

# HOUSE OF ASSEMBLY STANDING & SESSIONAL ORDERS AND RULES

Agreed to by the House on 17 August 2017 (to commence 12 September 2017). Approved by the Governor pursuant to section 17 of the *Constitution Act* (No. 94 of 1934) on 4 September 2017. Further amendments agreed to by the House on 30 August 2018, approved by the Governor pursuant to section 17 of the *Constitution Act* (No. 94 of 1934) on 10 September 2018. Further amendments agreed to by the House on 29 November 2018, approved by the Governor pursuant to section 17 of the *Constitution Act* (No. 94 of 1934) on 24 December 2018. Further amendments agreed to by the House on 14 May 2024, approved by the Governor pursuant to section 17 of the *Constitution Act* (No. 94 of 1934) on 7 June 2024. Further amendment agreed to by the House on 12 June 2024, approved by the Governor pursuant to section 17 of the *Constitution Act* (No. 94 of 1934) on 19 June 2024.

The Standing Orders (including parts thereof) the operation of which have been suspended for the remainder of the Session, have been struck through.

This Edition includes the Sessional Orders adopted on 14 May 2024, 18 June 2024, 10 September 2024 and 18 September 2024.

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## CHAPTER 1

### USAGES OF OTHER JURISDICTIONS

1. Usages of other jurisdictions to be observed unless other provision is made.

In all cases not provided for hereinafter, or by sessional or other Orders, or by the practice of the House, resort shall be had to the rules, forms, and practice of the House of Commons of the Parliament of the United Kingdom and of other Australian Parliaments in force for the time being, and they shall be followed as far as they can be applied to the proceedings of this House.

## CHAPTER 2

### PROCEEDINGS ON THE MEETING OF A NEW PARLIAMENT

#### 2 Proceedings on the meeting of a new Parliament.

On the first day of the meeting of a new Parliament, the House having met at the time and place appointed -

- (a) The Governor's Proclamation shall be read by the Clerk of the House;
- (b) The Writ of Election of each Member, with the Return endorsed thereon, shall be produced by the Clerk of the House, and laid upon the Table;
- (c) Members shall then be sworn or make affirmation as prescribed by law;
- (d) Members will then subscribe to the following Code of Conduct:-

#### **PREAMBLE**

Members of Parliament recognise that their actions have an impact on the lives of all Tasmanian people. Fulfilling their obligations and discharging their duties responsibly requires a commitment to the highest ethical standards to maintain and strengthen the democratic traditions of the State and the integrity of its institutions.

Compliance with the law may not always be enough to guarantee an acceptable standard of conduct. Members must not only act lawfully, but also in a manner that will withstand close public scrutiny.

This Code sets out ethical standards and principles to assist Members in observing expected standards of conduct in public office and to act as a benchmark against which their conduct can be measured.

Neither the law nor this Code is designed to be exhaustive, and there may be instances where Members find it necessary to adopt more stringent norms of conduct in order to protect the public interest, and to enhance public confidence and trust. In making choices about conduct, Members should have regard to community values and standards.

Members should also, where possible, avoid giving unnecessary offence to groups in the community whose beliefs and views differ from those held by the Members or by groups the Member represents.

Members are expected to promote and support this Code by leadership and example.

#### **STATEMENT OF VALUES**

This Code is derived from the fundamental values of the institution of the Parliament in this State. By adopting and upholding this Code, all Members of Parliament share in and support these values.

As Members of Parliament, we value:

- the public interest and the fundamental objective of public office to act solely in terms of the public interest;

- the improvement of the economic and social conditions of all Tasmanian people, and our service to our fellow citizens to achieve this;
- the promotion of human, social and environmental welfare through the responsible execution of our official duties;
- integrity, honesty, accessibility, accountability, fairness, transparency, courtesy, respect and understanding, without harassment, victimisation or discrimination;
- respect for differences, equity and fairness in political dealings, with fellow Members of Parliament; and
- ethical political practices that support the democratic traditions of our State and its institutions, and the rejection of political corruption.

## **ETHICAL STANDARDS**

### *Conflict of interest*

A Member protects and upholds the public interest by taking all reasonable steps to avoid, disclose and manage any conflict of interest that arises, or is likely to arise, between their personal interests and their official duties.

A conflict of interest may be financial or non-financial and may be potential, actual or perceived.

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

Each Member is individually responsible for avoiding and managing conflicts of interest.

### *Declaration of personal interests*

A Member is personally responsible for full and accurate disclosure of their financial and other interests, in accordance with their obligations under the *Parliamentary (Disclosure of Interests) Act 1996*.

### *Use of public office*

A Member makes proper use of their office to represent and serve the community, conducting themselves in ways that maintains the trust and confidence of the public.

A Member must not use their influence as a Member to improperly obtain appointment, promotion, advancement, transfer or any other advantage or benefit on behalf of themselves or other persons.

A Member must not appoint their spouse, domestic partner or relative to a position in their own office.

A Member must not receive or seek to receive any fee, payment, retainer or reward, nor permit any compensation to accrue to their beneficial interest, for or on account of, or as a result of, their position as a Member, other than compensation to which they are entitled as a Member of Parliament.

#### *Use of official information*

A Member makes appropriate use of official information strictly for the purpose of performing their role as a Member of Parliament in the best interests of the public.

A Member must take care to protect confidential and official information in their possession or knowledge.

A Member must not use official information which is not in the public domain, or information obtained in confidence in the course of their official duties or position, for the advantage or benefit of themselves or another person.

#### *Use of public resources*

A Member uses public resources and assets strictly for the purpose of performing their role as a Member of Parliament, and in accordance with any rules and guidelines regarding the use of those resources and assets.

A Member must not use public resources, or allow such resources to be used by others, for personal advantage or benefit.

A Member must be scrupulous in ensuring the legitimacy and accuracy of any claim they make on the public account.

#### *Gifts and benefits*

A Member must adhere to standards of transparency and accountability in relation to gifts or benefits, and carry out their duties as a Member of Parliament without being influenced by gifts or benefits.

A Member must not solicit, encourage or accept gifts, benefits or favours which may improperly influence the Member in the exercise of their duties, or may give the appearance of improper influence. Exceptions to this are incidental gifts or customary hospitality of nominal value.

A Member must declare gifts and benefits received, as required by the *Parliamentary (Disclosure of Interests) Act 1996*.

#### *Accuracy of statements*

A Member must only make statements in Parliament and in public that are, to the best of their knowledge, accurate and honest.

A Member must not mislead Parliament or the public in statements that they may make.

Whether any misleading was intentional or unintentional a Member is obliged to correct the Parliamentary record or the public record, at the earliest opportunity in a manner that is appropriate to the circumstances.

#### *Outside employment*

A Member must manage employment outside of Parliament to ensure that any such employment does not interfere with their duties as a Member of Parliament.

A Member must not engage in any employment outside Parliament that involves a substantial commitment of time and effort to the extent that it interferes with their duties as a Member.

*Upholding the principles of respect, justice and inclusion for all Tasmanians*

Members agree to respect the religious and cultural beliefs of others, in accordance with the Universal Declaration of Human Rights.

Members agree to uphold the principles of justice and inclusion among our multicultural society, making efforts to generate understanding of all groups.

Members agree to recognise and value diversity as an integral part of Australia's social and economic future.

Members should promote reconciliation with Indigenous Australians.

*Parliamentary conduct*

A Member conducts themselves in Parliament in ways that will protect the public interest, and enhance public confidence and trust in Parliament.

A Member must observe proper standards of parliamentary conduct by complying with Standing Orders, and directions of the Presiding Officer.

A Member must take particular care to consider the rights and reputations of others before making use of the unique protection available under parliamentary privilege. This privilege should never be used recklessly or without due regard to accuracy.

- (e) (Repealed on 29 November 2018)
- (f) The House shall then proceed to the election of a Speaker;
- (g) Prior to such election the Clerk shall act as Chair to the House.

## CHAPTER 3

### ELECTION OF SPEAKER

#### 3 Speaker to be elected (*Constitution Act 1934, s. 24*).

The House shall, at its first meeting after every General Election and before proceeding to the despatch of any other business, elect a Member of the House to be the Speaker; and in case of the Speaker's death, resignation, or removal by a Vote of the House, the House shall forthwith proceed to elect some other Member to be Speaker, and the Speaker so elected shall preside at all Meetings of the House.

#### 4 Member must consent to be nominated.

No Member shall be proposed as Speaker unless that Member has consented to be nominated; and such consent shall be given in writing if the Member is not present.

#### 5 Member/s proposed as Speaker.

- (1) A Member addressing the Clerk of the House (who, standing up, shall call upon the Member, and then sit down) shall propose another Member to the House for its Speaker, and shall move, "That such Member do take the Chair of this House as Speaker".
- (2) If one Member only be proposed as Speaker, the Member so proposed, if present, shall be called to the Chair without any Question being put.
- (3) If more than one Member be proposed as Speaker, a Motion shall be made and seconded regarding each that such Member "do take the Chair of this House as Speaker", and thereupon an election by ballot shall be had in the manner provided in Standing Order 6 to determine which Member shall be Speaker.

#### 6 How ballot to be conducted.

The Election for Speaker shall be conducted in the following manner:-

- (a) When nominations have been received and the Debate thereon (if any) appears to be concluded, the Clerk will announce that the Ballot will now be taken, and if no Member rises to speak, the Division Bells will be rung;
- (b) No fresh nominations can then be made;
- (c) When the Division Bells have been rung for two minutes, the doors shall be closed;
- (d) The Clerk will initial and deliver to each Member present a list of all the Members of the House, and will check the names of those to whom lists are given;
- (e) A Member will record a vote by placing a mark opposite the name of the Member to receive the vote;
- (f) If any Ballot-paper contains any mark made by the Member, other than the mark signifying for whom the Member wishes to vote, it shall be informal;



- (g) A Member can only vote for someone who has been duly nominated and seconded;
- (h) The Member will then fold the Ballot-paper, and place it in the Ballot-box or other receptacle on the Table;
- (j) When all the Ballot-papers have been so deposited, the Clerk will:-
  - (i) call upon two Members to act as Scrutineers to assist; and
  - (ii) count the Ballot assisted by the Scrutineers, and declare the numbers to the House;
- (k) Such procedure will be repeated as often as may be necessary;
- (l) In the event of there being two Members proposed and seconded for the office of Speaker, the Member receiving the greater number of votes shall be declared to be elected as Speaker;
- (m) If more than two Members have been so proposed and seconded, the votes shall be taken in the manner provided, and the Member receiving the greatest number of votes shall be declared to be elected as Speaker, provided that Member has received a majority of the votes of Members present; but if no Member has received such majority the name of the Member who has received the smallest number of votes shall be withdrawn and the votes shall be again taken for the remaining Members so nominated in like manner, and as often as may be necessary until one obtains a majority and the Member obtaining such majority shall be declared to be elected as Speaker;
- (n) In the event of there being an equality of votes between Members receiving the smallest number of votes, the Clerk shall declare such to be the case, and the votes shall again be taken to determine which Member shall be withdrawn; in this case, Members shall place a mark opposite to the name they wish to retain for further Ballot; if there shall again be an equality of votes, the Member who has been a Member of the House continuously for the longest period immediately preceding the election shall be retained for further Ballot; or, if both Members have been Members of the House continuously for the same period, the Clerk shall determine by lot which of the two Members shall be retained for further Ballot;
- (o) In the event of there being an equality of votes between Members under paragraph (l), or in the event of there being an equality of votes between Members when the votes have been reduced to two under paragraph (m), the Member who has been a Member of the House continuously for the longest period immediately preceding the election shall be declared as Speaker, or, if both Members have been Members of the House continuously for the same period, the Clerk shall determine by lot which of the two Members shall be Speaker;
- (p) The result of the Election shall be declared by the Clerk, and the Member elected shall be called to the Chair.

- 7 **Speaker-elect, if present, takes the Chair.**  
The Member called to the Chair shall, if present, be conducted thereto by the proposer and seconder, and standing on the upper step, shall return acknowledgment to the House for the Honour conferred by it, and thereupon assume the Chair.
- 8 **Speaker's election notified to Governor (*Constitution Act 1934, s. 24*).**  
The election of the Speaker shall be notified to the Governor by a deputation of the House.
- 9 **Unavoidable absence of Speaker (*Constitution Act 1934, s. 24*).**  
(1) Whenever the House shall be informed by the Clerk of the House of the unavoidable absence of the Speaker, the Chair of Committees, if present, shall act as Deputy-Speaker or if absent, or if there should be no Chair of Committees, such other Member as the majority of Members then present shall choose, shall perform the duties and exercise the authority of Speaker in relation to all proceedings of the House as Acting Speaker for that day only.  
(2) The Question of the election of a Member as Acting Speaker shall be put by the Clerk of the House in accordance with the Rules prescribed for the election of Speaker.
- 10 **Speaker relieved by Deputy-Speaker.**  
The Chair of Committees shall take the Chair as Deputy-Speaker whenever requested to do so by the Speaker during the Sitting of the House, without any formal communication to the House.
- 11 **Temporary absence of Chair of Committees.**  
Standing Order No. 10 shall apply to a Deputy Chair of Committees nominated by the Speaker as if that Deputy Chair were the Chair of Committees, at any time which the Chair of Committees is not in the House.
- 12 **Continued absence of Speaker.**  
If the House be informed by the Clerk of the House of the likelihood of the continued absence of the Speaker in consequence of illness or other unavoidable cause, or if the House has granted leave of absence to the Speaker, the Chair of Committees shall act as Acting-Speaker, and shall continue to do so from day to day without any further communication to the House, and shall perform the duties and exercise the authority of Speaker during such continued absence, and the House may appoint some other Member Acting-Chair of Committees during such continued absence of the Speaker, and the Acting-Chair of Committees so appointed shall act as Acting-Speaker in case of the unavoidable absence of the Acting-Speaker, or

whenever requested so to do by the Acting-Speaker, during the Sitting of the House.

## CHAPTER 4

### CHAIR OF COMMITTEES

#### 13 Chair of Committees.

- (1) As soon as practicable on the first meeting of a new Parliament the House shall elect one of its Members to be Chair of Committees; and in case of the Chair's death, resignation, or removal by a Vote of the House, the House shall elect some other Member to be Chair of Committees.
- (2) The rules prescribed for the election of Speaker shall be observed so far as the same may be applicable in the election of the Chair of Committees.
- (3) The Chair of Committees shall preside in all Committees of the whole House.

#### 14 Deputy-Chair of Committees.

- (1) At the commencement of every Session the Speaker shall nominate three Members to act as Deputy-Chair of Committees when requested by, or in the absence of, the Chair of Committees.
- (2) Any Deputy-Chair while presiding shall have all the powers of the Chair of Committees in the conduct of the business of the Committee.

## CHAPTER 5

### OPENING OF PARLIAMENT

#### 15 Opening of Parliament.

The following proceedings apply to the opening of Parliament:-

- (a) on being summoned by the Usher of the Black Rod to attend the Governor or the Commissioners, the Speaker, with the House, shall go up to the Bar of the Legislative Council;
- (b) when the Speaker and the House retire from the Bar of the Legislative Council, the Speaker shall return to the House and resume the Chair;
- (c) Petitions, Notices of Motion and Question may then be given, and Papers laid on the Table;
- (d) before the Governor's Speech is reported, some Bill shall be read a First time *pro forma*;
- (e) the Speaker shall then report that the House had that day attended the Governor or Commissioners, and that the Governor or the Commissioners had been pleased to make a speech to both Houses of Parliament, of which Speech the Speaker had received a copy; and the same shall be ordered to be entered in the Journals of the House; and
- (f) a Motion for an Address-in-Reply to the Governor's Speech shall then be made which shall be moved and seconded.

