



PARLIAMENT OF TASMANIA

**REPORT OF THE
STANDING ORDERS COMMITTEE
ON**

**Proposed Revision of the
House of Assembly
Standing Orders and Rules**

Brought up by the Minister for Health and ordered by the House of Assembly to be printed.

MEMBERS OF THE COMMITTEE

Hon. Elise Archer MP (Chair)
Hon. Michael Ferguson MP
Hon. David Llewellyn MP
Mr Mark Shelton MP
Hon. Rebecca White MP

1. INTRODUCTION

- 1.1 Given the effluxion of time since the last major review of the Standing Orders and Rules of the House of Assembly (Standing Orders) in 2009 (Paper No. 3 of 2009), the Clerk of the House undertook a comprehensive review of the Standing Orders having regard to: the developments of practice and usage in the House; the Sessional Orders that have been made in the two Parliaments since 2009; and any other matters incidental thereto.
- 1.2 The Clerk provided the Committee with a document entitled, *Draft New SOs 2017 with Explanatory Notes – April 2017* which contained a range of proposed amendments which were categorised as:-
 - 'housekeeping' amendments (such as 'plain English' changes; minor amendments to align the SO with practice; and consolidations);
 - repeal of redundant provisions; and
 - suggested substantive amendments to cover areas not accounted for but which, in his opinion, should be.
- 1.3 A consequential exercise was undertaken to re-order the Chapters (formally designated as 'Parts') where appropriate, to follow the usual daily program of the House.
- 1.4 The Committee also noted the document entitled, *Notices of Motion Given and Motions Voted on 2000-2017* (Appendix 2).

2. PROPOSED NEW STANDING ORDERS

- 2.1 The Committee took into consideration the document prepared by the Clerk at its meeting of Wednesday, 31 May last.
- 2.2 The revised House of Assembly Standing Orders and Rules as agreed by the Committee are appended hereto (Appendix 1). Words proposed to be repealed are struck through and new words proposed to be inserted are printed in bold type.
- 2.3 Explanatory notes are made in the side bar for each Standing Order, with those Standing Orders affected by amendment highlighted in yellow.

3. RECOMMENDATIONS

- 3.1 Having deliberated upon the proposed amendments, the Committee was of the unanimous opinion that the provisions provided for in revised Standing Orders modernise the primary authority for the proceedings of the House by aligning prescriptions with the actual practice of the House. The amendments include 'plain English' changes that, together with the repeal of redundant provisions, provide a contemporary set of prescriptions for the operation of the House.
- 3.2 The Committee recommends as follows:-

Recommendation 1

That the current House of Assembly Standing Orders and Rules be repealed.

Recommendation 2

That the House adopts the attached draft House of Assembly Standing Orders and Rules to take effect from 12 September next.

Recommendation 3

That the Clerk be authorised to prepare and append to such Standing Orders a Table of Contents; Analysis; and Index.

A handwritten signature in dark ink, appearing to be 'E. N. Archer', with a long horizontal flourish extending to the right.

Hon. E. N. ARCHER MP
CHAIR OF THE COMMITTEE
14 June 2017

APPENDIX 1

DRAFT HOUSE OF ASSEMBLY STANDING ORDERS AND RULES

CHAPTER 1

~~GENERAL RULES FOR CONDUCT OF BUSINESS 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** ~~House of the Imperial Parliament of the United Kingdom Great Britain and Northern Ireland~~ 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.

The amendment to the heading is suggested as it more appropriately reflects the content of the SO.

The first amendment is to formalise the inclusion of practice and precedent in the suite of regulations governing the manner in which the House conducts its proceedings.

The second amendment is to modernise the terminology. Another alternative might be to simply use the term 'other Parliaments operating pursuant to Westminster tradition'.

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 Ethical Conduct:- ~~contained in Standing Order No. 3;~~

The amendments simply amalgamate previous SOs 2, 3 and 4 to provide the step-by-step procedure without the need to refer to other prescriptions.

PREAMBLE

As Members of the House of Assembly we recognise that our actions have a profound impact on the lives of all Tasmanian people. Fulfilling our obligations and discharging our duties responsibly requires a commitment to the highest ethical standards.

STATEMENT OF COMMITMENT

To the people of this State, we owe the responsible execution of our official duties, in order to promote human and environmental welfare.

