE

Scope and
terms.

427. An Instruction to a Select Committee directs the order and course of the proceedings thereof, and extends or restricts the Order of Reference, in terms mandatory or otherwise.

Time for
moving.

428. An Instruction to a Select Committee may be moved either at the time of the appointment of the Committee or subsequently.

To Joint Committees see Joint Standing Order No. 7.

To Managers at Conferences see Orders Nos. 260, 341.

WITNESSES

CHAPTER XXVIII

WITNESSES

429. Witnesses, not being Members, when ordered to attend before the Council or a Committee of the Whole at the Bar, shall be summoned under the hand of the President, and, if desired by a Select Committee, by summons under the hand of the Clerk.

Witnesses
not being
Members,
summoned.

430. When the attendance of a Member of the Council is desired to be examined by the Council or a Committee of the Whole, the Member shall be ordered to attend in the Member's place, and the Order of the Council shall be communicated to the Member by the President.

Member,
how
summoned.

431. If any Select Committee desires the attendance of a Member as a Witness, the Chairperson shall, in writing, request the Member to attend; but should the Member refuse, the Committee shall take no further action, except to report the matter to the Council.

Member
desired by
Select
Committee.

432. The neglect or refusal of any Witness to attend in obedience to any such order or summons, or in obedience to a warrant of the President, shall be censured, or otherwise dealt with at the pleasure of the Council.

Neglect or
refusal to
attend.

433. When the attendance of a Member of the House of Assembly, or of any Officer of that House, is desired in order to be examined by the Council or any Committee thereof (not being a Committee on a Private Bill), a Message shall be sent to the House of Assembly to request that the House will give leave to such Member or Officer to attend, in order for the Member or Officer to be examined accordingly upon the matters stated in such Message.

When
attendance of
Member or
Officer of
Assembly
desired.

WITNESSES

Attendance
of Members
or Officers
of Council
desired by
Assembly.

434. Should the House of Assembly request by Message the attendance of a Member of the Council before that House or a Select Committee thereof, the Council may authorise such Member to attend if the Member thinks fit. The Council, if similarly requested by the House of Assembly, may also instruct its own Officers to attend as desired.

When
intended
Witness is in
prison.

435. When a Witness, whose attendance is desired, shall be in the custody of the keeper of any prison, such keeper shall be ordered to bring the Witness in safe custody, in order to the witness being examined, and from time to time, as often as the witness's attendance shall be thought necessary, and the President shall issue a warrant accordingly.

Witnesses
not to be
examined
on Oath.

436. Witnesses cannot be examined upon Oath by the Council, or any Committee thereof, unless it be so provided by law.

Entitled to
protection.

437. All Witnesses examined before the Council, or any Committee thereof, are entitled to the protection of the Council in respect of anything that may be said by them in their evidence.

Bar is to be
kept drawn.

438. When a Witness is being examined by the Council, or a Committee of the Whole, the Bar is drawn.

Witnesses
before
Council
examined by
President.

439. When a Witness appears before the Council, the President shall examine the Witness, and any questions addressed by Members shall be asked through the President.

Before
Committee by
any Member.

440. In Committee of the Whole Council, any Member may put questions directly to the Witness.

Witness
withdraws
if question
objected to.

441. If any question be objected to, or other matter arise, the Witness shall withdraw while the same is under discussion.

WITNESSES

442. A Member of the Council shall be examined in the Member's place. Member examined in the Member's place.

443. Judges are introduced by Black Rod and have chairs placed for them within the Bar. Judges, how introduced.

444. No Member, Clerk or Officer of the Council, or *Hansard* reporter employed to take Minutes of Evidence before the Council or any Committee thereof, may give evidence elsewhere in respect of any proceedings of the Council or its Committee, or of any examination had at the Bar or before any Committee, without the special permission of the Council. Members and Officers not to give evidence without leave.

Before Select Committees see Orders Nos. 395, 396, 413.