#### 16 Address-in-Reply presented.

The Address-in-Reply having been adopted by the House shall be presented to the Governor by the Speaker, the Mover and Second, and such other Members of the House as shall think fit to attend, at such time and place as the Governor may appoint.

#### 17 New Member introduced.

A Member returned otherwise than at a General Election shall be introduced to the House by two Members.

## CHAPTER 6

### SITTINGS AND ADJOURNMENT OF THE HOUSE

#### 18 Days and time of meeting.

Unless otherwise ordered:-

- ~~(a) The time for the ordinary meeting of the House shall be at Ten o'clock a.m. on Tuesdays, Wednesdays and Thursdays, and adjournment of the House shall be at Six o'clock p.m.~~
  - ~~(b) Whenever this House or a Committee of the whole House shall be sitting at the time specified for the adjournment in accordance with paragraph (a) of this Standing Order, the business then before the House shall stand adjourned.~~
  - ~~(c) A Motion for the adjournment of the House may be made at any other time, but not to interrupt any business then before the House, and may only be moved by a Minister.~~
  - ~~(d) When the House adjourns in accordance with paragraph (b) of this Standing Order or the adjournment is moved in accordance with paragraph (c) of this Standing Order, the Speaker shall then call for adjournment issues, when any Member may speak to any matter for seven minutes.~~
  - ~~(e) After these issues have been debated for a maximum period of one hour, the House shall stand adjourned, without Question being put, until the next sitting day.~~
- 
- (a) The time for the ordinary meeting of the House shall be at Ten o'clock a.m. on Tuesdays, Wednesdays and Thursdays, and the adjournment of the House shall be proposed at Seven Thirty o'clock p.m. on Tuesdays and Wednesdays unless the House is considering Private Members Time which after the conclusion of, the adjournment shall be proposed, and at Five o'clock p.m. on Thursdays.**
  - (b) Whenever this House or a Committee of the whole House shall be sitting at the time specified for the adjournment to be proposed in accordance with paragraph (a) of this Standing Order, the business then before the House shall stand adjourned.**
  - (c) A Motion for the adjournment of the House may be made at any other time, but not to interrupt any business then before the House, and may only be moved by a Minister.**
  - (d) When the adjournment is proposed in accordance with paragraph (a) of this Standing Order or the adjournment is moved in accordance with paragraph (c) of this Standing Order, the Speaker shall then call for adjournment issues, when any Member may speak to any matter for five minutes.**
  - (e) After these issues have been debated for a maximum period of one hour, the Speaker shall put the Question "That the House do now adjourn". If the Question is resolved in the Affirmative, the House shall stand adjourned until the next sitting day. If the Question is**

***resolved in the Negative, the House shall continue with the Order of Business in accordance with Standing Order 40.***

- (f) In the event that a Motion for adjournment has been proposed in accordance with paragraph (a), or moved in accordance with paragraph (c) and Negatived, and a subsequent Motion moved that the House do now adjourn, this Question shall be put without debate.***

## **18A Extension of Day's Sitting**

- (1) A Minister may, at any time, but not so as to interrupt another Member while speaking, move without leave and without notice — “That for this day's sitting, the House shall not stand adjourned at the time specified for adjournment under Standing Order 18, paragraph (a), and that the House continue to sit past that time”.
- (2) Such motion supersedes the Main Question, if any, before the Chair.
- (3) The Question of the extension of the day's sitting may not be amended and debate thereon shall not be allowed for more than twenty minutes, and in speaking thereon, no Member may exceed five minutes.
- (4) Upon the resolution of the Question of the extension of the day's sitting, Debate on the Main Question, if any, shall resume as if uninterrupted.

## **19 Suspension at One o'clock.**

- (1) If at One o'clock p.m. the House or a Committee of the whole House be sitting, the sitting of the House or Committee shall be suspended until half-past Two o'clock p.m.
- (2) Provided that if a Division shall have been ordered, the Speaker or Chair of Committees, as the case may be, shall not leave the Chair until such Division has been taken and any formal business immediately consequent thereon shall have been completed.

## **20 Quorum.**

A Quorum of the House shall consist of Fourteen Members, including the Speaker, or such other number as may from time to time be fixed by Law.

## **21 If Quorum not present at twenty minutes after the time appointed for meeting.**

- (1) The Speaker shall take the Chair as soon after the time fixed for the meeting of the House as it shall be reported that a Quorum is present in the Chamber; but if at the expiration of twenty minutes after the time so fixed a Quorum is not present, the Speaker shall, without taking the Chair, and without a Question first put, adjourn the House until the next sitting day.

- (2) If, however, the meeting of the House is fixed for any hour prior to half-past Two o'clock p.m., and if at the expiration of twenty minutes after such prior hour a Quorum is not present, the Speaker shall adjourn the House until half-past Two o'clock p.m. on the same day.

## 22 Acknowledgment of traditional people, Prayer & Reflection

The Speaker upon taking the Chair each day shall read the following statement:—

*“We acknowledge and pay respect to the Tasmanian Aboriginal people as the traditional and original owners and continuing custodians of this land on which we gather today and acknowledge elders, past and present”.*

following which, the Speaker shall read the following statement:—

*“I now invite Members to join me in reciting the Lord’s Prayer or to stand in silence and pray or reflect on their responsibilities to the people of the Tasmania.”*

following which, the Speaker shall recite the following Prayers:—

*“Almighty God, we humbly ask You to grant Your blessing upon this Parliament. Lead our deliberations and make them succeed for Your Glory and the true welfare of the people of Tasmania.”*

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

## 23 (Repealed on 30 August 2018)

## 24 A summons to the Legislative Council makes a House.

When the attendance of the House in the Legislative Council has been desired by the Governor or the Commissioners, the House shall attend, and on its return shall proceed with business, although a Quorum of Members is not present, until notice is taken thereof.

## 25 When Quorum not present during a Sitting.

If it appears on notice being taken, or on report of a Division of the House by Tellers, that a Quorum of Members is not present, the Speaker shall adjourn the House, without a Question first put, till the next sitting-day; or such adjournment takes place prior to half-past Two o'clock on any day, then until the hour of half-past Two o'clock on that day.

## 26 When Chair of Committees reports no Quorum.

If a Chair of a Committee of the whole House reports to the House that a Quorum of Members is not present, the Speaker shall count the House; and if a Quorum of Members be not present, shall adjourn the



House, without a Question first put, till the next sitting-day; or if such adjournment takes place prior to half-past Two o'clock on any day, then until the hour of half-past Two o'clock on that day.

**27 Bell to be rung before House counted.**

The Bell shall be rung for five minutes before the House is counted by the Speaker or the Chair of Committees.

**28 When no Quorum all Members must remain until House counted.**

When the attention of the Speaker or of the Chair of Committees, has been called to the fact that there is not a Quorum of Members present, no Member shall leave the Chamber until the House has been counted by the Speaker or the Chair of Committees.

**29 Doors open while House counted.**

The doors of the House shall be unlocked whenever the Speaker or the Chair of Committees is engaged in counting the House.

**30 Debate interrupted by Count-out may be resumed.**

If a Debate on any Motion or Order of the Day be interrupted by the House being counted out, such Debate may be resumed by Motion on Notice at the point where it was so interrupted but the question of the resumption of such Debate shall be decided without Debate or Amendment.

**31 House adjourns on its own resolution, except in special cases.**

Except in the cases specially provided for, when the Speaker adjourns the House without putting any Question, the House can only be adjourned by its own Resolution.

**32 "Now adjourn" - no amendment.**

No Amendment shall be moved to the Question "That the House do now adjourn".

## CHAPTER 7

### RECORDS OF THE HOUSE

**33 Votes and Proceedings to be the Journals.**

Every Vote and Proceeding of the House shall be entered by the Clerk of the House and published, having first been perused by the Speaker, and the Votes and Proceedings so published shall be the Journals of the House.

**34 Error or irregularity to be reported to the House by the Speaker.**

Should any error, irregularity, or oversight be discovered in connection with any Bill, Resolution, or Proceeding of the House, the Speaker shall bring the same before the House with an opinion as to the course to be followed to remedy the same.

**35 Custody of records to be in the Clerk - Clerk may produce records in courts of law.**

The custody of the Journals and Records and of all Papers and Accounts whatsoever presented to this House, shall be in the Clerk of the House, who shall neither take, nor permit to be taken, any of such Journals, Records, Papers, or Accounts from the Chamber or Offices, without the express leave or order of the Speaker: Provided, nevertheless, that if it shall be made to appear, by an order of any Judge of the Supreme Court that the production of any such Journals, Records, Papers, or Accounts is necessary in the proceedings in any case then pending in any Court, the Clerk of the House shall have authority to produce the same in such Court without the leave or order of the Speaker.

## CHAPTER 8

### LEAVE OF ABSENCE TO MEMBERS

**36 Absence without leave.**

- (1) A Member shall not be absent during the Session for more than fourteen days at a time, without the express leave of the House, and any Member wilfully infringing this Order shall be held guilty of contempt.
- (2) Except that, a Member shall be entitled, without a vote of the House, to 12 weeks maternity leave of absence, such leave to be taken in a consecutive period from the date its commencement is notified to the Speaker in writing.

**37 Leave of absence.**

Leave of absence for a specified period of time may be given by the House, on a Motion being made without notice, to any Member for sufficient cause to be stated to the House.

**38 Member having leave of absence excused from service.**

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

**39 Leave of absence forfeited.**

Any Member having leave of absence shall forfeit the same by attending the service of the House before the expiration of such leave.

## CHAPTER 9

### ORDER OF BUSINESS

#### 40 Daily business.

The House shall proceed each day with –

- (a) Acknowledgement of Traditional People;
- (aa) Prayers and Reflection;
- (b) Questions seeking information;
- (ba) *Constituency Questions*;**
- (c) Petitions;
- (d) Papers, Answers to Questions on Notice, and Government Responses to Petitions;
- (e) Messages;
- (f) Introduction of Bills;
- (g) Other Formal Business;
- (h) Matter of Public Importance;
- (i) Government Business;
- (j) Orders of the Day and Motions as set down in the Notice Paper except –
  - (i) that Ministers' Orders of the Day and Motions may be called on in such order as the Leader of the Government thinks fit; or
  - (ii) as the House otherwise orders.

#### 41 Order of business on Notice Paper.

All business shall be placed on the Notice Paper in the order in which it originates.

#### 42 Private Members' Business.

Unless otherwise ordered:-

- ~~(a) Private Members business will have priority from 12.00 pm till 6.00 pm on Wednesdays.~~
- ~~(b) Private Members business which has been on the Notice Paper for the period required by the Standing Orders be called on by the Leader of the Opposition, Leader of the Tasmanian Greens and the Government Whip respectively.~~
- ~~(c) At the commencement of each Parliament, it shall be determined by the House that the times within Private Members Business shall be allocated in accordance with a weekly rotation broadly reflective of the Private Membership of the House, but no allocation shall be made of a period less than 30 minutes.~~
- ~~(d) The Member calling on an item of Private Members' Business may, in doing so, state that at the conclusion of the time for the debate on that day, the matter be voted upon.~~

- (a) *Private Members Business will have priority after the conclusion of the MPI on Wednesdays.***

- (b) *Private Members Business which has been on the Notice Paper for the period required by the Standing Orders may be called on by a Member of the group which has been allocated time pursuant to the following weekly rotations:—*

**WEEK ONE**

<i>For 1 Hour</i>	<i>Independent Member for Braddon (Mr Garland)</i>
<i>For 1.5 Hours</i>	<i>Opposition Members</i>
<i>For 1.5 Hours</i>	<i>Greens Members</i>
<i>For 1 Hour</i>	<i>JLN Member</i>
<i>For 1 Hour</i>	<i>Government Members</i>

**WEEK TWO**

<i>For 1 Hour</i>	<i>Independent Member for Franklin</i>
<i>For 1.5 Hours</i>	<i>Greens Members</i>
<i>For 1.5 Hours</i>	<i>Opposition Members</i>
<i>For 1 Hour</i>	<i>Independent Member for Bass</i>
<i>For 1 Hour</i>	<i>Government Members</i>

**WEEK THREE**

<i>For 1 Hour</i>	<i>Independent Member for Clark</i>
<i>For 1.5 Hours</i>	<i>Opposition Members</i>
<i>For 1.5 Hours</i>	<i>Greens Members</i>
<i>For 1 Hour</i>	<i>Independent Member for Braddon (Mrs Beswick)</i>
<i>For 1 Hour</i>	<i>Government Members</i>

- (c) *the Member calling on an item in Private Members' Business may, in doing so, state that at the conclusion of that time for the debate on that day, the matter be voted upon.*
- (d) *at the commencement of the time allocated for a group's Private Members' Business, the Whip or any other Member of that group, may indicate to the Speaker that its time be waived, in which case, the House shall immediately proceed with Government Business for that allocation of time.*
- (e) *In the event that the time allocated for private members business expires and the House is in Committee of the whole House on a Bill, or a Member has indicated that they wish to go into committee, the debate be adjourned until the conclusion of the allocated time for private members business that day.*
- (f) *At the conclusion of the allocated private member business time the Bill be committed to a Committee of the whole House for up to one and half hours.*
- (g) *For the purpose of bringing to a conclusion any proceedings which are to be brought to a conclusion in accordance with paragraph (f), the Chair shall, at the conclusion of one and a half hours, put forthwith any question already proposed from the Chair and any other Question requisite to dispose of the*

***business before the Committee, including any Amendments, New Clauses and Schedules to a Bill that have been moved. No other Amendments, New Clauses or Schedules may be proposed.***

- (h) Should there be more than one Bill subject to paragraph (e) on the same day the Bills will be considered in the order they were previously dealt with during the allocated private members business time that day.***

## CHAPTER 10

### QUESTIONS SEEKING INFORMATION

**43 Questions to Ministers or other Members.**

Following prayers, Questions may be put to Ministers 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 House, in which such Members may be concerned, but a Minister or other Member may decline to answer a Question except upon Notice given for a subsequent day.

**44 Such Questions not to involve argument.**

In putting any such Question no argument or opinion shall be offered, nor inferences or imputations made, nor any facts stated, except so far as may be necessary to explain such Question.

**45 In answering a Question the matter not to be debated.**

In answering any such Question a Member shall not Debate the matter to which the same refers, and answers shall be relevant to the Question.

**46 Supplementary Questions.**

~~At the discretion of the Speaker, supplementary Questions may be asked to elucidate an answer.~~

***At the discretion of the Speaker, one supplementary Question may be asked immediately by the Member who asked the original question to elucidate an answer.***

**47 Time limit on Question Time.**

No Question shall be asked after the lapse of one hour from the Speaker calling on Questions. Further Notices of Question may then be handed to the Clerk of the House.

**48 Answers terminated after sufficient time.**

When the Speaker considers a Minister or other Member has had sufficient time to answer a Question the Speaker shall call for the next Question.