To our constituents, we owe honesty, accessibility, accountability, courtesy and understanding.

To our colleagues in this Assembly, we owe loyalty to shared principles, respect for differences, and fairness in political dealings.

We believe that the fundamental objective of public office is to serve our

fellow citizens with integrity in order to improve the economic and social conditions of all Tasmanian people.

We reject political corruption and will refuse to participate in unethical political practices which tend to undermine the democratic traditions of our State and its institutions.

DECLARATION OF PRINCIPLES

Members of this Assembly must carry out their official duties and arrange their private financial affairs in a manner that protects the public interest and enhances public confidence and trust in government and in high standards of ethical conduct in public office.

Members of this Assembly must act not only lawfully but also in a manner that will withstand the closest public scrutiny; Neither the law nor this code is designed to be exhaustive, and there will be occasions on which Members will find it necessary to adopt more stringent norms of conduct in order to protect the public interest and to enhance public confidence and trust.

Every Member is individually responsible for preventing potential and actual conflicts of interest, and must arrange private financial affairs in a manner that prevents such conflicts from arising including declaration of pecuniary interest in any matter being considered as part of their official duties as a Parliamentarian.

Members of the Assembly must carry out their official duties objectively and without consideration of personal or financial interests.

Members of the Assembly must not accept gifts, benefits or favours except for incidental gifts or customary hospitality of nominal value.

Members of the Assembly must not take personal advantage of or private benefit from information that is obtained in the course of or as a result of their official duties or positions and that is not in the public domain.

Members of the Assembly must not engage in personal conduct that exploits for private reasons their positions or authorities or that would tend to bring discredit to their offices.

Members of the Assembly must not use, or allow the use of, public property or services for personal gain.

Members of the Assembly, when leaving public office and when they have left public office, must not take improper advantage of their former office.

- (e) Members will then subscribe to **following** the Code of Race Ethics:- ~~contained in Standing Order No. 4;~~

As Members of the Tasmanian Parliament we agree:-

- (1) To act in a manner which upholds the honour of public office and the Parliament.*
- (2) To respect the religious and cultural beliefs of all groups living within Australia in accordance with the Universal Declaration of Human rights.*
- (3) To uphold principles of justice and tolerance within our multicultural society making efforts to generate understanding of all minority groups.*
- (4) To recognise and value diversity as an integral part of Australia's social and economic future.*

- (5) *To help without discrimination all persons seeking assistance.*
 - (6) *To speak and write in a manner which provides factual commentary on a foundation of truth about all issues being debated in the community and the Parliament.*
 - (7) *To encourage the partnership of government and non-government organisations in leading constructive and informed debate in the community.*
 - (8) *To promote reconciliation with indigenous Australians.*
- (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 ~~some one~~ a Member of the House to be the Speaker ~~thereof~~; 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.

Previous SO 5 – minor 'plain English' amendments.

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 ~~be~~ is not present.

Previous SO 6 – minor 'plain English' amendment.

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 ~~hereinafter~~ provided in **Standing Order 6** to determine which Member shall be Speaker

Previous SO 7

Minor amendment to heading by adding "/s" to properly reflect provisions –.

Amalgamates previous SOs 8 and 9.

'Plain English' amendment.

6 How ballot to be conducted.

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

Previous SO 10.

- (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, ~~and the Clerk will call upon two Members to act as Scrutineers to assist;~~
- (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) ~~The~~ Such procedure ~~hereinbefore set out~~ 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 ~~hereinbefore~~ provided, and the Member receiving the greatest number of votes shall be

Amends provision relating to the appointment of scrutineers to properly reflect the timing of such appointment.

"Plain English" amendments.

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.

Previous SO 11 – no amendment.

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).

Previous SO 12 – no amendment.

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).

Previous SO 13 – no amendment.

- (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.

Previous SO 14 – no amendment.

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.

Previous SO 15 – consequential amendment.

Standing Order No. 44 **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.

Previous SO 16 – no amendment.

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.

Previous SO 17 – no amendment.

- (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.

Previous SO 18 – no amendment.

- (1) At the commencement of every Session the Speaker shall nominate two 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.

Previous SOs 19- 24
amalgamated – no amendment to provisions.

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 Seconder, and such other Members of the House as shall think fit to attend, at such time and place as the Governor may appoint.

Previous SO 25 – no amendment.