STRANGERS

CHAPTER XXIX

STRANGERS

Strangers
admitted
only by
President.

445. The President alone shall have the privilege of admitting Strangers, not being Members of the House of Assembly or of the Commonwealth Parliament, to the body of the Council Chamber, either within or without the Bar, while the Council or a Committee of the Whole is sitting.

Admission of
Members of
Assembly and of
Commonwealth
Parliament
without Bar.

446. Members of the House of Assembly and of the Commonwealth Parliament shall have the privilege of admission, without order, to the body of the Council Chamber without the Bar.

Strangers
ordered to
withdraw.

447. If at any sitting of the Council, or in Committee, any Member shall take notice that Strangers are present, the President, or the Chairperson (as the case may be), shall forthwith put the question “That Strangers be ordered to withdraw” without permitting any discussion or amendment: Provided that the President, or the Chairperson, may, whenever the President or Chairperson thinks fit, order the withdrawal of Strangers from any or every part of the Chamber.

At Select Committees see Order No. 396.

Arrest for Misconduct see Order No. 216.

Infant being
breast or bottle
fed admitted.

447a. An infant being breast or bottle fed by a Member shall be permitted to the body of the Council Chamber, either within or without the Bar, while the Council or a Committee of the Whole is sitting.

PAPERS AND DOCUMENTS

CHAPTER XXX

PAPERS AND DOCUMENTS

448. Papers and Returns may be ordered to be laid before the Council, and the Clerk shall communicate all such orders of the Council.

Papers, etc.,
ordered.

See (*Priority to Motion*) Order No. 64.

449. When any Paper is required by the Council which concerns the Royal Prerogative, or which is a Despatch or other Correspondence addressed to or emanating from the Governor, or when any information is desired from the Governor, an Address shall be presented to the Governor praying that the same may be laid before the Council.

Addresses
for Papers,
etc.

See (*Addresses*) Orders Nos. 235, *sqq.*

450. Papers presented pursuant to Statute, or by Command of the Governor, or pursuant to an Order of the Council, may be laid on the Table without comment, at any time when other business is not before the Council.

When to be
presented.

No comment
allowed.

451. On any Paper being laid before the Council, the printing thereof may be moved by a Minister of the Crown, and it shall be in order to move that it be read; and if necessary, a day may be appointed for its consideration.

May be read
and printed.

Consideration.

Printing of Papers and Debate on Motion see Orders Nos. 418, 419, 180; and *Priority on Notice Paper* see Order No. 64.

452. A Document quoted from in debate, if not of a confidential nature or such as should more properly be obtained by Address, may be called for at any time during the debate, and on Motion thereupon without Notice may be ordered to be laid upon the Table.

Papers
quoted in
debate.

PAPERS AND DOCUMENTS

Papers when
presented
are public.

May be
inspected
and copied.

453. All Papers and Documents laid upon the Table of the Council shall be considered public. Papers not ordered to be printed may be inspected at the offices of the Council at any time by Members, and, unless otherwise ordered by the President, by other persons, and copies thereof or extracts therefrom may be made.

Returns
after
Prorogation.

454. All Papers and other Documents ordered by the Council during the Session and not returned prior to the Prorogation, and such other official reports and returns as are customarily laid before Parliament and printed, shall be forwarded to the President in print as soon as completed; and, if the same are received within two months after such Prorogation, the Clerk shall cause such Papers and Documents to be distributed among Members and bound with the Minutes of the Proceedings; and as regards those not received within such time, they shall be laid upon the Table on the first day of the following Session, together with a Return prepared by the Clerk showing the Resolutions of the Council which have or have not been complied with. If any Orders for Returns made in the previous Session have not been complied with, a Return of such Orders shall be prepared by the Clerk and laid on the Table on the same day.

Council
Papers to be
furnished to
Assembly.

455. Members of the House of Assembly shall be furnished with copies of all Papers printed by Order of the Council.

Records, Custody of Papers, etc., see Orders Nos. 28-31.