**48A Minimum number of Questions**

***Notwithstanding the provisions of Standing Order 47, the Speaker shall ensure that a minimum number of questions without notice to be asked shall be seven by the Opposition, four by Members of the Greens, one by the JLN Member, and one by each Independent Member, if such Member seeks the call.***

#### 48B Time Limits for Questions and Answers

**(1) *Notwithstanding the provisions of Standing Order 48, the Speaker shall ensure that:***

- (a) *the time taken to ask a Question does not exceed one minute, and the time taken to answer a Question does not exceed three minutes.***
- (b) *the time taken to ask a supplementary Question does not exceed 30 seconds, and the time taken to answer a Question does not exceed one minute.***

**(2) *If a Point of Order is taken during a Question or during an answer, the Speaker has discretion to order that the timing on the clock be paused.***

#### 48C Constituency Questions

**(1) *At the conclusion of Questions without Notice, Members may ask questions to Ministers relating to constituency matters.***

**(2) *The total number of Constituency Questions each sitting day is eight, allocated as follows with the order being at the discretion of the Speaker:***

- (a) *Two Government Members;***
- (b) *Two Opposition Members;***
- (c) *One Green Member; and***
- (d) *Three to be allocated at the Speaker's discretion between the JLN Member and Independent Members.***

**(3) *The time limit for each constituency question is one minute.***

**(4) *Replies to constituency questions must be given in writing by the relevant Minister to the Clerk within 30 days. The Clerk must provide the response to the Member who asked the question and electronically publish the response.***

#### 49 Answers to Questions must be in writing.

When Notices of Question are given, the Clerk of the House shall publish them in the Notice of Question Paper, and the reply shall be given by being laid upon the Table of the House, within 15 sitting days, and a copy thereof supplied to the Member who has asked the Question.

#### 50 Question Time – Attendance of Legislative Council Members.

When Members of the Legislative Council are commissioned as Ministers of the Crown:-

- (1) The House may seek the attendance of Members of the Legislative Council who are Ministers of the Crown by separate message requesting that leave be given to those Ministers to attend the Assembly so as to respond specifically to Questions without Notice seeking information of the kind covered by the Standing Orders of the House of Assembly.**



- (2) The Standing Orders and practices of the House of Assembly have application, with qualification in relation to the requirement for any punishment for offences which constitute a contempt of the Assembly, committed by a Member of the Legislative Council, be not enforced until concurred with by the Legislative Council.
- (3) The Speaker shall have sufficient authority over a Member of the Legislative Council participating in Question Time so as to retain control of proceedings and maintain the decorum of the House.
- (4) A Member of the Legislative Council attending in the Assembly be not eligible to vote, be counted for the purpose of a quorum, attempt to make any motion or act in a way to initiate any business whatsoever.
- (5) A Member of the Legislative Council attending the Assembly be not subject to Questions beyond the time of 10.50 a.m. on any sitting day on which sittings of the Legislative Council are to commence.

## CHAPTER 11

### PETITIONS

#### 51 Petitions.

A Petition shall:-

- (a) be fairly written or printed and shall before presentation, be forwarded for examination not less than one hour before the time of meeting of the House to the Clerk of the House, who, in returning the Petition to the Member in charge thereof, may require its amendment, in accordance with the Rules of the House;
- (b) contain a request at the end thereof;
- (c) be signed by at least one person on the sheet on which the Petition is written or printed;
- (d) be in the English language, or be accompanied by a translation, certified by the Member who presents it; and
- (e) be signed by the parties whose names are appended thereto, by their names or marks, and by no one else, except in the case of incapacity by sickness.

#### 52 Signatures to be written, not attached.

Every signature shall be written upon the Petition itself, and not pasted upon, or otherwise transferred thereto.

#### 53 Petitions of Corporations.

Petitions of Corporations aggregate shall be under their Common Seal.

#### 54 Petition of a Public Meeting, signed only by Chair.

A Petition signed by the Chair of a Public Meeting on behalf of such meeting, shall be received as the Petition of the person signing it only.

#### 55 No letters, affidavits, &c., shall be attached.

Letters, affidavits, or other documents shall not be attached to any Petition.

#### 56 Debates shall not be referred to.

References shall not be made in a Petition to any Debate in Parliament conducted within the previous twelve months, except that a request to repeal a Bill or a vote be rescinded may be made.

#### 57 Petitions for losses contingent on passing of Bills may be received.

Petitions requesting that provision may be made for the compensation of the Petitioners for losses contingent upon the passing of Bills pending, may be received.

**58 Member responsible.**

A Member presenting a Petition to the House shall:-

- (a) affix the Member's name at the beginning thereof;
- (b) take care that the same is in conformity with the Rules and Orders of the House; and
- (c) ensure that such Petition is respectful, decorous, and temperate in its language, and free from any disrespectful reference to the Sovereign or the Governor, of offensive imputations upon the character or conduct of either House of Parliament, or the Courts of Justice, or other tribunal or constituted authority.

**59 Petition presented by a Member only.**

A Petition shall only be presented to the House by a Member.

**60 Petition from a Member.**

A Petition from a Member shall not be presented.

**61 Member presenting Petitions confined to statement of certain facts.**

A Member offering to present a Petition to the House shall state the number of signatures attached to it and certify that such Petition complies with the Standing Orders.

**62 No Debate upon proceedings on presentation.**

When a Petition is presented which contains no matters in breach of the privileges of the House and which is in accordance with the Rules and Practice of the House, it shall be read by the Clerk of the House, without a Question first put; after which a Question shall be put, "That the Petition be received", but no other Question relating to such Petition shall be then entertained.

**63 Government response to Petitions.**

- (1) The text of each Petition which the House has received shall be communicated to the Premier by the Clerk of the House.
- (2) A Government response to each Petition shall be laid before the House within 15 sitting days of its communication to the Premier.

**64 Electronic petition ('E-petition').**

- (1) An E-petition is a petition:
  - (a) in the correct form, stating a grievance and containing a request for action by the House;
  - (b) sponsored by a Member and lodged with the Clerk for publication on the Parliament's Internet Website for a nominated period ("posted period");
  - (c) persons may elect to indicate their support of ("join the petition") by electronically providing their name, address

(including postcode) and signifying their intention to join the petition.

- (2) The posted period for an E-petition is to be a minimum of one week and a maximum of six months from the date of publication on the Parliament's Internet Website.
- (3) The Member sponsoring the E-petition must provide the Clerk with the details of the petition in the correct form; the posted period and a signed acknowledgment that they are prepared to sponsor the E-petition.
- (4) Once published on the Parliament's Internet Website an E-petition cannot be altered.
- (5) Only one E-petition dealing with substantially the same grievance and requesting substantially the same action by the House shall be published on the Parliament's Internet Website at the same time.
- (6) Once the posted period for an E-petition has elapsed, a paper copy of the petition shall be printed by the Clerk in full (including the details of the persons who joined the petition) and presented to the House by the Member who sponsored the E-petition.
- (7) An E-petition published on the Parliament's Internet Website, but not presented to the House prior to the dissolution of the Parliament, may be presented to the subsequent Parliament to become a petition of the subsequent Parliament.
- (8) An E-petition cannot be sponsored after the dissolution of the Parliament and until the new Parliament has been summoned and Members sworn.

## **65 General Rules for E-Petitions.**

- (1) Persons must join an E-petition by filling out their correct details and personally agreeing to join the e-petition, and by no one else, except in case of incapacity from sickness.
- (2) A person cannot sign or join the same e-petition more than once.

## **66 Duties and powers of the Clerk and Speaker regarding E-petitions.**

- (1) The Clerk may decline to publish an e-petition on the Parliament's Internet Website not in conformity with these Orders and advise the sponsoring Member accordingly.
- (2) The Clerk or a Member may seek a ruling from the Speaker about the conformity of any petition with these Orders.
- (3) The Clerk is authorised to create and maintain an appropriate Internet Website on which to publish electronic petitions, responses to petitions and explanatory information and do all things necessary in order to give effect to these Orders.
- (4) The Clerk must dispose of all electronic personal data related to the posting and joining of an e-petition within six months after an electronic petition is printed and presented to the House.

**67 Application of Standing Orders to E-Petitions.**

The Standing Orders and Rules for Petitions apply to E-petitions in-so-far-as they can be applied.

## CHAPTER 12

### NOTICES OF MOTION

**68 Copy to be delivered to the Table.**

A Member may give Notice of a Motion by lodging such Notice with the Clerk of the House by 11 o'clock a.m. on a sitting day a copy of such Notice, fairly written or printed.

**69 Notice must be for a future date.**

A Notice of Motion may not be given for the same day.

**70 Notices may be given for absent Members.**

A Member may give Notice for any other Member not then present, having been authorised to do so by such Member in writing; and may, when similarly authorised, take charge of a Motion in the absence of the Member in charge thereof.

**71 Notices to be printed.**

Every Notice of Motion shall be printed and circulated prior to the hour fixed for the Sitting of the House.

**72 The terms may be altered.**

After a Notice of Motion has been given, its terms may be altered by the Member giving such Notice. An amended Notice shall be given in the mode prescribed for giving of original Notices.

**73 Notice containing unbecoming expressions.**

If a Notice of Motion or of Question contains unbecoming expressions, the Speaker may direct that it shall not be printed, or it may be expunged from the Notice Paper by Order of the House.

**74 Notice lapses if not brought on**

A Notice of Motion shall lapse if it has not been brought on for debate within three (3) months from the day it was given, except in the case of notices given pursuant to statute.

**75 Notices limits**

No Member may give notice of more than three Motions per sitting day and no Motion shall exceed 250 words in length. Except that the Speaker may accept a Notice of Motion exceeding 250 words in length from:-

- (a) a Minister of the Crown, provided such Motion is required to be moved pursuant to statute; or
- (b) a Member giving notice of a Motion for the establishment of a Committee; or

- (c) a Member giving notice of a Motion of want of confidence in a Minister or the Government; or
- (d) A Member giving notice of a Motion in exceptional circumstances where the Speaker is satisfied that the nature of the Motion requires more than 250 words.

## CHAPTER 13

### MATTERS OF PUBLIC IMPORTANCE

#### 76 Matters of Public Importance.

- (1) After formal business has been dealt with, the Speaker shall call for a motion to note a matter of public importance, such matter having been submitted to the Speaker for perusal not later than 30 minutes before the House meets.
- (2) One such matter per day may be raised and Members may speak for not more than ~~seven~~ **five** minutes each and debate on each matter shall be restricted to a total of thirty-five minutes.
- (3) At the commencement of each Parliament, priority shall be determined by the House as to the allocation of days between the Opposition and any other party or independent Member, to raise a matter of public importance.
- (4) ***Priority shall be given pursuant to the following rotation:***

	<b><i>Tuesday</i></b>	<b><i>Wednesday</i></b>	<b><i>Thursday</i></b>
<b><i>Week 1</i></b>	<b><i>Opposition</i></b>	<b><i>Greens</i></b>	<b><i>JLN Member</i></b>
<b><i>Week 2</i></b>	<b><i>Opposition</i></b>	<b><i>Greens</i></b>	<b><i>Independent Member for Clark</i></b>
<b><i>Week 3</i></b>	<b><i>Opposition</i></b>	<b><i>Greens</i></b>	<b><i>Opposition</i></b>
<b><i>Week 4</i></b>	<b><i>Opposition</i></b>	<b><i>Opposition</i></b>	<b><i>Government Members</i></b>
<b><i>Week 5</i></b>	<b><i>Opposition</i></b>	<b><i>Greens</i></b>	<b><i>Independent Member for Braddon (Mr Garland)</i></b>
<b><i>Week 6</i></b>	<b><i>Opposition</i></b>	<b><i>Greens</i></b>	<b><i>Independent Member for Bass</i></b>
<b><i>Week 7</i></b>	<b><i>Opposition</i></b>	<b><i>Greens</i></b>	<b><i>Independent Member for Braddon (Mrs Beswick)</i></b>
<b><i>Week 8</i></b>	<b><i>Opposition</i></b>	<b><i>Opposition</i></b>	<b><i>Independent Member for Franklin</i></b>



## CHAPTER 14

### ORDERS OF THE DAY

**77 Orders of the Day defined.**

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.

**78 An Order discharged.**

An Order of the Day may be read and discharged.

## CHAPTER 15

### MOTIONS

- 79 No Motion to be made without previous notice.**  
A Member shall not make any Motion initiating a subject for discussion unless previous Notice has been given, but Motions for the printing of papers may be made on the presentation of such Papers without Notice.
- 80 Anticipating Motions.**  
No Motion or Amendment shall anticipate an Order of the Day or another Motion of which Notice has been given.
- 81 Questions of privilege.**  
An urgent Motion, directly concerning the privileges of the House, shall take precedence of other Motions as well as of Orders of the Day.
- 82 Motions without Notice.**  
A Motion may be made without Notice by leave of the House.
- 83 Motions withdrawn.**  
A Member who has made a Motion may withdraw the same by leave of the House, such leave being granted without any negative Voice.
- 84 A Motion withdrawn may be made again.**  
A Motion which has been withdrawn by leave of the House may be made again in the same Session.
- 85 Motion may not be withdrawn if Mover absent.**  
A Motion shall not be withdrawn in the absence of the Member who made it.
- 86 Amendment withdrawn, &c., before original Motion.**  
When an Amendment has been proposed to a Question, the original Motion shall not be withdrawn until the Amendment has been withdrawn or negatived.

## CHAPTER 16

### QUESTIONS

- 87 Question proposed.**  
After a motion has been moved, the Question shall be proposed to the House by the Speaker.
- 88 Irregular Motion not put.**  
If a Motion or Amendment be irregular, or out of order, the Question shall not be put by the Speaker.
- 89 Question put and again stated.**  
At the conclusion of the Debate upon a Question, the Speaker shall put the Question to the House.
- 90 Question determined by a majority of voices.**  
Subject to Standing Order No. 94 and Standing Order No. 355, a Question being put, shall be resolved in the Affirmative or Negative by the majority of voices, "Aye" or "No".
- 91 Speaker states whether "Ayes" or "Noes" have it.**  
The Speaker shall state whether the "Ayes" or the "Noes" "have it"; but, on the demand of any Member, the Question shall be determined by a Division.
- 92 Question superseded by adjournment or the Previous Question.**  
A Question may be suspended by:-  
(a) the Adjournment of the House, on notice being taken, and it appearing that a Quorum of Members is not present;  
(b) the Previous Question, viz., "That this Question be not now put", being proposed and agreed to.
- 93 (Repealed on 14 May 2024)**
- 94 Resolution or Vote rescinded.**  
A Resolution or other Vote of the House may be read and rescinded upon Motion, of which three days' notice has been given: Provided that the Motion rescinding a Resolution or Vote passed within the preceding twelve months shall be approved by an absolute majority of the whole House.

## CHAPTER 17

### PREVIOUS QUESTION

**95 Previous Question.**

The Previous Question:-

- (a) shall be put in the form “That this Question be not now put”;
- (b) having been proposed, no Amendment of the Main Question shall be entertained unless the Previous Question has been withdrawn

**96 Amendment shall not be offered.**

No Amendment shall be offered to the Previous Question, but such Question may be superseded by the Adjournment of the House for want of a Quorum.

**97 Debate thereon may be adjourned.**

A Debate upon the previous Question may be adjourned.

