



LEGISLATIVE COUNCIL

SESSIONAL ORDERS

**First Session of the
Forty-Seventh Parliament**

NOVEMBER 2010

1. E-Petitions.

- (1) That the procedure for E-Petitions be continued for this Session; and
- (2) That the E-Petition Rules Nos. 1 to 17 as agreed by the Standing Orders Committee on 7 September 2004 and by the Legislative Council on 19 October 2004 be the E-Petition Rules, and further, that the said Rules be made Sessional Orders of this Council. *(Passed by the Legislative Council on 8 June 2010).*

**2. Sessional Order in lieu of Standing Order No. 200 —
Evidence**

200:

- (1) The evidence taken by any Select Committee of the Council, and documents presented to such Committee, which have not been reported to the Council shall not, unless authorised by the Committee, be referred to in the Council by any Member or published or disclosed by any Member or by any other person.
- (2) Paragraph (1) does not apply to —
 - (a) any proceedings of the Committee that are open to the public and the news media;
 - (b) press releases or statements made by a Member of the Committee on the authority of the Committee; and
 - (c) written submissions presented to a Select Committee and authorised to be published by the Committee.
- (3) A Select Committee may, by its own Resolution, authorise the publication or disclosure of any evidence or documents presented to such Committee meeting in public. *(Passed by the Legislative Council on 4 May 2010).*

**3. Sessional Orders in lieu of Standing Order Nos. 29(2), 138(2)
and (4) —**

**29. Adjournment for want of a quorum when notice taken by
Member**

- (2) At any time after the Council has proceeded to business, if a Member notices that seven Members including the President or Deputy President are not present, and so states, the Bells shall be rung as for a Division, and if a quorum is not present at the expiration of *four* minutes the President shall adjourn the Council without a Question first put, until the next ordinary sitting time.

138. After division called —

How Division taken

- (2) The President will order the division bells to be rung for *four* minutes.

Locking of Doors

- (4) After the *four* minutes have expired, or such lesser time at the discretion of the President, he or she will order the doors to be locked and no Member will enter or leave the Chamber until after the division. (*Passed by the Legislative Council on 31 August 2010*).

4. Sessional Orders governing the operation of the two Government Administration Sessional Committees —

(1) Ex officio Members

The President shall be *ex officio* a Member of each committee.

(2) Application

This Part applies to Government Administration Sessional Committees A and B.

(3) Membership of committees

1. Members are appointed to serve on a committee by the Council.
2. Where the number of Members nominated for appointment exceeds the number of the available places, the Members are to be elected by ballot.

(4) Casual vacancies - how created and filled

1. A Member causes a vacancy in membership of a committee if —
 - (a) for any reason including periodical retirement, the Member's seat becomes vacant; or
 - (b) the Member resigns from the committee by writing addressed to the President; or
 - (c) the Member is removed by the Council; or
 - (d) without the prior leave of the Council or the committee, the Member fails to attend three consecutive meetings at the places and times appointed by the committee.
2. The Member who caused the vacancy under subclause 1(b), (c) or (d) is eligible for reappointment under subclause (3) or (4).
3. A vacancy is to be filled by an appointment under Sessional Order 3 made within six sitting days of the day on which the Council was made aware of the vacancy.

4. The President is to fill a vacancy if —
 - (a) it occurs during a prorogation or an adjournment of at least 14 days; or
 - (b) the Chair of the committee certifies that an immediate appointment is necessary for the orderly and efficient transaction of the committee's business.

The President is to inform the Council of any appointment made under this subclause on the sitting day following the date of the appointment.

(5) Quorum

At any meeting of a committee a majority of Members is a quorum.

(6) If no quorum proceedings to be suspended or Committee adjourned

Proceedings in the absence of a quorum are to be suspended or the committee adjourned.

(7) Committee to elect Chair and Deputy Chair

As occasion requires, each committee shall elect a Chair and a Deputy Chair from its own membership.