17 New Member introduced.

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

Previous SO 26 – no amendment.

~~27 — But not if seated on decision of Supreme Court.~~

~~Members seated on a decision of the Supreme Court shall not be introduced.~~

Previous SO 27.

This SO excepts a member from the previous SO. The rationale is that Members who have established their claim to a seat through judicial forms should be treated in the same manner as members returned at the beginning of the Parliament when no such introduction is customary.

Both these SOs are based upon the following resolution of the House of Commons of 23 February 1688 that, “in compliance with an ancient order and custom, (new members) are introduced to the Table between two members, making their obeisances as they go up, that they be better known to the House”.

Notwithstanding the antiquity of the basis of these SOs, it is probable that in the unlikely event a member is returned in this fashion, given the longstanding practice of the House, there would be an expectation that they would be introduced in the same manner as a member elected on a recount.

The Committee recommends the repeal of this SO.

CHAPTER 6

SITTINGS AND ADJOURNMENT OF THE HOUSE

18 Days and time of meeting.

Previous SO 28 – no amendment.

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 clause (1) 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 clause (2) of this Standing Order or the adjournment is moved in accordance with clause (3) 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.

19 ~~Adjournment~~ Suspension at One o'clock and Six o'clock.

Previous SO 29

- (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) ~~If at Six 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 Seven o'clock p.m.;~~
Provided that if at One o'clock p.m. or Six o'clock p.m. a Division shall have been ordered, the Speaker or Chair of Committees, as the case

The amendment to the heading is suggested as it more appropriately reflects the content of the SO.

The provision for the suspension of the sitting of the House at six o'clock for dinner has been redundant since 2000 with the amendments of the SO immediately preceding.

The Committee recommends the repeal of this provision.

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.

Previous SO 30 – no amendment.

A Quorum of the House shall consist of Ten 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.

Previous SO 31 – no amendment.

- (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 Prayers.

Previous SO 32 – no amendment.

The Speaker upon taking the Chair each day, shall read the following prayer:-

“Almighty God, we humbly beseech Thee to vouchsafe Thy blessing upon this Parliament. Direct and prosper our deliberations to the advancement of Thy glory and the true welfare of the people of Tasmania. Our Father, which art in Heaven; Hallowed be Thy name. Thy kingdom come. Thy will be done in earth as it is in Heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive them who trespass against us. And lead us not into temptation; but deliver us from evil. For Thine is the kingdom,

and the power, and the glory, for ever and ever. Amen."

23 Acknowledgement of traditional people.

Previous SO 33.

At the commencement of the following sitting days:-

- (a) the first day of sitting after an election;
 - (b) the first day of sitting for the calendar year;
 - (c) the first day of the budget sittings; and
 - (d) the first day of the Spring sittings
- the Speaker **shall** make the following statement **before reading the prayer**:

"We acknowledge the traditional people of the land upon which we meet today, the Mouheneener people."

Minor amendment to correct grammar and to prescribe the timing of the Acknowledgment which has been the practice since 2009.

24 A summons to the Legislative Council makes a House.

Previous SO 34 – no amendment.

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.

Previous SO 35 – no amendment.

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.

Previous SO 36 – no amendment.

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 ~~two~~ **five** minutes before the House is counted by the Speaker or the Chair of Committees.

Previous SO 37.

Current Sessional Order made permanent.

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.

Previous SO 38 – no amendment.

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.

Previous SO 39 – no amendment.

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.

Previous SO 40 – no 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.

Previous SO 43 – no amendment.

32 “Now adjourn” - no amendment.

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

Previous SO 44 – no amendment.

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 ~~printed~~ **published**, having first been perused by the Speaker, and the Votes and Proceedings so ~~printed~~ **published** shall be the Journals of the House.

Previous SO 45.

Amendment removes doubt as to authority for 'e-publication' of the Votes and Proceedings.

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.

Previous SO 46 – no amendment.

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.

Previous SO 47 – no amendment.

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.

Previous SO 48.

Minor amendment to correct grammar.

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.

Previous SO 49.

Minor amendment to provide for leave of Absence to be given without notice.

~~50 Notice to be given of Motion for leave of absence.~~

~~Notice shall be given of a Motion for giving leave of absence to any Member, and such Notice shall state the cause and period of absence.~~

Previous SO 50.