**98 Scope of Debate.**

In a Debate on the Previous Question the Original Question and any Amendment thereon may be debated.

**99 Previous Question affirmed.**

The Previous Question having been resolved in the Affirmative, the Original Question and any Amendment thereon are thereby disposed of, and the House shall proceed to the next business, or may adjourn.

**100 When passed in the Negative.**

The Previous Question having been passed in the Negative, the Main Question shall be at once put, without Amendment or further Debate.

**101 Previous Question.**

Whenever the Previous Question shall be proposed upon any Question consisting of a series of Resolutions, which have been brought under discussion or Debate as one Motion, with the understanding that the Question be put on such Resolutions *seriatim*, the decision of the Previous Question, before putting the question of the first of such Resolutions, shall be taken and held to be conclusive, whether in the Affirmative or Negative, as regards the whole of such Resolutions.

**102 May not be moved in Committee of the whole House.**

The previous Question shall not be moved in a Committee of the whole House.

## CHAPTER 18

### AMENDMENTS TO QUESTIONS

#### 103 Different forms of Amendment.

A Question having been proposed, may be amended by:-

- (a) leaving out certain words only;
- (b) leaving out certain words in order to insert or add other words;  
or
- (c) inserting or adding words.

#### 104 Amendment must be relevant and in writing.

An Amendment to a Question must be:-

- (a) relevant to such Question; and
- (b) in writing and be signed by the Member moving the same.

#### 105 Amendments.

When any Amendment is proposed, the Speaker shall put the Question, "That the Amendment be agreed to".

#### 106 Amendments to proposed Amendments.

Amendments may be proposed to any proposed Amendment, whenever it comes to a Question whether the House shall agree to such proposed Amendment, as if such proposed Amendment were an Original Question.

#### 107 Proscribed amendments.

An Amendment shall not be proposed:-

- (a) in any part of a Question after a later part has been amended, or has been proposed to be amended, unless the proposed Amendment has been, by leave of the House withdrawn; or
- (b) to any words which the House 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.

#### 108 Proposed Amendment withdrawn.

A Proposed Amendment may be withdrawn by the unanimous leave of the House.

#### 109 Question, as amended, put.

When an Amendment has been made, the Main Question, as amended, shall be put.

#### 110 When Amendments proposed but not made.

When Amendments have been proposed but not made, the Main Question shall be again proposed.

**111 Order in which Amendments to be put.**

When several Amendments have been proposed to be made to a Question, they shall be put singly in the order in which, if agreed to, they would stand in the amended Question.

## CHAPTER 19

### CONDUCT OF MEMBERS

**112 Entering and leaving the House.**

Every Member shall bow to the Chair when entering, leaving, or crossing the House.

**113 Members leaving their seats.**

A Member shall not pass between the Chair and any Member who is speaking; nor between the Chair and the Table.

**114 Members to take their places.**

Members, when they come in to the House, shall take their places, and shall not stand in any of the passages or gangways.

## CHAPTER 20

### TIME-LIMIT OF SPEECHES

#### 115 Time-limits.

(1) Except where otherwise expressly provided, unless by leave of the House—

- (a) when the Speaker is in the Chair, Members shall not exceed ~~thirty~~ **twenty** minutes in speaking to any Motion or Question before the House; and
- (b) in Committee of the whole House on a Bill, Address, or other Matter, Members shall not speak more than twice to any Question, nor for a longer period than ten minutes at a time, nor address the Committee for more than one period of time consecutively;

Provided that the following may speak for ~~forty~~ **thirty** minutes when the Speaker is in the Chair and more than twice on any Question in Committee of the whole House:

- (i) the Premier;
  - (ii) the Minister replying to any statement made in the House affecting them or any department of which they have the administration;
  - (iii) the Member in charge of a Bill or Motion;
  - (iv) the Leader of the Opposition or, if absent or waive the right under this proviso, the Deputy or, to the exclusion of the right of either, a Member of the Opposition whom the Leader of the Opposition or Deputy has nominated to the Speaker for the purpose in respect of the Bill, Motion, Question, or Matter being then considered by the House; and
  - (v) the Leader of a Party other than the Government or the Opposition consisting of at least four Members, or if absent or waive the right under this proviso, another Member of that Party nominated by the Leader to the Speaker for the purpose in respect of the bill, Motion, Question, or Matter being then considered by the House.
- (2) On any procedural Question, no Member may speak for more than ~~seven~~ **five** minutes and the debate thereon shall not exceed thirty-five minutes, but the Speaker, or as the case may be, the Chair of the Committees is entitled to put the Question as soon as the Speaker or the Chair of Committees is of opinion that the question has been sufficiently debated.
- (3) ***Paragraph (1) notwithstanding, a Member shall be entitled to speak for thirty minutes during their inaugural speech, and shall not exceed thirty minutes unless by leave of the House.***



## CHAPTER 21

### LIMITATION OF DEBATE

#### 116 Limitation of Debate on Urgent Bill or Motion.

- (1) On the reading of a Message from the Governor recommending an appropriation in connection with any Bill, on the calling on of a Motion for leave to introduce a Bill or a Notice of presentation, on the consideration of any Motion preliminary to the introduction of a Bill, at any stage of a Bill, or on the consideration of the Legislative Council Amendments or Requests for Amendments to a Bill, a Minister may declare "That the Bill is an urgent Bill, and on such declaration, the Question "That the Bill be considered an urgent Bill" shall be put forthwith - no Debate or Amendment being allowed - and on such Question being agreed to, a Minister may forthwith, or at any time during any Sitting of the House or Committee, but not so as to interrupt a Member who is addressing the House or Committee, move a Motion or Motions specifying the time which shall be allotted to all or any of the following:-
  - (i) The initial stages of the Bill (including any Motion preliminary to the introduction of the Bill) up to, but not inclusive of, the Second reading of the Bill;
  - (ii) The Second reading of the Bill;
  - (iii) The Committee stages of the Bill;
  - (iv) The remaining stages of the Bill;
  - (v) The consideration of Legislative Council Amendments or Requests for Amendments to the Bill,and the order with regard to the time allotted to the Committee stage of the Bill may, out of the time allotted, apportion a certain time or times to a particular clause or clauses, or to any particular part or parts of the Bill which in the opinion of the Speaker or Chair must be reasonable to allow adequate Debate.
- (2) When any Motion of any kind whatsoever has been moved, a Minister may at any time declare that the Motion is an urgent Motion, and, on such declaration, the Question "That the Motion be considered an urgent Motion" shall be put forthwith - No Debate or Amendment being allowed - and on such Question being agreed to, a Minister may forthwith move a Motion specifying the time which shall be allotted to the Motion which in the opinion of the Speaker or Chair must be reasonable to allow adequate Debate.
- (3) Upon such Motion or Motions with regard to the allotment of time being moved, no Debate thereon shall be allowed for more than twenty minutes, and in speaking thereon no Member may exceed five minutes. If the Debate be not sooner concluded, then forthwith upon the expiration of that time the Speaker or

the Chair shall put any Questions on any Amendment or Motion already proposed from the Chair.

- (4) For the purpose of bringing to a conclusion any proceedings which are to be brought to a conclusion on the expiration of the time allotted under any Motion passed under any of the preceding paragraphs of this Standing Order, the Speaker or the Chair shall, at the time appointed under the Motion for the conclusion of those proceedings, put forthwith any Question already proposed from the Chair and any other Question requisite to dispose of the business before the House or Committee, including, when considering any Bill in Committee or any Legislative Council Amendments or Requests for Amendments to a Bill, and Amendments, New Clauses and Schedules, and modifications, copies of which have been circulated by the Government among Members two hours at least before the expiration of the allotted time. No other Amendments, New Clauses or Schedules, or modifications may be proposed.
- (5) Where any time has been specified for the commencement of any proceedings in connection with any business under this Standing Order, when the time so specified has been reached the business, whatsoever its nature be, then before the House or Committee shall be postponed forthwith, and the first-mentioned business shall be proceeded with, and all steps necessary to enable this to be done shall be taken accordingly.
- (6) No Motion for the allotment of time under this Standing Order shall be made which provides less than, in the case of any Motion or any other Bill, a total of three hours, and in every case not less than one hour's further Debate must be allowed, regardless of the stage which has been reached and the time taken so far.

## CHAPTER 22

### RULES OF DEBATE

#### 117 Order maintained by Speaker.

- (1) Order shall be maintained in the House by the Speaker, and in the Committees of the whole House by the Chair of Committees, but disorder in Committee may be censured by the House only on receiving a report.
- (2) In the case of grave disorder arising in the House, the Speaker may adjourn the House without Question put, or suspend any Sitting for a time to be named

#### 118 When Speaker rises is to be heard without interruption.

Whenever the Speaker rises during a Debate any Member then speaking, or offering to speak, shall sit down, and the Speaker shall be heard without interruption.

#### 119 Members to address Speaker standing.

A Member desiring to speak shall rise in the Member's place and shall address the Speaker, or may address the Speaker from a lectern in the case of:-

- (a) Government Members, the lectern on the Government side of the Chamber;
- (b) Opposition Members, the lectern on the Opposition side of the Chamber; and
- (c) all other Members, the lectern at the end of the Table of the House.

#### 120 Indulgence of Members unable to stand.

By the special indulgence of the House, a Member, unable conveniently to stand, may be permitted to speak sitting.

#### 121 Debate closed.

A Member shall not speak to any Question after the same has been put, and the Speaker has declared on the voices.

#### 122 The Speaker calls on Members to speak.

When two or more Members rise in their places to speak, the Speaker shall call upon the Member who rose first.

#### 123 Motion that a Member "Be now heard".

A Motion may be made that any Member "be now heard", or "do now speak", but such Question shall be put without Debate.

**124 Member to speak to the Question.**

A Member may speak to any Question before the House, or to any Amendment thereon, or upon a Question of Order arising out of the Debate or upon a matter of privilege but not otherwise.

**125 Reference to the Legislative Council.**

Members may refer to the Legislative Council as “the Council”.

**126 No Member to speak twice.**

A Member shall not speak twice to a Question before the House, except in explanation or reply, or in a Committee of the whole House.

**127 Personal explanation.**

By the indulgence of the House a Member may explain matters of a personal nature, although there be no Question before the House; but such matters shall not be debated.

**128 Right of reply in certain cases.**

A reply shall be allowed to a Member who has moved a substantive Motion, or has moved an Order of the Day, but not to any Member who has moved an Amendment, or an Instruction to a Committee, or the Previous Question, or the Adjournment of a Debate, and after such reply it shall not be competent for any Member to speak to the Question.

**129 Adjournment of Debate.**

- (1) A Debate may be adjourned to a later hour on the same day, or to any other day.
- (2) A Member who has moved a substantive motion, or has moved an Order of the Day, may move the adjournment of the debate pursuant to paragraph (1), but such motion shall not be taken to be the ‘reply’ prescribed by Standing Order 128.

**130 Limitation of Adjournment of Debate.**

On the Question of the adjournment of the Debate no Member may speak for a longer period than ~~seven~~ **five** minutes and the Debate thereon shall not exceed thirty-five minutes, but the Speaker shall, be entitled to put the Question as soon as the Speaker is of opinion that the Question has been sufficiently debated.

**131 Privilege: Precedence of adjourned Debate on.**

An Adjourned Debate on a Question relating to the privileges of the House shall take precedence on the day to which the House stands adjourned.

**132 Resumed Debate: Member who has spoken may not speak again.**

When a Debate is adjourned, no Member who has spoken to a Question may speak again to the same Question when the Debate is resumed.

**133 Member may speak again to Question of Adjournment.**

A Member who has spoken to a Question may speak again to the Question of Adjournment, or to any other new Question which may arise.

**134 Having spoken on Adjournment, may speak subsequently on Main Question.**

A Member who has spoken only on the Question of Adjournment may speak subsequently on the Main Question.

**135 Having spoken on main question may not enter upon same on question of adjournment.**

A Member who has spoken on the Main Question may not again enter upon it when speaking to the Question of Adjournment.

**136 Having spoken may not move adjournment of House, or of Debate, but may speak on such Motion.**

A Member who has spoken may not move an Amendment, or the Adjournment of a Debate, or any similar matter, but may speak on any such Motion when it is made by another Member.

**137 Motion negatived Mover may afterwards speak.**

In the event of a Motion for the adjournment of the Debate upon any Question being negatived, the Member moving the Motion for such Adjournment may address the House at any time during such Debate.

**138 Member may resume Speech on a future day.**

A Member moving a Motion or speaking to a Question who desires to continue their Speech on a future day may move the Adjournment of the Debate; provided that should the Question for the Adjournment of the Debate be passed in the Negative, the Member may immediately resume their Speech.

**139 Motion for Adjournment being negatived, not to be proposed again immediately.**

If a Motion for the Adjournment of the House or of a Debate has been negatived, no similar proposal shall be received within a quarter of an hour, and no similar proposal shall be received if the Speaker is of the opinion that it is an abuse of the Orders or forms of the House, or is moved for the purpose of obstructing business.

#### **140 Debate interrupted by - Question of privilege, &c.**

The Debate upon a Question may be interrupted by:-

- (a) a matter of privilege suddenly arising;
- (b) a Question of Order being raised;
- (c) attention being called to the want of a Quorum;
- (d) attention being called to the presence of strangers.

#### **141 Proceedings of Committees - no reference to until reports received.**

No reference shall be made to any proceedings of a Committee of the whole House, or of any Committee until the same have been reported to the House, unless the House at the time of the appointment of the Committee shall otherwise direct.

#### **142 Proscribed content of speeches.**

A Member shall not:-

- (a) reflect upon any Vote of the House, except for the purpose of moving that such Vote be rescinded;
- (b) allude to any Debate or proceedings in the other House of Parliament but may refer to printed Papers of that House;
- (c) use the name of the Sovereign or the Governor disrespectfully in a Debate, or for the purpose of influencing the House in its deliberations;
- (d) use offensive words against either House of Parliament, nor against any Statute unless for the purpose of moving for its repeal;
- (e) digress from the subject-matter under discussion;
- (f) allude to any Debate conducted within the previous twelve months, unless such allusion be relevant to the matter under discussion, nor to any speech made in Committee except by the indulgence of the House for personal explanation; or
- (g) read from a report of any speech made in Parliament unless that report is relevant to the matter upon which the Member is speaking.

#### **142A Title of Speaker**

Members must address the Speaker by the title "Speaker", or "Honourable Speaker".

#### **143 Member may be referred to by name.**

A Member may refer to any other Member by name for the purpose of distinguishing that Member from other Members returned for the same Electorate.

#### **144 Offensive words against a Member.**

- (1) No Member shall use offensive or unbecoming words in reference to any Member of this House, nor attribute directly or by innuendo to another Member unbecoming conduct or

motives; and all offensive reference to a Member's private affairs, and all personal reflections, shall be deemed highly disorderly.

- (2) If the offended Member objects at the time when such words are used, the Speaker may direct that the words must be withdrawn by the offending Member without qualification or further comment.
- (3) Any breach of this Rule may also be dealt with in such manner as the House may think fit.
- (4) The provisions of this Standing Order relating to "unbecoming conduct" shall not apply where a substantive Motion on Notice brings a charge of misconduct against a Member.