Laid before Select Committees see Orders Nos. 398, 400.

CITIZENS RIGHT OF REPLY

CHAPTER XXXA

CITIZENS RIGHT OF REPLY

Citizens
Right of Reply

455A. The Council makes available to any person who believes that they have been adversely referred to during proceedings of the Legislative Council the following procedure for seeking to have a response incorporated into Hansard –

- I. Any person who has been referred to in the Legislative Council by name, or in another way so as to be readily identified, may make a submission in writing to the President -
 - (a) claiming that he or she has been adversely affected in reputation or in respect of dealings or associations with others, or injured in profession, occupation or trade or in the holding of an office, or in respect of any financial credit or other status or that his or her privacy has been unreasonably invaded; and
 - (b) requesting that his or her response be incorporated in to *Hansard*.
- II. The President shall consider the submission as soon as practicable.
- III. The President shall reject any submission that is not made within a reasonable time.
- IV. If the President has not rejected the submission under clause III, the President shall give notice of the submission to the Member who referred in the Council to the person who has made the submission.
- V. In considering the submission, the President -
 - (a) may confer with the person who made the submission;
 - (b) may confer with any Member;

CITIZENS RIGHT OF REPLY

- (c) must confer with the Member who referred in the Council to the person who has made the submission and provide to that Member a copy of any proposed response at least one clear sitting day prior to the publication of the response;
but
 - (d) may not take any evidence;
 - (e) may not judge the truth of any statement made in the Council or the submission.
- VI. If the President is of the opinion that -
- (a) the submission is trivial, frivolous, vexatious or offensive in character; or
 - (b) the submission is not made in good faith; or
 - (c) the submission has not been made within a reasonable time; or
 - (d) the submission misrepresents the statements made by the Member; or
 - (e) there is some other good reason not to grant the request to incorporate a response into *Hansard*.
- the President shall refuse the request and inform the person who made it of the President's decision.
- VII. The President shall not be obliged to inform the Council or any person of the reasons for any decision made pursuant to this resolution. The President's decision shall be final and no debate, reflection or vote shall be permitted in relation to the President's decision.
- VIII. Unless the President refuses the request on one or more of the grounds set out in paragraph V, the President shall report to the Council that in the President's opinion the response in terms agreed between him and the person making the request should be incorporated in to *Hansard* and the response shall thereupon be incorporated in to *Hansard*.
-

CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT

CHAPTER XXXB

CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT

455B. Members of the Council shall be subject to the following Code of Conduct:

Code of Conduct
for Members of
Parliament

Preamble

Members of Parliament are in a unique position of being accountable to the electorate. The electorate is the final arbiter of the conduct of Members of Parliament and has the right to dismiss them from office at elections.

Members of Parliament have a responsibility to maintain the public trust placed in them by performing their duties with fairness, honesty and integrity, subject to the laws of the State and rules of the Parliament, and using their influence to advance the common good of the people of South Australia.

The objective of this Code is to ensure that the responsibilities and obligations of Members reflect community expectations and community standards.

Political parties and political activities are a part of the democratic process. Participation in political parties and political activities is within the legitimate activities of Members of Parliament. In performing these activities, and their public duties, Members of Parliament should demonstrate the following values:

- a) Serving the public interest;
- b) Exercise reasonable care and diligence in performing their public duties;
- c) Submit themselves to the lawful scrutiny appropriate to their office;
- d) Behave with respect and courtesy in their relationships with all parliamentary staff and public servants;

CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT

- e) Treat all persons with respect and have due regard for their opinions, beliefs, rights and responsibilities.
- f) Act with civility in their dealings with the public, Ministers and other Members of Parliament and the Public Service.

Members of Parliament must always be mindful of their responsibility to accord due respect to their right of freedom of speech within Parliament and not to misuse this right, consciously avoiding undeserved harm to any individual.

The preamble does not form part of the Code of Conduct.