Consequential amendment if amendment above agreed.

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.

Previous SO 51 – no amendment.

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.

Previous SO 52 – no amendment.

CHAPTER 9

ORDER OF BUSINESS

40 Daily business.

~~The House shall proceed each day with—~~

- ~~(a) Petitions;~~
- ~~(b) Giving Notices of Motion;~~
- ~~(c) Giving Notices of Question;~~
- ~~(d) Questions seeking information;~~
- ~~(e) 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.~~

The House shall proceed each day with

—

- (a) Prayers;***
- (b) Questions seeking information;***
- (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.

Previous SO 55.

This SO has been suspended in the current Parliament and a Sessional Order has been in place.

Suggested amendment makes permanent the current Sessional Order (with the exception that the item 'Notices of Motion' has been deleted as a consequence of new SO 68).

Previous SO 54 – no amendment.

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.

Previous SO 53 – no amendment.

NB. This SO is suspended in the current Parliament and a Sessional Order has been in place.

Government General Business

~~56. — (1) Government General Business may be held on Tuesdays and Thursdays for a maximum period of three hours to debate Motions which have been given notice of by Ministers which have matured in accordance with Standing Orders.~~

~~(2) — A vote may be called for on the first item to be debated if that matter is being debated when the time for House of Assembly Business expires.~~

~~(3) — Notice of the intention to have a Government General Business session on any Tuesday or Thursday is to be given by a Minister when the Speaker calls for Notices of Motion and is to include the intention to have Government General Business on that day and the matter or matters to be debated and the time it would commence but no later than 3.00 pm.~~

Previous SO 56.

This SO was enacted in 2009 to provide an opportunity for the House to conduct more comprehensive debates of Government policy.

There has been only one instance of proceedings under this SO. With the exception of the ability for a vote to be called for, this procedure can be entirely accommodated by the provisions of SO 44(k)(i).

CHAPTER 10

QUESTIONS SEEKING INFORMATION

43 Questions to Ministers or other Members.

~~Before the Orders of the Day or Motions are called on~~ **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.

Previous SO 94.

Amendment is consequential upon the amendment to new SO 40.

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.

Previous SO 95 – no amendment.

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.

Previous SO 96 – no amendment.

46 Supplementary Questions.

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

Previous SO 97 – no amendment.

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 ~~Speaker~~ **Clerk of the House**.

Previous SO 98.

Minor amendment to reflect practice.

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.

Previous SO 99 – no amendment.

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

When Notices of Question are given, the Clerk of the House shall ~~place~~ **publish** them ~~at the commencement of the Notice Paper in the Notice of Question Paper,~~ and the reply shall be given by being laid upon the Table of the House, and a copy thereof supplied to the Member who has asked the Question.

Previous SO 100.

Minor amendment to reflect contemporary practice.

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

Makes permanent the current Sessional Order in order to avoid the necessity of making new Sessional Orders on each occasion.

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, ~~or lithographed~~, 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 ~~prayer~~ **request** at the end thereof;
- (c) be signed by at least one person on the sheet on which the Petition is written **or** printed; ~~or lithographed~~
- (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.

Previous SOs 58-62.

Minor amendments to contemporise the language.

The prescription that a petition must contain a 'prayer' causes confusion as this word is often mistakenly interpreted with its religious meaning.

The amendment will clarify the interpretation.

52 Signatures to be written, not attached.

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

Previous SO 63 – no amendment

53 Petitions of Corporations.

Petitions of Corporations aggregate shall be under their Common Seal.

Previous SO 64 – no amendment.

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.

Previous SO 65 – no amendment.

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

Letters, affidavits, or other documents shall not be attached to any Petition, ~~unless such Petition relates to a Private Bill.~~

56 Debates shall not be referred to.

References shall not be made in a Petition to any Debate in Parliament ~~of the same Session~~ **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 ~~praying~~ **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 ~~shall affix name~~ 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 ~~must be~~ 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.

Previous SO 66.

Minor amendment by deleting the reference to 'Private Bill'. Such class of Bill was repealed many decades ago.

Previous SO 67 – amendment accounts for the contemporary practice of conducting multi calendar-year Sessions as opposed to the historical practice of one year Sessions. Excepts petitions for certain actions.

Previous SO 68 – consequential amendment if amendment to SO 51 agreed.