#### **145 Disruption of proceedings.**

Members may not:-

- (a) read newspapers in the House; or
- (b) use any electronic device which interferes with, or distracts, other Members or interferes with the proceedings of the House or Committee of the whole House.

#### **146 Interruptions not allowed: Exceptions.**

A Member shall not interrupt another Member while speaking, unless to call attention to:-

- (a) a Point of Order or Privilege suddenly arising;
- (b) the want of a Quorum;
- (c) the presence of strangers in the House.

#### **147 Proceedings on Question of Order.**

Upon a Question of Order being raised, the Member called to Order shall sit down, and immediately after the Question of Order has been stated to the Speaker by the Member rising to the Question of Order, the Speaker shall rule thereon; but may first invite the opinion of the House.

#### **148 Disorder and suspension.**

Any Member who has -

- (a) persistently and wilfully obstructed the business of the House; or
  - (b) been guilty of disorderly conduct; or
  - (c) used objectionable words, and has refused to withdraw; or
  - (d) persistently and wilfully refused to conform to any Standing Order; or
  - (e) persistently and wilfully disregarded the authority of the Chair,
- may be named by the Speaker, or, if any of the above-named offences has been committed by a Member in Committee, the Chair.

#### **149 Suspension or withdrawal from House.**

- (1) If the offence has been committed in the House, the Speaker may direct the Member to withdraw from the House for any

period up to 24 hours or put the Question on a Motion being made, no Amendment, Adjournment, or Debate being allowed, "That such Member be suspended from the service of the House"; and, if the offence has been committed in Committee, the Chair shall forthwith suspend the proceedings of the Committee and report the circumstances to the House, and the Speaker shall thereupon without a Motion being necessary, put the same Question, without Amendment, Adjournment, or Debate, as if the offence had been committed in the House itself, or the Speaker may direct the Member to withdraw from the House for any period up to 24 hours.

- (2) Where a Member is directed to withdraw from the House by the Speaker, the Member may attend for the purpose of voting in any division or being counted when attention has been drawn to the lack of a quorum, but shall withdraw when the vote has been declared or a quorum formed.

### 150 Period of suspension.

If any Member be suspended under the foregoing Order, the suspension on the first occasion shall be for twenty-four hours, on the second occasion within the preceding twelve months for seven days excluding the day of suspension, and on the third or any subsequent occasion within the preceding twelve months for twenty-eight days excluding the day of suspension: Provided that any suspension in a previous Parliament shall be disregarded.

### 151 Continued irrelevance and tedious repetition: Speaker may order Member to discontinue Speech.

The Speaker or the Chair of Committees, as the case may be, may call attention to continued irrelevance or tedious repetition, or the taking up of time by a speech of such unwarrantable length as to obstruct the business, on the part of a Member, and may direct such Member to discontinue the speech: Provided that such Member shall have the right to require that the Question whether the Member be further heard be put, and thereupon such Question shall be put without Debate.

### 152 Ruling of Speaker may be challenged.

- (1) If an objection is taken to a ruling of the Speaker, the objection shall be taken at once and in writing and a Motion of dissent moved, shall be proposed to the House and the Debate thereon shall proceed forthwith.
- (2) The Speaker is entitled to put the question when Debate on any such Motion has exceeded thirty-five minutes, and no Member shall speak to the Motion for more than ~~seven~~ **five** minutes.



## CHAPTER 23

### DIVISIONS

#### 153 How Division may be called.

Whenever the Speaker states, on putting a Question, that the Ayes or Noes (as the case may be) have it, the decision may be challenged by a Member calling “divide”.

#### 154 Minority demand Division.

A Division shall be called for only by a Member who has given voice with the minority as declared by the Speaker.

#### 155 Division bell rung ~~and sand glass turned.~~

When a Division is demanded the Division Bell shall be rung, and the Clerk of the House shall ~~turn a five-minute sand glass, to be kept on the Table for that purpose, and the doors shall not be closed until after the lapse of five minutes as indicated by such sand glass~~ **set the timer for seven minutes, and the doors shall not be closed until after the lapse of seven minutes**, unless the Government Whip, the Opposition Whip and any other Member, not being a Member of the Government or Opposition, each signify that all Members who wish to vote are present in the Chamber, in which case the Speaker may order the Division Bells to cease being rung.

#### 156 Doors locked after lapse of ~~five~~ **seven** minutes.

The doors shall be locked after the lapse of ~~five~~ **seven** minutes, or such lesser time as may be directed by the Speaker after signification from the Government Whip, Opposition Whip and any other Member, not being a Member of the Government or Opposition, that all Members who wish to vote in the Division are present in the Chamber.

#### 157 Second division.

If a second Division is demanded following an earlier Division and limited or no intervening debate has taken place the Speaker may, if there is unanimous agreement, order the doors to be locked and the vote taken.

#### 158 Question put “Ayes” and “Noes” divide and Tellers appointed.

- (1) When the doors have been locked, and Members are in their places, the Speaker shall state the Question and without allowing further Debate, direct the “Ayes” to go to the right and the “Noes” to the left of the Chair, and shall then appoint one Teller for each side, and after the Tellers have been appointed, Members shall not move from their places.

- (2) In case there should not be at least one Member supporting the Teller for one of the parties, the Speaker or the Chair shall forthwith declare the Resolution of the House, or of the Committee.

**159 Division may be withdrawn.**

At any time before the Tellers are appointed, a call for a Division may be withdrawn by leave of the House, such leave being granted without any negative voice, and the Division shall not be proceeded with. The decision of the Speaker, which was challenged, shall stand.

**160 Members speaking to order.**

While the House is dividing, Members may speak to a Point of Order arising out of or during the Division.

**161 Every Member then present must vote.**

Every Member then present in the House when the Question is put with the doors locked shall be required to vote.

**162 Members counted and their names taken down.**

Members having taken their sides, every Member present shall then be counted, and their names taken down by the Teller on either side, who shall sign the lists and present the same to the Speaker, who will declare the result to the House.

**163 Division lists to be entered in Journals.**

An entry of the Divisions List shall be made in the Journals.

**164 Recording of pairs.**

Lists of Members pairing on any Division, duly signed by the Whips of the respective parties, shall be handed to the Clerk of the House, who shall enter the same in the Journals immediately following the Division Lists.

**165 In case of error House again divides.**

In case of confusion or error concerning the numbers reported, unless the same can be otherwise corrected, ***or in the case of a Member being absent from a division by reason of the malfunction of the division bells or lifts***, the House shall proceed to a second division.

**166 Mistakes corrected in Journals.**

If the numbers have been inaccurately reported, the Speaker, on being afterwards informed thereof, may order the Journals to be corrected.

**167 When votes equal, Speaker gives casting vote (*Constitution Act 1934, s. 25(3)*).**

In case of an equality of Votes, the Speaker shall give a casting vote, and may state the reasons for the Vote; and any reasons so stated shall be entered in the Journals of the House.

**168 Division frivolously claimed.**

If, in the opinion of the Speaker, the Division is frivolously or vexatiously claimed, the Speaker may take the vote of the House by calling upon the Members who support, and who challenge the decision, successively to rise in their places; and shall thereupon, as the Speaker thinks fit, either declare the determination of the House, or allow the Division to proceed.

**169 No Member to vote if pecuniarily interested.**

Members shall not be entitled to vote upon any Question in which they have direct pecuniary interest, such interest being of an immediate and personal, and not merely of a general or remote description; and the vote of any Member so interested shall be disallowed; but any such Member shall not be precluded from proposing any Motion or Amendment relating to such Question.

**170 Direct pecuniary interest, how vote of Member dealt with.**

The Vote of any Member who is supposed to have a direct pecuniary interest in a matter under the consideration of the House may be taken notice of by a Motion that the vote be disallowed, and after the Member whose vote has been challenged has been heard, the vote may be allowed or disallowed by the House.

**171 Rule to apply to Committees.**

The Rule of this House relating to the vote upon any Question in the House, of a Member having an interest in the matter upon which the vote is given, shall apply likewise to any vote of a Member so interested, in a Committee.

## CHAPTER 24

### MESSAGES FROM GOVERNOR

#### 172 Message from Governor

When a Message is brought from the Governor, the bearer shall present it to the Speaker.

#### 173 Message read

The Speaker shall read any Message from the Governor to the House and if necessary, the House shall fix a future day for taking, or forthwith take, the same into consideration.

## CHAPTER 25

### ADDRESSES TO THE CROWN OR GOVERNOR

**174 Addresses to the Sovereign shall be proposed upon Motion of Notice**

Whenever it be deemed proper to present an Address to the Sovereign, or to the Governor, the same shall be proposed, except in cases of emergency, on Motion upon Notice.

**175 Addresses of congratulation or condolence in a similar manner**

Addresses of Congratulation or Condolence to Members of the Royal Family shall also be proposed in a similar manner.

**176 Addresses to the Sovereign transmitted to the Governor by Speaker**

Addresses to the Sovereign shall be transmitted to the Governor by the Speaker, requesting the Governor to cause the same to be forwarded for presentation.

**177 Addresses to the Governor presented by whole House, or such Members as House may name**

Addresses to the Governor may be presented by the whole House, or by such Members as the House may appoint for that purpose, or may be forwarded by the Speaker.

**178 By the whole House**

When an Address is to be presented by the whole House, the Speaker, with the House, or such Members as may accompany the Speaker, shall wait upon the Governor, and the Speaker shall read the Address, the Mover, and Seconder of the Address being on the left hand side.

**179 Concurrence of the Legislative Council desired**

The concurrence of the Legislative Council in any Address to the Sovereign, or Member of the Royal Family, or the Governor, if desired shall be communicated by Message with a blank for the insertion of "The Legislative Council and".

**180 Concurrence signified**

The concurrence of this House in an Address communicated by the Legislative Council is signified by Message.

**181 Governor's answer to any address, reported by Speaker**

The Governor's answer to any Address presented shall be reported by the Speaker.

## CHAPTER 26

### MINISTERIAL STATEMENTS

#### 182 Ministerial Statements

- (1) A Minister may make a statement to the House at any time when other business is not before the House.
- (2) A ministerial statement is to be confined to matters of policy or fact and must be submitted to the Speaker for perusal before it is made.
- (3) Any Member may move that a statement be noted provided that no Member shall speak for a longer period than ~~seven~~ **five** minutes and the Debate thereon shall not exceed thirty-five minutes.

## CHAPTER 27

### BILLS

#### 183 Bills Initiated.

A Bill (unless received from the Legislative Council) shall be initiated by a Member receiving the call and presenting it to the House by reading the short title and handing to the Clerk of the House a fair copy.

#### 183A Cognate Bills

***The procedure for two or more Bills to be dealt with as cognate Bills is as follows:***

- (1) The Bills shall be initiated by a Member receiving the call and presenting them to the House by stating they are cognate Bills and then reading the short title of each Bill and handing to the Clerk of the House a fair copy of each.***
- (2) One motion may be moved and one Question put in regard to, respectively the second reading, referral to the Committee of the whole stage and the third reading of the Bills together.***
- (3) The Bills may be considered in the one Committee of the whole.***

- 184 No perpetual clause shall be inserted in any temporary Bill.**  
No perpetual clause shall be inserted in any Bill the main provisions of which are temporary.
- 185 Precise duration of temporary Bills.**  
The precise duration of every temporary Bill shall be expressed in a distinct Clause at the end of the Bill.
- 186 Title of Bill only read.**  
On every reading of a Bill the Title only shall be read.
- 187 First reading forthwith.**  
The First reading of every Bill shall be proposed immediately after the same has been presented.
- 188 First reading without Amendment or Debate.**  
When any Bill shall be presented by a Member, or shall be brought from the Legislative Council, the Question, "That this Bill be now read a First time" shall be put without Amendment or Debate.
- 189 Bills to be printed and circulated amongst Members.**  
When a Bill has been read a First time it shall be printed with as little delay as possible, and a copy shall be provided for each Member by the Clerk of the House.
- 190 Printing of Bills.**  
In the printing of a Bill, clauses for the appropriation of any part of the revenue or of any tax, rate, duty, or impost shall be marked with a heavy perpendicular line in the margin (called by printers a "gross line") until agreed to by a Committee of the whole House.
- 191 Bills listed for Second reading.**  
A Bill having been read a First time shall be listed for Second reading on a future day, provided that a bill for an Appropriation Act may be read a Second time whenever the House thinks fit.
- 192 No Bills to be read a Second time until distributed ~~two~~ *three* days.**  
The Order of the Day for the Second reading of a Bill may not be called until ~~two~~ *three* days after printed copies shall have been distributed to Members.
- 193 Second reading.**  
On the Order of the Day being read for the Second reading of a Bill, on a Motion being made, a Question shall be proposed, "That the Bill be now read a Second time".

**194 Amendments to Question for Second reading.**

- (1) Amendments may be moved to such Question by leaving out “now”, and, at the end of the Question, adding the words “on this day Six Months”, “on this day Three Months”, or any other time; or the Previous Question may be moved.
- (2) No other Amendment shall be moved to such Question, except in the form of a Motion strictly relevant to the Bill.

**195 Bill committed.**

- (1) A Bill having been read a Second time may:-
  - (a) by unanimous agreement be ordered to be read a Third time forthwith; or
  - (b) committed to a Committee of the whole House forthwith or at a later hour or on a future day, such Question being decided without Debate, or it may first be referred to a Select Committee.
- (2) Where an Order is made pursuant to (1)(a), the Clerk of the House shall sign and certify in writing that the Bill is in accordance with the Bill as agreed to.

**196 Bill reported by Select Committee.**

When a Bill has been referred to a Select Committee and reported, it shall be committed to a Committee of the Whole House on a future day not less than three days hence, and when the Order of the Day for the Committee is called on, the reception of the Report of the Select Committee and the further progress of the Bill may be debated on the Question “That the Speaker do now leave the Chair”.

**197 Committee of the whole House on the Bill.**

On the Order of the Day being read for the Committee on a Bill or on an Order that a Bill be committed forthwith, the Speaker shall put the Question, “That I do now leave the Chair”; which being resolved in the Affirmative, the House shall resolve itself into a Committee of the whole House on the Bill.

**198 Amendments on Speaker leaving the Chair.**

Amendments may be moved to the Question “That the Speaker do now leave the Chair”, by leaving out all the words after the word “That”, in order to add the words “this House will on this day Three Months (or Six Months, *or other time*) resolve itself into the said Committee.

**199 Preamble postponed. Marginal note of Bill read.**

- (1) When a Bill is under consideration in Committee, the Preamble (if any) shall stand postponed without Question first put, and each Clause shall be considered *seriatim*.
- (2) The marginal note only of each Clause shall be read by the Clerk.



**200 Order of business in Committee on Bill.**

The following order shall ordinarily be followed in considering a Bill in a Committee of the whole House:-

- (a) Clauses as printed;
- (b) Proposed New Clauses;
- (c) Postponed Clauses (not having been specially postponed to certain Clauses);
- (d) Schedules as printed;
- (e) Proposed New Schedules; Preamble;
- (g) Title,

but this order may be varied at the discretion of the Chair of Committees.

**201 Relevancy of Debate.**

The Debate shall be confined to the Clause or Amendment before the Committee.

**202 What Amendments admissible.**

Any Amendment may be made to a Clause provided the same is relevant to the subject-matter of the Bill, or pursuant to an Instruction, and be otherwise in conformity with the Rules and Orders of the House.