Nothing in this Code of Conduct affects the privileges, immunities or powers of the Legislative Council or House of Assembly or their committees or members.

This Code of Conduct is a 'code of conduct' for the purposes of section 4(1) of the *Ombudsman Act 1972*.

The Code of Conduct

Conflicts of Interest

1. Members must avoid conflicts, or apparent conflicts, between their private interests and their official functions.

Members of Parliament must take reasonable steps to declare any conflict of interest between their private financial interests and decisions in which they participate in the execution of their duties. Members must declare their interests as required by the Members of Parliament (Register of Interests) Act 1983, and declare their interests when speaking on a matter in the House or a Committee in accordance with the Standing Orders.

A conflict of interest does not exist where the Member, their spouse or domestic partner, relative or associate, is only affected as a member of the public or a member of a broad class.

CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT

Members of Parliament must not promote any matter, vote on any bill or resolution, or ask any question in the Parliament or its Committees, in return for any financial or pecuniary benefit.

Gifts

2. In accordance with the requirements of the *Members of Parliament (Register of Interests) Act 1983*, Members of Parliament must declare all gifts and benefits received in connection with their official duties, including contributions made to any fund for a Member's benefit.

Public Resources

3. Members of Parliament must apply the public resources with which they are provided for the purpose of carrying out their duties, in accordance with any guidelines or rules about the use of those resources.

Confidentiality

4. Members of Parliament must not knowingly and improperly use official information, which is not in the public domain, or information obtained in confidence in the course of their Parliamentary duties, for private benefit of themselves or others.

Standards of Behaviour

5. Members of Parliament must not harass, sexually harass, or discriminate against:
 - a. A member of their staff;
 - b. Another Member of Parliament;
 - c. A member of the staff of another Member of Parliament;
 - d. An officer or member of the staff of the Parliament;

CODE OF CONDUCT FOR MEMBERS OF
PARLIAMENT

- e. Any other person who in the course of employment performs duties at Parliament House.

Definitions

For the purposes of this Code —

- (a) a person *sexually harasses* another (the person harassed) if—
 - (i) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
 - (ii) engages in other unwelcome conduct of a sexual nature in relation to the person harassed, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated; and
- (b) conduct of a sexual nature includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing;
- (c) a person is *harassed* if, an individual or a group of individuals repeatedly behaves unreasonably towards the person, and the behaviour creates a risk to health and safety.
- (d) a person is *discriminated* against when they are treated less favourably than another person in the same or similar circumstances due to their attributes or characteristics, and includes unlawful discrimination under the *Equal Opportunity Act 1984*.

SUSPENSION, DURATION OF STANDING ORDERS

CHAPTER XXXI

SUSPENSION AND DURATION OF STANDING ORDERS

456. Any Standing or Sessional Order (except those which it is specially provided shall not be suspended) may be suspended on Motion after Notice.

Suspension
of Standing
Orders on
Notice.

See (*Exceptions*) Orders Nos. 124, 281, 282.

457. In the case of urgent necessity, any Standing or Sessional Order (except those which it is specially provided shall not be suspended) may be suspended on Motion without Notice: Provided that such Motion has the concurrence of an absolute majority of the whole number of Members of the Council.

Suspension,
when urgent
necessity,
without
Notice.

See (*Exceptions*) Orders Nos. 124, 281, 282.

458. The debate on a Motion for the Suspension of Standing Orders shall be limited to fifteen minutes and the Mover and subsequent speakers in the debate shall each be limited to five minutes in stating reasons for such Suspension.

Limit to
discussion.

459. Such Suspension shall be limited in its operation to the particular purpose for which it has been sought and, unless it be otherwise ordered, to that day's sitting of the Council.

Limit to
Suspension.

460. After the Orders of the Day have been called on, no Motion for Suspension, without Notice, shall be entertained until the consideration of such Orders is concluded, except it be for the purpose of expediting the progress of a Bill or otherwise facilitating the business of the Council.