Previous SOs 69-71 – minor amendment to contemporise the wording.

59 Petition presented by a Member only.

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

Previous SO 72 – no amendment.

60 Petition from a Member.

A Petition from a Member shall not be presented.

Previous SO 73 – no amendment.

61 Member presenting Petitions confined to statement of certain facts.

A Member offering to present a Petition to the House, shall state ~~only the parties from whom it comes, the number of signatures attached to it, the material allegations contained in it, and to the terms of the prayer of such Petition~~ and **certify that such Petition complies with the Standing Orders.**

Previous SO 74.

Minor amendment to reflect the contemporary practice.

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.

Previous SO 75 – no amendment.

~~Urgent Petitions may be taken into consideration on presentation.~~

~~76. In the case of a Petition complaining of some present personal grievance for which there may be an urgent necessity for providing an immediate remedy, the matter contained in such Petition may be taken into consideration on presentation thereof.~~

Previous SO 76 repealed.

This SO is in its original (1892) form. There are no precedents for the circumstances contemplated. Such circumstances could be dealt with by way of *ad hoc* procedures in the event the matter arose.

~~Petitions against taxes.~~

~~77. Subject to the above Rules Petitions against any Resolution or Bill imposing a tax or duty may be received.~~

Previous SO 77 – no need for prescription of this exception – repeal.

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.

Previous SO 78 – no amendment.

- (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').

Previous SO 79 – no amendment.

- (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.

Previous SO 80 – no amendment.

- (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.

Previous SO 81 – no amendment.

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.

Previous SO 82 – no amendment.

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 ~~Duplicate copies~~ Copy to be delivered ~~at~~ to the Table.

A Member ~~in giving~~ **may give** Notice of a Motion ~~shall deliver to~~ **by lodging such Notice with** the Clerk of the House **by 11 o'clock a.m. on a sitting day** ~~two signed copies~~ **a copy** of such Notice, fairly written or printed, ~~and showing the day proposed for bringing on such Motion.~~

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.

~~Notices of Motion may not be anticipated.~~

~~87. — A Notice of Motion, having been given for a certain day, may be postponed to a later, but shall not be brought on on an earlier day.~~

72 The terms may be altered.

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

~~Consecutive Notices of Motion.~~

~~89. — A Member, except a Minister of the Crown, may not give two Notices of Motion consecutively unless no other Member has any Notice to give.~~

Previous SO 83.

The amendments will provide that Members give notice in the same manner as for Notices of Question – simply by handing them to a Table Officer without the need of reading them.

The 'deadline' will allow sufficient time for them to be typed and proof read.

Previous SO 84 – no amendment.

Previous SO 85 – no amendment.

Previous SO 86 – no amendment.

Previous SO 87 - repeal to align with contemporary practice – all Notices are given 'for tomorrow' rather than a date.

Previous SO 88 – 'plain English' amendment.

Previous SO 89 - repeal as the need for this proscription was removed when the changes were made to the manner in which Private Members' Business is managed in 2009. It is disregarded every sitting day.

~~Notice not received after orders proceeded with, except by leave.~~

~~90. A Notice of Motion shall not be received after the House has proceeded to the Orders of the Day, unless by leave of the House.~~

~~Lapsed Notices.~~

~~91. Notices of Motion that have been called on and not proceeded with, by reason of the absence of the Member giving Notice thereof, shall lapse unless moved by some other Member authorised by the Mover in writing.~~

~~Lapsed Notices may be restored.~~

~~92. A Notice of Motion which has lapsed by the absence of a Member when called, shall be removed from the Notice Paper, but may be restored by the Notice being renewed.~~

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.

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 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 or censure in a Member or the Government.

Previous SO 90 - Propose repeal as the need for this proscription will be removed if the proposed amendment to new SO 68 is agreed.

Previous SOs 91 and 92 became redundant with the amendment to the SOs relating to Private Members' Business.

Previous SO 93 – no amendment.

Previous Sessional Order 93A – propose make permanent.

Proposed new SO.

CHAPTER 13

MATTERS OF PUBLIC IMPORTANCE

76 Matters of Public Importance.

- (1) ~~When the Speaker calls for Notices of Motion, any Member may give notice of~~ **After formal business has been dealt with, the Speaker shall call for a motion to note a matter of public importance to be raised after questions and formal business have been dealt with and before the business of the day is called on, 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 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.