**203 Question that each Clause stand part of the Bill.**

The Chair of Committees shall propose a Question on each Clause of the Bill, "That the Clause, as read, stand part of the Bill".

**204 Amendments to Clauses.**

Such Question being proposed, Amendments may be proposed to the Clause to-

- (a) leave out words;
- (b) leave out words in order to add or insert other words;
- (c) add or insert words,

and such Amendments shall be given to the Chair of Committees in writing and shall be dealt with as in the House itself.

**205 Subdivisions of Clause may be treated as a separate Clause.**

If a Clause should have two or more Subdivisions, the Chair may treat any such Subdivision as if it were a separate Clause.

**206 Question on Clause as amended.**

When a Clause has been amended, the Question shall be put, "That the Clause, as amended, stand part of the Bill".

**207 Clauses postponed.**

Any Clause may be postponed, whether the same has already been considered and amended or not.

**208 New Clauses and Schedules.**

New Clauses and Schedules may be inserted in a Bill if they be relevant to the subject-matter of the Bill, or pursuant to an Instruction, and be otherwise in conformity with the Rules and Orders of the House.

**209 Preamble and Title.**

After each Clause and Schedule has been agreed to, and any New Clauses or Schedules added, the Preamble shall be considered, and, if necessary, amended; and the Question shall be put, "That this be the Preamble of the Bill"; after which the Title of the Bill shall be considered, and, if necessary, amended; and the Question shall be put, "That this be the Title of the Bill".

**210 Amendment of Title.**

If any Amendment has been made (or any New Clause or Schedule inserted) in the Bill not coming within the original Title (or any subject mentioned the original Title have been left out of the Bill) its Title shall be amended, and the Amendment of the Title shall be reported specially to the House.

**211 Report of progress.**

When all the Clauses of a Bill have not been considered, the Chair shall be directed to report progress, and ask leave to sit again.

**212 Report of Bill.**

The Bill having been fully considered the Chair shall put the Question, without Debate, "That this Bill (or this Bill as amended) be reported to the House", and if the Question be agreed to, shall leave the Chair and report the Bill to the House.

**213 Chair of Committees to sign copy of Bill and Amendments.**

The Chair shall sign and certify in writing that the Bill is in accordance with the Bill as agreed to in Committee and a printed copy of every Bill to be reported with the Amendments clearly made, shall be handed by the Chair to the Speaker when reporting to the House.

**214 Bill with Amendments.**

When a Bill is reported with Amendments, a future day shall be appointed for taking the report into consideration and moving its adoption.

**215 Bill reported without Amendment.**

When a Bill is reported without Amendment, the adoption of the report may be moved immediately.

**216 Amendments made on recommitment.**

On the Order of the Day being read for taking into consideration the Report of the Committee, a Motion may be made to discharge the

Order of the Day and to recommit the Bill, either in whole or in respect of certain Clauses, and, if such Motion be agreed to, the Bill shall be recommitted accordingly; and, if further Amendments are made, the Second Report of the Committee shall be taken into consideration on a future day, and the Bill as reported shall in the meantime be printed, unless the House otherwise orders; but if no further Amendments be made, the Report may be at once adopted.

**217 On consideration as amended may be referred to Select Committee.**

On consideration of the Bill as amended, the Bill may be referred to a Select Committee.

**218 Third reading.**

When the report of the Committee is finally adopted, the Bill may be read a Third time forthwith.

**219 Motion for Third reading.**

- (1) The Order of the Day being read for the Third reading of a Bill, a Question shall be proposed “That the Bill be now read a Third time”, to which Amendments may be moved by leaving out:-
  - (a) “now” and adding “this day Three Months”, “Six Months”, or any other time, which, if carried, shall finally dispose of the Bill; or
  - (b) “now read a third time” and adding “recommitted to a Committee of the Whole House” and, if thought fit, “in respect of *such and such* Clauses [or Schedules]”.
- (2) On an Amendment for Recommittal, Debate shall be limited to whether or not the Bill, Clauses, or Schedules, be recommitted. A Member, in speaking, shall not exceed ~~seven~~ **five** minutes and the whole discussion shall not exceed thirty-five minutes.

**220 Clerk of the House may correct clerical errors.**

Clerical and typographical errors may be corrected in any part of a Bill by the Clerk of the House and any change in the numbering of Parts, Divisions, Clauses, Subclauses, Paragraphs, and Subparagraphs consequential on any Amendment to a Bill and in references thereto in the text may be made by the Clerk before it is sent to the Legislative Council for its concurrence.

**221 Bill passed.**

After the Third reading no further Question shall be put, and the Bill shall be deemed to have passed the House.

**222 Clerk to certify the passing.**

When a Bill originated in this House shall have passed, the Clerk of the House shall forthwith certify at the top of the first page, that “This Public Bill originated in the House of Assembly, and having this day

passed, is now ready for presentation to the Legislative Council for its concurrence.”.

**223 Bill sent to the Legislative Council**

When all the proceedings on a Bill have been concluded, the Bill shall be forwarded with a Message to the Legislative Council.

**224 Council's Amendments to be considered on a future day**

When a Bill is returned from the Legislative Council with Amendments, such Amendments shall be appointed to be considered on a future day, unless the House shall order them to be considered forthwith.

**225 Council's Amendments considered in Committee**

The consideration of all Amendments made by the Legislative Council in Bills which shall have first passed this House, and Messages relating to any such Amendments, shall in every case be in a Committee of the whole House.

**226 Bill returned from the Legislative Council**

Amendments made by the Legislative Council shall be agreed to either with or without Amendments; or disagreed to; or the consideration thereof postponed; or the Bill may be again sent to the Legislative Council with a Message desiring its reconsideration; or the Bill may be ordered to be laid aside.

**227 Council's amendments in Bills, Messages, &c**

When Amendments made by the Legislative Council in Bills which shall have first passed this House, shall have been agreed to by the House without Amendments, or disagreed to, a Message shall be sent informing the Legislative Council thereof; and if they shall have been agreed to with Amendments, the Bill shall be returned to the Legislative Council with a Message desiring the concurrence of the Legislative Council therein.

**228 Council's amendments disagreed to. Reasons to be assigned**

In any case, when a Bill is returned to the Legislative Council with any of the Amendments made by the Council disagreed to, or for reconsideration, the Message returning such Bill shall also contain written reasons for the House not agreeing to the Amendments proposed by the Legislative Council; and such reasons shall be drawn up by a Committee of three Members, to be appointed for that purpose when the House adopts the Report of the Committee of the Whole House disagreeing to the Amendments in question.

**229 Final procedure on Council's Amendments**

If the Legislative Council returns the Bill with a Message informing the House that it:-

- (a) Insists on its original Amendments to which the House has disagreed; or
  - (b) Disagrees to the Amendments made by the House on the Council's original Amendments; or
  - (c) Agrees to Amendments made by the House on the original Amendments of the Council, with further Amendments,
- and the House -
- (d) May -
    - (i) Agree, with or without Amendment, to the Amendments to which it previously disagreed, and make, if necessary, consequential Amendments to the Bill; or
    - (ii) Insist on its disagreement to such Amendments;
  - (e) May -
    - (i) Withdraw its Amendments and agree to the Council's original Amendments;
    - (ii) Make further Amendments to the Bill consequent upon the rejection of its Amendments;
    - (iii) Propose new Amendments as alternative to the Amendments to which the Council has disagreed; or
    - (iv) Insist on its Amendment to which the Council has disagreed;
  - (f) May -
    - (i) Agree with or without Amendment, to such further Amendments of the Council, making consequential Amendments to the Bill, if necessary;
    - (ii) Disagree thereto and insist on its own Amendments which the Council has amended,

and in all such cases, if agreement be not thereby arrived at, or if the Bill be again returned by the Council with any of the requirements of the House still disagreed to, the House shall order the Bill to be laid aside.

## 230 Council to be informed by Message if Amendments agreed to

If the Council's Amendments shall be agreed to and the Bill finally passed by this House, a Message shall be sent informing the Legislative Council thereof.

## 231 Bills from Council proceeded with as similar Bills of the House

Bills coming to this House the first time from the Legislative Council shall be proceeded with in all respects as similar Bills presented in pursuance of Orders of the House.

## **232 Clerk certifies Bill agreed to, or otherwise**

When any such Bill shall have been passed by the House, it shall be returned to the Legislative Council by Message, with the Clerk's certificate "The House of Assembly has this day agreed to this Bill without Amendment", or "with Amendments", as the case may be.

## **233 Council's Amendments considered**

If the Legislative Council shall return such Bill with any of the Amendments made by the House disagreed to, or further Amendments made thereon, together with written reasons for its disagreeing to any such Amendments proposed by the House, a time shall be fixed for taking the Message into consideration in a Committee of the Whole House.

## **234 Council's Amendments, how dealt with**

In cases where the Legislative Council -

- (a) Disagrees to Amendments made by the House; or
- (b) Agrees to Amendments made by the House with Amendments,

the House -

- (c) May -
  - (i) Insist, or not insist, on its Amendments;
  - (ii) Make further amendments to the Bill consequent upon the rejection of its Amendments;
  - (iii) Propose new Amendments as alternative to the Amendments to which the Council has disagreed; or
  - (iv) Order the Bill to be laid aside;
- (d) May -
  - (i) Agree to the Council's Amendments on its own Amendments, with or without Amendment, making consequential Amendments to the Bill if necessary;
  - (ii) Disagree thereto and insist on its own Amendments which the Council has amended; or
  - (iii) Order the Bill to be laid aside,

and, unless the Bill shall be laid aside, a Message shall be sent to the Legislative Council to such effect as the House has determined.

## **235 House waives privileges in certain cases**

With respect to any Bill brought to the House from the Legislative Council, or returned by the Legislative Council to the House, with Amendments, whereby pecuniary penalty, forfeiture, or fee shall be authorised, imposed, appropriated, regulated, varied, or extinguished, the House shall not insist on its privileges in the following cases:-

- (a) When the object of such pecuniary penalty or forfeiture is to secure the execution of the Act, or the punishment or prevention of offences;

- (b) Where such are imposed in respect of benefit taken or service rendered under the Act, and for the purpose of executing the Act, and are not made payable into the Treasury, or in aid of the Public Revenue, and do not form ground of public accounting by the parties receiving the same, either in respect of deficit or surplus.

## **236 Bills when passed to be transmitted to Legislative Council**

All Bills, whether originating in this House or in the Legislative Council, shall, so soon as they have passed through their several stages, be forwarded to the President of the Legislative Council to await the Governor's Assent, excepting Bills of Supply, which shall be presented for the Governor's Assent by the Speaker.

## **237 Amendments proposed by Governor**

Whenever it is transmitted by Message to the House any Amendment which the Governor shall desire to be made in any Bill presented for the Royal Assent, such Amendment shall be treated and considered in the manner as Amendments proposed by the Legislative Council.

## **238 Such Amendments, if agreed to, to be forwarded to the Council (*Australian Constitutions Act 1842, s. 30*).**

When the House shall have agreed to any Amendment proposed by the Governor, such Amendment together with any alterations rendered necessary to be made in the Bill in consequence of such Amendment, shall be forwarded to the Legislative Council for its concurrence; and any Amendment made by the Council thereto shall be dealt with in the same manner as Amendments made by the Council in Bills originated in this House.

## **239 Consideration of such Amendments received through the Council**

Amendments proposed by the Governor in Bills, which shall be agreed to by the Legislative Council and forwarded for the concurrence of this House, shall be proceeded with in the same manner as Amendments made by the Council on the Assembly's Amendments in Bills first received from the Council.

## 240 Assent

The Royal Assent is signified to every Bill by the Governor, in person or by Commission, the attendance of the House of Assembly in the Legislative Council having been desired for that purpose, or by Message to the House, or notification in the "Tasmanian Government Gazette".



## CHAPTER 28

### SPECIAL PROVISIONS RELATING TO BILLS WHICH LEGISLATIVE COUNCIL MAY NOT AMEND

#### 241 Requests considered in Committee.

If a Bill is returned by the Legislative Council with a Request for Amendments, such Request shall, unless otherwise ordered, be considered in Committee of the whole House at such time as the House may appoint.

#### 242 Form of Motion on Request.

On consideration of the Request for Amendments made by the Council in regard to such Bill, the following Motions may be made:-

- (a) That the Amendments requested by the Council be made;
- (b) That the Amendments requested by the Council be not made;
- (c) That the Amendments requested by the Council be made with modification;
- (d) That further Amendments be made consequent on the Amendments made at the Council's request.

#### 243 Resolution to be reported.

After the Council's request for Amendments has been fully considered in Committee, the Chair shall report that the Committee has considered such Request, and has agreed to one or more of the following Resolutions:-

- (a) To agree to make the Amendments requested by the Council;
- (b) To disagree to the Amendments requested by the Council;
- (c) To agree to make the Amendments requested by the Council with modifications;
- (d) To agree to make the Amendments requested by the Council with consequential Amendments,

and, on such Resolution or Resolutions being reported, the House shall appoint a time for taking the same into consideration; and, on consideration by the House, such Resolution or Resolutions may be agreed to, disagreed to, or amended and agreed to.

#### 244 Return of Bill to Council.

When Amendments requested by the Council have been made by the Assembly without modification, the Bill shall be returned with a Message informing the Council thereof; when the Amendments shall have been made with modifications the Bill shall be returned with a Message requesting the concurrence of the Council therein; and when Amendments shall not have been made the Bill shall be returned with

a Message informing the Council thereof, or the Bill may be ordered to be laid aside.

## **245 Pressing of Requests.**

If the Bill be again returned by the Council -

- (a) Pressing a request for Amendment;
- (b) Not agreeing to the Assembly's modifications of the Request for Amendment;
- (c) Making some other modification of its original Request;
- (d) -
  - (i) Not pressing its requests; or
  - (ii) Agreeing to modifications of the original Request,

the Assembly shall consider the same in Committee, unless otherwise ordered, and may -

- (e) Agree to make, or insist on not making, the Amendments requested;
- (f) Not insist or insist on its modifications to the Council's original Request;
- (g) Agree or disagree to the Council's modifications of the Council's original Request;
- (h) Return the Bill to the Council.

## **246 Reasons for non-compliance.**

In any case where the Assembly resolves not to comply with a Request of the Council, it shall return the Bill to the Council with a Message containing the Reasons for the Assembly's not complying with such Request.

## **247 Chair to make Amendments.**

When Amendments requested by the Council have been made by the Assembly, the Chair of Committees shall make such Amendments in the Bill before such Bill is returned to the Council.

## CHAPTER 29

### LAPSED BILLS

#### 248 Resumption of proceedings on lapsed Bills

Any Bill which lapses by reason of a Prorogation before it has reached its final stage may be proceeded with, in the next ensuing Session at the stage it had reached in the preceding Session, if a General Election for the House of Assembly has not taken place between such two Sessions, under the following conditions:-

- (a) If the Bill be in the possession of the House in which it originated, not having been sent to the other House, or, if sent, then returned by Message, it may be proceeded with by Resolution of the House in which it is, restoring it to the Notice Paper;
- (b) If the Bill be in the possession of the House in which it did not originate it may be proceeded with by Resolution of the House in which it is, restoring it to the Notice Paper; but such Resolution shall not be passed unless a Message has been received from the House in which it originated requesting that its consideration may be resumed.