Limit to
time for
moving.

461. The whole of these Standing Orders shall continue in force until altered, amended, or repealed, by the Council with the approval of the Governor.

Duration.

TERENCE J. STEPHENS

President of the Legislative Council

CHRISTOPHER D. SCHWARZ

Clerk of the Legislative Council

JOINT COMMITTEES

Joint Standing Orders

Agreed to by Legislative Council, 6th and 22nd October, 1903 and by House of Assembly, 21st October, 1903, and approved by Governor, 30th October, 1903.

Amended 4th and 20th August and 1st September, 1914, and approved by Governor, 17th September, 1914.

Further amended 2nd and 15th October, 1924, and approved by Governor, 23rd October, 1924.

Further amended, 19th and 28th July, 1938, and approved by Governor, 11th August, 1938.

Further amended, 21st and 28th November, 1951, and approved by Governor, 17th January, 1952.

Further amended, 4 June 2024, and approved by Governor, 1 August 2024.



JOINT COMMITTEES

Procedure
in the one
House.

1. Whenever either House desires the appointment of a Joint Committee, it shall inform the other House by Message of the object of such Committee; and of the number of Members and of the Quorum which it has appointed to serve thereon; and shall desire the concurrence of that House thereto.

And in the
other House.

2. The House whose concurrence is so desired shall, if it agrees to the appointment of the proposed Committee, notify its consent to the other House by Message, and name the number of the Quorum which it has appointed.

Members
from each
House to be
equal in
number.

3. The number of Members appointed by each House shall be the same.

Quorum.

4. Each House shall fix the Quorum of its Members necessary to be present at all sittings of the Committee; but, subject hereto, a Joint Committee may fix its own Quorum.

JOINT COMMITTEES - JOINT ADDRESSES

5. The Committee shall have power to send for persons, papers, and records, and shall report to the House with all due dispatch.

Power to
send for
persons, etc.

6. The Chairperson of the Committee shall be entitled to vote upon every question, but when the votes are equal, the question shall pass in the negative.

Chairperson to
vote; but no
decision in
case of tie.

7. Instructions to Joint Committees must have the concurrence of both Houses.

Instructions.

8. The Report of the Committee shall be presented to each House in writing by Members nominated by the Committee for that purpose.

Report, how
presented.

9. The procedure of every Joint Committee shall, except where herein otherwise ordered, be regulated by the Standing Orders of the Legislative Council relating to Select Committees.

Legislative
Council
Standing
Orders to
apply.

 JOINT ADDRESSES

10. Whenever either House desires that a Joint Address should be presented from both Houses, and a form of Address shall have been agreed to (a blank being left for the title of the other House), a Message shall be sent to the other House, transmitting the Address, and desiring its concurrence thereto.

Procedure.

11. The Address, when finally agreed upon by both Houses, shall be signed by the President of the Legislative Council and by the Speaker of the House of Assembly.

How signed.

JOINT ADDRESSES - NUMBERING AND DATING OF ACTS

How
presented to
the Sovereign,
etc.

12. Joint Addresses to the Sovereign, to any Member of the Royal Family, and to either House of the Imperial or Commonwealth Parliament, shall be forwarded for presentation in such manner as shall be agreed upon between the President of the Legislative Council and the Speaker of the House of Assembly.

How
presented to
Governor.

13. Joint Addresses to the Governor, if presented in a body by both Houses, shall be read by the President of the Legislative Council, with the Speaker on the President's left hand; but if by a deputation of Members from both Houses, then by such Member of the deputation as shall be named by the President if the proposal for the Address originated in the Legislative Council, or by the Speaker if it originated in the House of Assembly.

NUMBERING AND DATING OF ACTS

Acts to be
numbered
consecutively
and dated.