Previous SO 42.

The amendment is consequential upon approval of the abovementioned amendments to the SOs relating to Notices of Motion.

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.

Previous SO 101 – no amendment.

~~Precedence of Orders of the Day.~~

~~102. Unless the House otherwise orders, Orders of the Day shall be disposed of in the order in which they stand upon the Notice paper.~~

Repeal as this provision has become redundant with the ability of both Ministers and Private Members (during PMB) to determine the order of business.

78 An Order discharged.

An Order of the Day may be read and discharged.

Previous SO 103 – no amendment.

CHAPTER 15

MOTIONS

79 No Motion to be made without previous notice.

A Member shall not make any Motion initiating a subject for discussion ~~except in pursuance of Notice~~ **unless previous Notice has been given**, but Motions for the printing of papers may be made on the presentation of such Papers without Notice.

Previous SO 104 – ‘plain English’ amendment.

80 Anticipating Motions.

No Motion or Amendment shall anticipate an Order of the Day or another Motion of which Notice has been given.

Previous SO 105 – no amendment.

~~Precedence of Motions.~~

~~106. — Motions shall have precedence on each day according to the order in which the Notices for the same were originally given: Provided that if a Motion of which Notice has been given has not been called on by reason of the adjournment of the House, it shall be continued on the Notice Paper under the same conditions as an original notice.~~

Previous SO 106 –repeal as the provision became redundant with the amendment to the SOs relating to Private Members’ Business.

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.

Previous SO 107 – no amendment.

82 Motions without Notice.

A Motion may be made without Notice by leave of the House.

Previous SO 108 – no amendment.

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.

Previous SO 109 – no amendment.

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.

Previous SO 110 – no amendment.

**85 Motion may not be withdrawn if
Mover absent.**

Previous SO 111 – no
amendment.

A Motion shall not be withdrawn in the
absence of the Member who made it.

**86 Amendment withdrawn, &c.,
before original Motion.**

Previous SO 112 – no
amendment.

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.

~~When a Motion has been made~~ **After a motion has been moved, the,** a Question ~~thereupon~~ shall be proposed to the House by the Speaker.

Previous SO 113 – ‘plain English’ amendment.

88 Irregular Motion not put.

If a Motion or Amendment be irregular, or out of order, the Question ~~thereupon~~ shall not be put by the Speaker.

Previous SO 114 – ‘plain English’ amendment.

~~Complicated Question may be divided.~~

~~115. The House may order a complicated Question to be divided.~~

Previous SO 115 –repeal as there are no known precedents for the initiation of proceedings under this SO.

89 Question put and again stated.

~~So soon as~~ **At the conclusion of** the Debate upon a Question ~~is concluded~~, the Speaker shall put the Question to the House.

Previous SO 116 – ‘plain English’ amendment.

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”.

Previous SO 117 – no amendment.

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.

Previous SO 118 – no amendment.

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.

Previous SO 119 – no amendment.

93 The same Question not to be again proposed.

Except as provided for in Standing Order No. 94, no Motion or Amendment shall be proposed which is the same in substance as any Question or Amendment which, ~~during the same Session~~ **within the preceding twelve months**, has been resolved in the Affirmative or Negative.

Previous SO 120.

Suggest consideration of an amendment given the contemporary practice of conducting multi calendar-year Sessions as opposed to the historical practice of one year Sessions.

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 ~~during the same Session~~ **within the preceding twelve months** shall be approved by an absolute majority of the whole House.

Previous SO 121.

As above.

CHAPTER 17

PREVIOUS QUESTION

95 Previous Question.

Combines previous SOs 122 and 123 – no amendment

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.

Previous SO 124 – no amendment.

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.

Previous SO 125 – no amendment.

A Debate upon the previous Question may be adjourned.

98 Scope of Debate.

Previous SO 126 – no amendment.

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

99 Previous Question affirmed.

Previous SO 127 – no amendment.

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.

Previous SO 128 – no amendment.

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.

Previous SO 129 – no amendment.

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.

Previous SO 130 – no amendment.

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.

Previous SO 131 – no amendment.

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

Combines previous SOs 132 and 134 – no amendment.