#### 249 Proceedings on restored Bills

Any Bill so restored to the Notice Paper shall thenceforth be proceeded with in both Houses as if its passage had not been interrupted by a Prorogation, and, if finally passed, be presented to the Governor for Assent.

#### 250 Bill not restored may be brought in in ordinary manner

Should the Motion for restoration to the Notice Paper be not agreed to by the House in which the Bill originated, the Bill may be brought in and proceeded with in the ordinary manner.

## CHAPTER 30

### COMMITTEES OF THE WHOLE HOUSE

**251 House resolves itself into a Committee.**

A Committee of the whole House shall be appointed by a Resolution, "That this House will resolve itself into a Committee of the whole House", for the purpose specified in the Resolution.

**252 Speaker leaves the Chair.**

When such a Resolution has been agreed to, or an Order of the Day read for the House to resolve itself into a Committee, the Speaker shall put the Question, "That I do now leave the Chair", which being agreed to, the Speaker shall leave the Chair accordingly.

**253 Amendment to the Question for Speaker to leave the Chair.**

Amendments may be moved to the Question for the Speaker to leave the Chair, by leaving out all the words after the word "That", in order to add the words "this House will on this day" Three months (*or Six months, or any other time*) resolve itself into the said Committee.

**254 When Committee has reported progress.**

When a Bill or other matter has been partly considered in Committee, and the Chair has been directed to report progress, and ask leave to sit again, and the House has ordered that the Committee shall sit again, the Speaker, when the Order for the Committee has been read, shall forthwith leave the Chair without putting any Question, and the House shall thereupon resolve itself into such Committee; and when progress has been reported from the Committee for the second time, and leave given to sit again, on the reading of the Order of the Day for the House to again resolve itself into such Committee, the Speaker shall forthwith leave the Chair, and the House shall thereupon resolve itself into such Committee.

**255 The Chair of Committees takes the Chair.**

So soon as the Speaker has left, the Chair of Committees shall take the Chair of the Committee, at the Table.

**256 Committee to consider matters referred.**

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

**257 Questions decided by a majority of votes.**

Every Question in Committee shall be decided by the votes of the majority of the Members present, not including the Chair; and in case of an equality of votes, the Chair shall give a casting vote.

**258 Order in Committee.**

Except as provided by these Standing Orders, the same Rules as to the conduct of Members and of Debate, Procedure, Divisions, and the general conduct of business, shall be observed in Committee as in the House itself, the Chair of Committees being invested with the same authority as the Speaker for the preservation of Order; but Disorder in a Committee can only be censured by the House.

**259 Chair's ruling may be challenged.**

- (1) If any ruling of the Chair of Committees is challenged by a Member, it shall be done when the Ruling is given, and shall be in writing.
- (2) The Chair shall thereupon leave and the Speaker resume; and the Chair, having stated the case, the Speaker shall rule upon the point; and the proceedings in Committee shall thereupon be resumed where they were interrupted.

**260 Disorder arising.**

If any sudden disorder should arise in Committee, the Speaker shall resume the Chair, without any Question being put.

**261 Speaker to resume the Chair in certain cases.**

The Speaker shall also resume the Chair if the time comes for doing anything which the House has ordered to be done at a stated time.

**262 Quorum in Committee.**

The Quorum in a Committee of the whole House shall consist of the same number of Members as shall be requisite to form a Quorum of the House.

**263 When Quorum not present in Committee.**

If it appears on Notice being taken, or on the Report of a Division in Committee by the Tellers, that a Quorum of Members is not present, the Chair of Committees shall direct the bell to be rung for ~~two~~ **five** minutes, and if a Quorum is then present, the business before the Committee shall be resumed; but if a Quorum is not then present, the Chair shall leave, and the Speaker shall resume, and the Chair shall report accordingly.

**264 House counted out by Speaker.**

If a Quorum is present when the House is counted by the Speaker, the House shall again resolve itself into the Committee of the Whole House; but if the House be thereupon adjourned for want of a Quorum, the House may, by Motion on Notice, order the resumption of such Committee, and the Debate shall be resumed at, and all other proceedings restored to, the point at which it or they were interrupted.

**265 Report.**

When all the matters referred to a Committee have been considered, the Chair shall be directed to report the same to the House.

**266 Report of Progress.**

When all such matters have not been considered, the Chair shall be directed to report Progress, and ask leave to sit again.

**267 Motion to report Progress.**

A Motion may be made at any time during the proceedings of a Committee, "That the Chair do report Progress, and ask leave to sit again."

**268 Debate on Motion and report Progress or that the Chair of Committees leave the Chair.**

- (1) When a Motion is made that the Chair of Committees do report Progress or do leave the Chair or that the Clause be postponed, the Chair of Committees shall be entitled to put the Question when Debate thereon has exceeded thirty minutes.
- (2) No Member may speak more than once nor for a longer period than five minutes and no Member except the Member or Minister in charge of the question before the Committee who has moved such a Motion may move any similar Motion during the same Debate on the Clause then under consideration.

**269 Committee of the Whole House cannot adjourn Sittings or Debate.**

A Committee of the Whole House cannot adjourn its own sitting, or any Debate in the Committee.

**270 Report to be brought up without Question.**

Every Report from a Committee of the Whole House shall be brought up without any Question being put.

**271 Resolutions of Committee.**

The Resolutions reported from a Committee of the whole House may be agreed to or disagreed to by the House, or agreed to with Amendments, or recommitted to the Committee, or the further consideration thereof postponed.

## CHAPTER 31

### PROCEEDINGS ON FINANCIAL BILLS AND PROPOSALS

#### **272 No appropriation unless recommended by Governor.**

- (1) No proposal for the appropriation of any public money shall be made unless the subject of the proposal has in the same Session been recommended to the House by Message of the Governor, but a Bill (except a Bill the sole purpose of which is to grant and apply moneys from the Consolidated Fund or to issue and apply moneys from the Consolidated Fund) which requires the Governor's recommendation may be brought in by a Minister and proceeded with before the Message is announced.
- (2) No Amendment of such a proposal shall be moved which would increase, or extend the objects and purposes or alter the destination of, the appropriation so recommended unless a further Message is received.

#### **273 Taxation proposals to be initiated only by a Minister.**

A proposal for the imposition, or for the increase or alleviation, or for the alteration of the incidence, of a tax, rate, duty, or impost shall not be made except by a Minister, and no Member other than a Minister may move an Amendment to increase or extend the incidence of a tax, rate, duty, or impost unless the tax, rate, duty, or impost so extended does not exceed that already existing by virtue of any Act.

#### **274 When Motion made to omit or reduce any item, Question shall be proposed accordingly.**

When a Motion is made to omit or reduce any item of a Vote, a Question shall be proposed from the Chair, "That the amendment be agreed to".

#### **275 When several Amendments offered, order to be taken.**

When several Amendments are offered, they shall be taken in the order in which the items to which they relate appear in the printed estimates.

#### **276 After a Question proposed no Motion or Debate allowed upon preceding item.**

After a Question has been proposed from the Chair, for omitting or reducing any item, no Motion shall be made or Debate allowed upon any preceding item.

**277 When proposal to omit or reduce items, Questions afterwards put on original Vote.**

When it has been proposed to omit or reduce items in a Vote, the Question shall be afterwards put upon the original Vote, or upon the reduced Vote, as the case may be.

**278 After Question proposed no Motion shall be made for omitting or reducing.**

After a Question has been proposed from the Chair for a reduction of the whole Vote, no Motion shall be made for omitting or reducing any item.



## CHAPTER 32

### INSTRUCTIONS TO COMMITTEES

**279 Effect of an instruction.**

An Instruction shall empower a Committee of the Whole House to consider matters not otherwise referred to it.

**280 What Instructions shall not be moved.**

No Instruction shall be moved to order a Committee to make provision in a Bill, nor to empower a Committee to make provision, if it already has power to make such provision.

**281 Instructions to Committee not to be moved as an Amendment.**

Before the first sitting of the Committee, an Instruction shall be proposed only as a distinct Motion after the Order of the Day for the Committee has been read or an Order that the Bill be committed forthwith, and before any Question has been proposed thereupon, and not as an Amendment to the Question, "That the Speaker do now leave the Chair".

**282 When moved.**

When after the first sitting of the Committee it is proposed to move a distinct Instruction, it shall be done before the Order of the Day for the Committee is read.

**283 Scope of Instructions to a Select Committee.**

An Instruction to a Select Committee may extend or restrict the Order of Reference, and may be moved, after Notice, at any time prior to the Report of the Committee.

## CHAPTER 33

### SELECT COMMITTEES

**284 Speaker or Chair of Committees not compellable to serve on.**

It shall not be compulsory on the Speaker or the Chair of Committees to serve on any Select Committee.

**285 Committees to consist of not more than seven Members.**

A Select Committee shall not, without leave of the House, consist of more than seven Members; such leave may be moved for without Notice.

**286 When to report.**

On the appointment of every Select Committee a day shall be fixed on or before which its proceedings shall be reported to the House, and on or before such day the final Report of the Committee shall be brought up by the Chair, unless the time for bringing up the Report shall have been extended by the House.

**287 Members discharged and others appointed**

Members who are appointed by the House may be discharged by the House from attending a Select Committee, and other Members appointed.

**288 Mover fixes date of first meeting.**

The Mover of the Committee shall fix the time for the first meeting of the Committee.

**289 Quorum.**

In all Select Committees three shall form a Quorum to take evidence, and a majority of the Committee shall form a Quorum to pass Resolutions.

**290 When Quorum not present.**

If, at any time during the sitting of a Select Committee, a Quorum be not present, the Clerk of the Committee shall call the attention of the Chair to the fact, who shall thereupon suspend the proceedings of the Committee until a Quorum be present, or shall adjourn the Committee to some future time.

**291 Committee to elect a Chair.**

Every Select Committee, before commencing its business, shall elect one of its Members to be the Chair. In the absence of the Chair the Members present shall elect another Chair *pro tempore*.

**292 Names of Members present to be entered.**

The names of the Members present at each sitting of a Select Committee, and a record of every Motion or Amendment proposed, together with the name of the Mover thereof, shall be entered in the Minutes of Proceedings of the Committee.

**293 Divisions to be entered.**

In the event of any Division taking place in any Select Committee, the Question proposed, the name of the Proposer, and the Vote thereon of each Member present, shall be entered in the Minutes of Proceedings of the Committee.

**294 Refusal of Member to attend Select Committee.**

Any Member appointed to serve on a Select Committee who shall neglect or refuse to attend such Committee shall be reported by the Chair to the House, which will thereupon deal with the default as it may think fit.

**295 Power to send for Persons, Papers, and Records.**

Whenever it may be necessary, the House may give a Committee power to send for Persons, Papers, and Records.

**296 Admission of Strangers.**

When a Committee is examining Witnesses, strangers may be admitted, but shall be excluded at the request of any Member, or at the discretion of the Chair of the Committee, and shall always be excluded when the Committee is deliberating.

**297 Admission of other Members.**

Members of the House may be present when a Committee is examining Witnesses, but shall not be allowed to speak or in any way interfere in the proceedings of the Committee, and shall withdraw if requested by the Chair or any Member of the Committee, and shall always withdraw when the Committee is deliberating.

**298 Chair shall have deliberative vote only.**

The Chair of a Select Committee shall have a deliberative vote only. When the votes are equal the Question shall pass in the Negative.

**299 Days of meeting.**

Select Committees may meet for the despatch of business on any day except Sunday.

**300 Committee may adjourn.**

A Select Committee may adjourn from time to time; and from place to place.

**301 May not sit during Sitting of the House.**

Except by leave of the House, no Select Committee shall sit during the Sitting of the House.

**302 Procedure on Bills.**

A Select Committee on a Bill shall deal with the same in the mode prescribed for a Bill in a Committee of the Whole House.

**303 Evidence, &c., before a Committee.**

- (1) The evidence taken by any Select Committee, and documents presented to such Committee which have not been reported to the House, shall not, unless authorised by the Committee, be referred to in the House 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 of documents presented to such Committee meeting in public.

**304 Certain evidence not to be published.**

A Select Committee may in its report recommend that any evidence taken by it or any document presented to it –

- (a) which discloses any trade secret or secret process of manufacture;
- (b) which discloses any private matter of a personal or commercial nature unrelated to the subject-matter of its enquiries; or
- (c) which the Committee has resolved unanimously should not be made public,

be not published, and shall be so recommended in the case of any evidence or document which the Committee has told the witness giving or presenting it will not if given or presented be published.

**305 Matters ordered not to be published to remain confidential.**

Any evidence or document which a Select Committee recommends pursuant to Standing Order No. 304 not to be published shall remain strictly confidential and shall at no time be referred to in the House by any Member or Officer of the House or by any witness or any other person.

**306 Report from time to time.**

A Committee may report from time to time its opinions or observations, or its Proceedings with or without the evidence, or the Evidence only.

### **307 Consideration of Draft Report.**

- (1) The Chair shall prepare a Draft Report which shall be read to the Committee convened for the purpose.
- (2) Such Report may at once be considered, but if desired by any Member, shall be printed and circulated among the Committee, and a subsequent time fixed for its consideration; and when the Committee proceeds to take the Report into consideration, the Chair shall read the Draft Report, paragraph by paragraph, putting the question to the Committee on each paragraph - "That it do stand part of the Report".
- (3) A Member objecting to any portion of the Report shall propose an Amendment at the time the paragraph to be amended is under consideration.

### **308 Protest or Dissenting Reports.**

Any protest or dissenting report shall be signed by the Member or Members protesting or dissenting, may be added to the report but may not be presented separately to either House of Parliament.

### **309 Report brought up.**

- (1) The Report of a Committee shall be signed and brought up by the Chair.
- (2) No Debate shall take place upon the presentation of the Report, but it may be ordered to be printed with the documents accompanying it.
- (3) If any further proceedings be necessary, such proceeding shall be by Motion, of which Notice shall be given in the usual manner.

### **310 Select Committees not to confer without Order.**

A Select Committee of this House shall not confer with a Select Committee of the Legislative Council without an Order of this House.

### **311 Such Order communicated by Message.**

When any such Order has been made, it shall be communicated by Message to the Legislative Council, with a Request that leave may be given to the Select Committee of the Legislative Council to confer with the Select Committee of this House.

### **312 Proceedings of Conference to be reported.**

The proceedings of every Conference between a Select Committee of this House and a Select Committee of the Legislative Council shall be reported in writing to this House by its own Committee.

## CHAPTER 34

### JOINT COMMITTEES

#### 313 Joint Committees.

Where the proposal for the appointment of a Joint Committee originates in this House, a Motion shall be made that the Legislative Council be requested to agree thereto; which Motion shall state, in general terms, the object for which the Committee is desired, and the number of Members proposed to serve thereon.

#### 314 Request sent to Council by Message.

If that Motion be agreed to, the same shall be communicated by Message to the Legislative Council, with a request that they will agree to the appointment of such Joint Committee; upon being informed of such agreement, this House will appoint the Members to serve on such Committees.

#### 315 Members proposed.

This House, where it agrees to the appointment of any Joint Committee proposed by the Legislative Council, shall name the Members of this House to serve on such Committee.

#### 316 Number equal to number appointed by the Council.

The Members of this House to serve on any such Committee shall, in every case, be the same in number as those appointed by the Legislative Council.