14. The Public Acts passed by the Legislature in each year shall be numbered in Arabic figures and in regular arithmetical series, commencing from the number one in each year, in the order in which the Governor shall have assented, or shall have signified the Sovereign's Assent thereto. All such Acts assented to by the Governor shall have the date of such Assent and the number of the year printed within a parenthesis immediately following the title, and, in cases where the Bills for such Acts have been reserved, shall bear both the date of such reservation and of the proclamation of the Royal Assent.

Every Act shall bear as part of its Short Title the number of the year in which the Bill for that Act was introduced or, where the Bill for that Act was a lapsed Bill restored to the Notice Paper, then the year in which the Bill was so restored; and every Act shall be numbered as an Act of the year mentioned in its short title.

JOINT SITTINGS - BILLS NOT ASSENTED TO - CONSOLIDATION BILLS

15. The Joint Standing Order of 1875, relating to the numbering of Acts, is hereby repealed.

JOINT SITTINGS

16. All Joint Sittings of the Legislative Council and House of Assembly held, pursuant to:

Procedure in
case of Joint
Sittings of
the two
Houses.

- i. section 15 of the Commonwealth of Australia Constitution Act, for the election of a Senator;
or
- ii. section 38 of the First Nations Voice Act 2023 for the annual address by the State First Nations Voice;

shall be summoned by the President of the Legislative Council, or, in the President's absence, by the Speaker of the House of Assembly, by not less than seven days' notice to the Members of the Council and of the House of Assembly, and shall be presided over by the said President, or, in the President's absence, by the Speaker, or, in the absence of both President and Speaker, by some other Member chosen by the Members of both Houses present to preside. The procedure of such Joint Sittings shall be that of the Legislative Council so far as applicable to the circumstances.

16A. The Speaker and President will consult with the State First Nations Voice to determine the scheduled sitting day or days on which to convene a joint sitting of Parliament to receive the report or reports of the State First Nations Voice, and for a Presiding Member of the State First Nations Voice to address the joint sitting in relation to the reports.

16B. One Presiding Member of the State First Nations Voice may be admitted to the floor of the House in which the joint sitting is held.

The Premier, Leader of the Government in the Legislative Council, or a Member deputed by them, shall be called on to make opening remarks after which one of the joint presiding members of the State First Nations Voice shall address the Houses.

The Presiding Officer may vary or take any other actions necessary to facilitate these arrangements.

BILL NOT ASSENTED TO BEFORE PROROGATION

Bill not
assented to
lapses, but
may be
passed in
next Session
without
delay.

17. If a Prorogation of Parliament takes place before the Governor shall have notified, to Parliament or by Proclamation, the Governor's assent to, or reservation of, any Bill which has been agreed to by both Houses during the Session then closed, such Bill having thereby lapsed, may, on being introduced in the next Session of the same Parliament in the originating House, be passed through all its stages in both Houses without delay.

CONSOLIDATION BILLS

Procedure on
Consolidation
Bills.

18. Every Bill for the consolidation of law shall, after its Second Reading in the originating House, be referred to a Joint Committee.

JOINT COMMITTEES ON CONSOLIDATION BILLS

The said Committee shall inquire whether the Bill makes any alteration in the law; and it shall be an Instruction to all such Committees that wherever it shall appear to them that any such alteration is made, they do amend the Bill in conformity with what they hold to be the law.

Duty of
Select
Committee.

If the Bill be reported without Amendment, the Report may be at once adopted, and the Bill may be read a Third Time without delay; but, if with Amendment, a time shall be fixed for the consideration of the Report.

Report.

Whenever the Bill is referred to a Committee of the Whole, its consideration therein shall be limited to Amendments made by the Joint Committee, and to any further Amendments which may seem to the Committee of the Whole necessary to determine the true interpretation of the law.

Committee of
the Whole.

The Bill, when transmitted by the originating House to the other, shall show by italic and erased type whatever Amendments may have been made thereto.

Transmission
to other
House.

T, J, STEPHENS,
President of the Legislative Council

L.W.K. BIGNELL,
Speaker of the House of Assembly

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