(8) Duties of Chair and Deputy Chair

The Chair presides at meetings and the Deputy Chair presides in the Chair's absence.

(9) Council to appoint where committee unable

On report from a committee that it is unable to elect a Chair, the Council shall make an appointment.

(10) Committee to elect Inquiry Chair

1. As occasion requires, each committee may elect an Inquiry Chair to preside at all meetings where a specific reference is being considered by a committee.
2. An Inquiry Chair has all the powers of the Chair of a committee but shall not sign any summons for the attendance of witnesses or for the production of documents if required.
3. Any substitute Member, duly appointed, may be elected Inquiry Chair as occasion requires.

(11) Minutes of proceedings

For each meeting, the minutes shall record —

- (a) the date and place of meeting;
- (b) the names of Members attending;
- (c) each motion, amendment and the mover;
- (d) divisions and the way in which Members voted;
- (e) the identity of each witness;
- (f) resolutions,

and any information that the committee directs to be recorded.

(12) Evidence

In this Part –

“**evidence**” is information provided to, or obtained by, a committee that relates to a matter under inquiry, and includes —

- (a) a written or oral submission;
- (b) any document whether or not it forms part of a submission;
- (c) information provided by a person who is not a witness.

Evidence may be disclosed or published

1. The proceedings of a committee when taking oral evidence are open to accredited news media representatives and the public.
2. Written evidence not subject to subclause (4) may be disclosed or published in a manner and to an extent (if any) determined by a committee of its own motion or so as to meet a request made by the person providing that evidence.

When evidence may be taken in private session

3. Despite subclause (1), a committee may take oral evidence in private session of its own motion, or at the request of the witness, where it is satisfied that the nature of the evidence or the identity of the witness requires it.

Private session evidence not to be disclosed or published

4. Evidence, including written evidence, taken under subclause (3) must not be disclosed or published except by leave of the Council or the committee before which the evidence was given.

Content of reports not affected

5. Subclause (4) does not prevent a committee from disclosing such evidence for the purpose of complying with any rule or order, or quoting or referring to such evidence in a report on the matter to which that evidence relates.

(13) Reporting of resolution to commence own motion inquiry

Where a committee initiates an inquiry of its own motion, notice of that inquiry shall be reported to the Council within two sitting days of the committee’s resolution.

(14) Council Members may participate but not vote

Any Member of the Council may participate in a committee's proceedings, and by leave of a committee, its deliberations, but may not vote and must withdraw if directed by the Chair. Leave can be given only for a specific inquiry, but a Member may be given leave in relation to more than one inquiry whether or not those inquiries are contemporaneous with one another.

(15) Substitute Members

1. A Member of a committee may be replaced by another Member ("substitute Member"). The substitute Member, subject to this order, is a Member of the committee for all purposes relating to a specific inquiry and may be elected an Inquiry Chair as occasion requires.
2. Substitution is made by leave of the committee.
3. A substitution must be for the purpose of a specific inquiry but a substitute Member, by further leave, may be a substitute Member on one or more committees at the same time and in relation to more than one inquiry being conducted at the same time.
4. Nothing in this order alters the capacity of the Member who is substituted to act as a Member of the committee in relation to any inquiry or matter that is unaffected by the substitution.
5. Where a committee —
 - (a) presents its final report on an inquiry for which a substitution was made; or
 - (b) for any reason, discontinues such an inquiry, the leave granted in relation to that inquiry lapses, and the substitute Member, subject to paragraph (3), ceases to be a Member of that committee.
6. When a substitution is made, the Chair shall cause the Clerk to be notified of the name of the Member being substituted, the substitute Member, and the purpose for which the substitution is made and the Clerk shall publish that information in the next available Notice Paper.

(16) Committee Member not to participate in certain cases

In relation to any matter or inquiry before a committee, a Member shall not participate in an inquiry in which the Member has a direct pecuniary or personal interest not held in common with the rest of the subjects of the Crown.