#### 317 Time and place.

When the proposal for the Committee originates in the Legislative Council, the time and place for holding the first meeting shall be appointed by this House; and when the proposal originates in this House, this House will agree that the first meeting shall be held at a time and place appointed by the Legislative Council.

#### 318 Quorum.

A majority of the Members of a Joint Committee, irrespective of the House by which they are appointed, shall constitute a Quorum of the Committee and, so long as a Quorum is present at any meeting, the Members present shall be competent to exercise all the powers and authorities of the Committee; but no report or recommendation shall be made by the Committee unless the same be approved at a meeting at which a majority of the Members appointed by each House to serve on the Committee is present.

#### 319 Chair.

The Chair of every Joint Committee shall be appointed by the majority of the Members present at any meeting thereof.

**320 Chair to have a deliberative vote only.**

The Chair of a Joint Committee shall have a deliberative vote only, and in any case where, at any meeting of a Joint Committee, the voting on any Question is equal, that Question shall pass in the Negative.

**321 Report.**

When the Committee has concluded its Sittings, a copy of the Report, signed by the Chair, shall be presented to the House by one of the Members it shall have appointed to serve on such Committee.

**322 Procedure of Select Committee to apply to Joint Committee.**

In all cases relating to Joint Committees, and not otherwise provided for in these Standing Orders, the Rules for Select Committees shall be followed as far as they can be applied.

**323 House Committee; Library Committee.**

(1) At the commencement of every Session this House shall appoint the following Committees:-

(a) A Committee of Three Members, one of whom shall be the Speaker, to serve on a Joint Committee (to be known as the House Committee) to control Parliament House and grounds, with power to regulate and control all matters relating to -

- (i) catering for Parliament;
- (ii) allotment of rooms, subject to the approval of the President or Speaker, as the case may be;
- (iii) repairs, renewals, and alterations to the Parliament House and all fittings and furniture therein connected therewith;
- (iv) maintenance and upkeep of the gardens and roadways of Parliament Reserve;
- (v) any other matters referred to the Committee by a Joint resolution of both Houses, and any expenditure incurred by the House Committee in the exercise of any of its functions shall be defrayed out of money to be provided by Parliament for the purpose of the Committee;

(b) A Committee of Six Members to serve on a Joint Committee of the Two Houses, to manage the Library.

(2) Each of such Committees shall have power to sit during any recess of Parliament.

(3) Three Members irrespective of the House to which they belong, shall form a Quorum of each of the said Committees, provided that the Quorum shall not consist exclusively of Members of one House only.

## CHAPTER 35

### STANDING COMMITTEES

#### 324 Standing Orders Committee.

A Standing Orders Committee, to consist of the Speaker, the Chair of Committees, and ~~three~~ **five** other Members, shall be appointed at the commencement of each Parliament, and such Committee shall have power to act during recess, and to confer with a similar Committee of the Legislative Council.

#### 325 Committee of Privileges and Conduct.

A Committee of Privileges and Conduct, to consist of seven Members, shall be appointed at the commencement of each Parliament to enquire into a report upon complaints of breach of Privilege or the provisions of the Code of Conduct which may be referred to it by the House.

#### 326 Quorum.

The Quorum of a Standing Committee shall be a majority of the Committee unless otherwise ordered.



## CHAPTER 36

### WITNESSES

**327 Witnesses may be summoned (Parliamentary Privilege Act 1858 and 1885).**

Witnesses may be summoned, in order to be examined at the Bar of the House, or before a Committee of the Whole House, or a Select Committee; the Summons being signed by the Speaker or the Chair, as the case may be.

**328 Speaker interrogates Witnesses.**

When a witness is examined by the House at the Bar, all Questions addressed to a witness shall be put through the Speaker.

**329 In Committee Members may interrogate Witness**

In Committee of the whole House any Member may put Questions directly to the witness.

**330 During discussion witness withdraws.**

If any Question be objected to, or other matter arise, the witness shall be ordered to withdraw while the same is under discussion.

**331 A Member is examined.**

When the attendance of a Member is desired, to be examined by the House, or a Committee of the whole House, the Member shall be ordered to attend in the Member's place for that purpose, and shall be there examined.

**332 Member or Officer of Legislative Council requested to attend by Message to the Council.**

When the attendance of any Member or Officer of the Legislative Council is desired, to be examined by the House or any Committee thereof, a Message shall be sent to the Legislative Council requesting that leave may be given to such Member or Officer to attend in order to being examined accordingly, upon the matters stated in such Message.

**333 Attendance of Members or Officer of House requested by Legislative Council.**

- (1) Should the Legislative Council request by Message the attendance of a Member of the House, to be examined by the Council or any Committee thereof, the House may authorise such Member to attend, if that Member think fit.
- (2) The House, if similarly requested by the Council, may also instruct its own Officers to attend, if the House think fit.

**334 Disobedience of Witnesses, how dealt with (*Parliamentary Privilege Act 1858*).**

Witnesses, whether Members or any other persons, who shall disobey any Order of the House, or of any Committee thereof duly authorised in that behalf, to attend, or to produce papers, books, records, or other documents, or shall refuse to be examined, or to answer any lawful and relevant question, are liable to be summarily punished by imprisonment for any time during the continuance of the Session.

**335 Payment of Witnesses and others at Committees.**

Payment of fees, expenses and compensation, for loss shall be made, if claimed, to witnesses before a Committee and to persons whom the Committee may deem necessary to employ in furtherance of its enquiry in such amounts or at such rates as the committee may determine.

**336 Witnesses may be examined upon declaration.**

If any Member of a Select Committee or a Joint Committee of both Houses shall so require, a Witness shall be examined upon solemn declaration, as provided by Law.

## CHAPTER 37

### ACCOUNTS AND PAPERS

**337 Accounts, &c., ordered or presented.**

Accounts and Papers may be ordered to be laid before the House. All Orders for Papers made by the House shall be communicated to the Premier by the Clerk of the House

**338 Papers presented by command.**

When any Account or Paper is presented by a Member, that Member shall deliver it to the Clerk of the House.

**339 Deposited with the Clerk of the House, who lays them upon the Table.**

Accounts and other Papers which shall be required to be laid before this House by any Act of Parliament, Act of Council, or by any Order of the House, may be deposited in the Office of the Clerk of this House, and the same shall be laid upon the Table, and a list of such Accounts and Papers read by the Clerk of the House.

## CHAPTER 38

### MESSAGES BETWEEN THE TWO HOUSES

#### 340 Communications with the Legislative Council.

Communication with the Legislative Council may be by Message, by a Joint Committee, or by Select Committee conferring with each other.

#### 341 Message to Legislative Council.

Every Message from the House to the Legislative Council shall be in writing, signed by the Speaker and entered upon the Journals, and may be conveyed to the Legislative Council by one of the Clerks of this House.

#### 342 Messages from Legislative Council.

- (1) Every Message from the Legislative Council to this House, if conveyed by a Clerk of the Legislative Council, shall be received by one of the Clerks of this House at the Bar and delivered to the Speaker, who shall report the same to the House as soon as the business then in progress is disposed of.
- (2) Should the Legislative Council not be sitting at the same time that the Assembly is to receive the Message, such Message may be received by the Clerk of the House of Assembly or Deputy in the office of the Clerk and delivered to the Speaker who shall report the same before the Assembly proceeds to business.
- (3) The Clerk of the House shall read the Message, and, if necessary, the House shall fix a future day for taking, or forthwith take, the same into consideration.

## CHAPTER 39

### ELECTION OF SENATORS

#### 343 Joint Meetings.

After the Governor has notified the Speaker that a vacancy has occurred in the Senate of the Parliament of the Commonwealth which requires to be filled by a Joint Sitting of both Houses, arrangements shall be made with the Legislative Council for a Joint Sitting not sooner than Seven days after the receipt of the Governor's Message.

#### 344 Conduct of election.

At the Joint Sitting the Members present shall proceed to elect their Presiding Officers in the same manner as the House of Assembly elects the Speaker.

## CHAPTER 40

### STRANGERS

#### 345 Strangers not admitted to certain parts of the House.

- (1) No Members of this House shall bring any Stranger into any parts of the House appropriated to the Members of this House, while the House, or a Committee of the whole House, is sitting.
- (2) Paragraph (1) does not apply to a female Member feeding, or otherwise caring for, their infant child (who is under twelve months of age) who is not disrupting the proceedings of the House.

#### 346 Strangers, how admitted to body of House.

The Speaker only shall have the privilege of admitting Strangers to the Body of the House.

#### 347 Strangers may be ordered to withdraw.

If at any sitting of the House, or in a Committee of the Whole House, any Member takes notice that Strangers are present, the Speaker, or the Chair, may order the withdrawal of Strangers from any part of the House.

## CHAPTER 41

### GENERAL PROVISIONS

#### 348 Absence of the Clerk of the House.

In the case of the illness or unavoidable absence of the Clerk of the House, the duties of the Clerk shall be performed by the Deputy Clerk or other person appointed by the Speaker.

#### 349 Recording of proceedings.

- (1) No person shall, without the express permission of the Speaker, use in the House any recording device or photographic equipment.
- (2) A Stranger who infringes this Standing Order shall, be deemed to have misconducted themselves and may accordingly be ordered to withdraw by the Speaker or the Chair.

#### 350 Debate on Question of House granting leave

On the Question of the granting of leave by the House or by a Committee of the whole House, no Member may speak for more than ~~seven~~ **five** minutes and the Debate thereon shall not exceed thirty-five minutes, but the Speaker or, as the case may be, the Chair of the Committee is entitled to put the Question as soon as of opinion that the question has been sufficiently debated.

#### 351 Premier's Address

- (1) The Premier shall make an Address to the House of Assembly within the first six sitting days of any calendar year reviewing the Government's past actions and its proposed policies and activities for the future.
- (2) At the conclusion of the Address, the Premier shall lay on the Table of the House a copy of the Address and the Speaker shall propose the Question "That the Address be noted".
- (3) Debate on the Question "That the Address be noted" shall take precedence over Private Members' Business.
- (4) Provided that if in the same calendar year the Governor has opened Parliament and delivered an Address and an Address-in-Reply debate has taken place in accordance with Standing Order 15, this provision does not apply.

#### 352 Citizens Right of Reply

- (1) A person who has been referred to in the House of Assembly by name, or in such a way as to be readily identified, may make a submission in writing to the Speaker –
  - (a) claiming that the person has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that

person's privacy has been unreasonably invaded by reason of that reference; and

- (b) requesting that the person be permitted to incorporate an appropriate response in the Parliamentary Debates (Hansard).
- (2) If, upon considering a submission under this Order, the Speaker is satisfied that the subject of the submission is not so obviously trivial or the submission so frivolous, vexatious or offensive in character the Speaker shall then refer the matter to the Privileges Committee which may determine –
  - (a) that no further action be taken in relation to the submission; or
  - (b) that a response by the person who made the submission be incorporated in Hansard – and the Speaker shall inform the House of such decision.

The response shall be incorporated into Hansard as an appendix to the record of debate for the next day's sitting.
- (3) In considering a submission under this Order the Committee –
  - (a) may confer with the person who made the submission;
  - (b) must give notice of the submission in writing to the Member who referred in the House of Assembly to that person and then consult with the Member prior to any response being presented to the House; and
  - (c) shall not consider or judge the truth of any statements made in the House or the submission.
- (4) A response presented to the House of Assembly –
  - (a) shall be succinct and strictly relevant to the issue at hand and shall not contain any matter which may be offensive in character; and
  - (b) shall not contain any matter the publication of which would have the effect of –
    - (i) unreasonably adversely affecting or injuring a person, or unreasonably invading a person's privacy, in the manner referred to in (1) above; or
    - (ii) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person.
- (5) The action of the Speaker or the Committee pursuant to the provisions of this Order shall be deemed to be final and no motion of dissent shall be permitted.
- (6) This Order shall have effect on and from the day upon which it passed the House of Assembly.
- (7) Any events prior to the passage of this Order are expressly excluded from its provisions.

### 353 Publication of tabled documents and *Hansard*.

The Speaker and the Clerk of the House are authorised to publish:-

- (a) every document laid upon the Table of the House; and
- (b) the *Hansard* of the proceedings of the House and any Committee.



**354 Broadcast of proceedings.**

The Speaker and the Clerk of the House are authorised to broadcast the proceedings of the House and its Committees over the internet.

**355 Member guilty of contempt (*Parliamentary Privilege Act 1858*).**

Any Member adjudged by the House to be guilty of Contempt shall be fined at the discretion of the House in a penalty not exceeding Forty Dollars; and in default of immediate payment, be committed by order of the Speaker, for a period not exceeding Fourteen days, to the custody of the Sergeant-at-Arms or other officer of the House appointed by the Speaker, who shall detain the Member in custody for the period directed, unless sooner discharged by Order of the House, or the Fine be sooner paid; or, in lieu of a fine, may at once be so committed for any period, not exceeding beyond the duration of the Session, which the House may appoint; but in either case shall pay a fine of Four Dollars to the Sergeant-at-Arms or other Officer of the House appointed by the Speaker for every day so detained.

**356 Arrest of strangers in the House or Gallery.**

The Sergeant-at-Arms or other Officer of the House appointed by the Speaker attending the House shall, from time to time, on being so directed by the Speaker, take or deliver into custody any Stranger who may be seen, or who may be reported to be, in any part of the Chamber appropriated to the Members of the House; and also any Stranger who, having been admitted into any other part of the House or gallery, shall misconduct, or shall not withdraw when Strangers are directed to withdraw, while the House or any Committee of the whole House is sitting; and no person so taken into custody shall be discharged out of custody except on the special order of the House and on payment of the fee hereinafter provided.

**357 Arrest of Member or Stranger to be reported.**

When any Member or other person shall have been taken into custody of the Sergeant-at-Arms, or other Officer of the House appointed by the Speaker, such arrest shall be reported to the House by the Speaker without delay; and the House shall fix the time for such Member or other person being brought to the Bar, to receive orders for commitment or discharge after payment of the prescribed fee.

## CHAPTER 42

### STANDING ORDERS

~~358 Standing Orders not suspended without Notice.~~

~~In cases of urgent necessity any Standing Order or Orders of the House, except Standing Order No. 94, may be suspended on a Motion duly made without Notice, provided that such Motion has the concurrence of a two-thirds majority of the Members present.~~

358 Suspension of Standing Orders

Any Standing Orders or Orders of the House, except Standing Order No. 94, may be suspended on a Motion duly made on Notice or without Notice, provided that such Motion has the concurrence of a majority of the Members present.

~~359 Motion for suspension carried by majority.~~

~~When a Motion for the suspension of any Standing Order or Orders appears on the Notice Paper, such Motion may be carried by a majority of the Members present.~~

360 Duration

The whole of these Standing Orders shall continue in force until altered, amended, or repealed.

MICHELLE O'BYRNE, *Speaker*

LAURA ROSS, *Clerk of the House*

14 May 2024

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(b) A Member in charge of a Bill or Motion  
(c) A Minister replying to any statement made in the House affecting the Minister or Department under the minister's administration  
(d) The Leader of the Opposition, or when absent the Deputy-Leader of the Opposition, or Member nominated by either of above to Speaker for the purpose in respect of the Bill, Motion, Question, or Matter then being considered.  
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