(17) President may give procedural rulings

The President may give procedural rulings if requested by writing signed by the Chair.

(18) Proceedings not noticed until reported

Proceedings of a committee are not noticed by the Council until reported, except by leave of the Council.

(19) Powers of a committee

In addition to any power conferred by law or order, a committee has power to —

- (a) send for persons, papers, and records;
- (b) adjourn its proceedings;
- (c) commission reports;
- (d) sit during any suspension or adjournment of the House; and
- (e) travel to gather evidence.

(20) Witnesses entitlements

Subject to order of the Council or of a committee any person examined before a committee is entitled to —

- (a) raise any matter of concern to that person relating to evidence to be given or documents produced;
- (b) benefit of legal counsel;
- (c) apply for all or part of that person's evidence to be given in private session and for an order restricting publication of, or access to, that evidence;
- (d) decline to answer a question or produce a document on the grounds that the question is outside the scope of the matters in issue or under inquiry;
- (e) be informed before evidence is given that if part of it might incriminate himself or another person, that fact should be made known to the committee before that part is actually given;
- (f) know of and, if desired rebut, any allegations made against the person whether or not those allegations amount to criminal conduct or dealing; and
- (g) provide supplementary or new evidence.

(21) Evidence of public servants

Where a committee examines a state public servant, questions of policy, other than to explain the manner in which a policy operates or was intended to operate, shall not be asked of that person but shall be directed to the responsible minister. A public servant is entitled to decline to answer any question on a matter of policy.

(22) Chair and Inquiry Chair to sign report; Minority report may be added

1. The Chair and Inquiry Chair as occasion requires shall sign the unanimous or majority report. A minority report or dissent, confined to issues in dispute, may be added to the report but may not be presented separately to the Council.
2. A minority report or dissent is to be prepared by the relevant member.

(23) Presentation of Report

A report is presented by the Chair, Inquiry Chair or other Member designated by the committee for the purpose.

(24) Bill may be annexed to report

In the case of Bills, a copy of the Bill showing amendments recommended by the committee may be annexed to a narrative report.

(25) Procedure in Council on presentation of report

1. On presentation of a report a question shall be put and decided without amendment or debate that the report be received and printed;
2. Consideration and noting of the whole of a tabled report and the next stage of a Bill so reported is to be made an order of the day for a future sitting.

**(26) Clerk shall send copy of a report to Government:
Government to respond within three months**

After tabling, the Clerk shall send a copy of a report recommending action by, or seeking a response from, the Government to the responsible minister. The Leader of the Government or the minister (if a Member of the Council) shall report the Government's response within three months.

**(27) President may publish a report during adjournment of the
Council**

The President may publish a report that is ready for presentation during an adjournment of more than 14 days. A report so published is deemed to have been tabled and ordered to be printed but shall be presented in accordance with these rules when the Council resumes its sittings.

(28) Subcommittees, appointment and procedures

1. A committee may appoint subcommittees of three or more Members;
2. Subcommittees have all the powers of a committee unless the committee restricts those powers or their use;
3. A subcommittee may conduct proceedings and deliberations jointly with a subcommittee of another committee where the subject matter of an inquiry relates to the terms of reference of each committee;
4. A subcommittee reports to the committee that appointed it;
5. A quorum of a subcommittee is two Members or a majority of Members where the subcommittee has more than three Members.
6. A subcommittee is to appoint a Chair to preside at meetings.

(29) Operation of committees

In all cases relating to the operation of the Government Administration Sessional Committees A and B, and not otherwise provided for in the Sessional Orders, the rules for Select Committees shall be followed as far as they can be applied.

(30) Staff and resources

In consultation with the President and subject to the provisions of any applicable written law, each committee shall be provided with staff and resources necessary for the performance of its functions. *(Passed by the Legislative Council on 23 November 2010).*