~~Amendments to be seconded.~~

~~133. — An Amendment proposed, but not seconded, shall not be entertained by the House, nor entered in the Journals.~~

Previous SO 133 –repeal as the requirement for seconding motions was, with the exception of the election of Speaker and the Address-in-Reply, removed in 2009.

105 Amendments.

When the proposed **any** Amendment is to insert or add certain words **proposed**, the Speaker shall put a Question that such words be inserted or added **the Question**, **“That the Amendment be agreed to”**.

Previous SO 135 –amendment to reconcile the SO with contemporary practice.

~~Amendment to leave out words.~~

~~136. — When the proposed Amendment is to leave out certain words, the Speaker, after stating the Amendment, shall put a Question, “That the words proposed to be left out, be so left out”.~~

Previous SO 136 – consequential repeal if amendment above agreed to.

~~Amendment to leave out words and insert or add others.~~

~~137. — When the proposed Amendment is to leave out certain words, in order to insert or add other words, the Speaker shall put the Question that the words proposed to be left out, be so left out; which, if resolved in the Negative shall dispose of the Amendment; but if in the Affirmative another Question shall be put, that the words of the Amendment be inserted or added instead thereof.~~

Previous SO 137 – consequential repeal if amendment above agreed to.

106 Amendments to proposed Amendments.

Previous SO 138 – no amendment.

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 ~~When later part of a Question has been amended or proposed to be amended~~ Proscribed amendments.

Previous SO 139.

Combines previous SOs 139 and 140 – no amendment apart from heading.

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.

Previous SO 141.

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

Corrects grammar.

109 Question, as amended, put.

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

Previous SO 142 – no amendment.

110 When Amendments proposed but not made.

Previous SO 143.

When Amendments have been proposed but not made, the original **Main** Question shall be ~~put~~ **again proposed**, unless other Amendments be offered.

Minor amendment to make consistent with actual practice.

111 ~~Debate thereon may be adjourned~~ Order in which Amendments to be put.

Previous SO 144.

Amendment to heading by deleting superfluous content.

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.

~~No Member shall have head covered when entering or leaving the House, or moving to any other part of the House during a Debate and~~ 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.

Previous SO 145.

The first aspect of this SO originates from the days when the wearing of hats by males was fashionable and became another aspect of parliamentary etiquette. Amendment provides for contemporary cultural considerations e.g. Sikh males, Muslim women.

Previous SO 146 – no amendment.

Previous SO 147 – no amendment.

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 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 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 him or any department of which he has 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

Previous SO 148 – no amendment.

- 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 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.

CHAPTER 21

LIMITATION OF DEBATE

116 Limitation of Debate on Urgent Bill or Motion.

Previous SO 149 – no amendment.

- (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 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

Paragraph (1) is previous SO 150 – no amendment.

Paragraph (2) is previous SO 314 – no amendment. Incorporated into this SO as more appropriate placement.

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.

Previous SO 151 – no amendment.

119 Members to address Speaker standing ~~and uncovered~~.

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.

Previous SO 152 – heading only amended for consistency with content of the SO (no mention of 'head uncovered').

120 Indulgence of Members unable to stand.

By the special indulgence of the House, a Member, unable conveniently to stand, by reason of sickness or infirmity, may be permitted to speak sitting.

Previous SO 153 – no amendment.

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.

Previous SO 154 – no amendment.

122 The Speaker calls on Members to speak.

Previous SO 155 – no amendment.

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”.

Previous SO 156 – no amendment.

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.

Previous SO 157 – no amendment.

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.

Previous SO 158 – no amendment.

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

126 No Member to speak twice.

Previous SO 159 – no amendment.

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.

~~160 — Except to explain words~~

~~A Member who has spoken to a Question may again be heard in explanation of some material part of that Speech; but shall not introduce any new matter.~~

Previous SO 160 –repeal as preceding SO provides for explanations during debate and the following SO when there is no Question before the Chair – both circumstances are also well supported by Speakers’ rulings.

127 Personal explanation.

Previous SO 161 – no amendment.

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.

Previous SO 162 – no amendment.

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.

A Debate may be adjourned to a later hour on the same day, or to any other day.

Previous SO 163 – no amendment.

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 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.

Previous SO 164 – no amendment.

131 Privilege: Precedence of adjourned Debate on.

An Adjourned Debate on a Question relating to the privileges of the House shall ~~stand first on the Notice Paper for the day to which the House has adjourned~~ **take precedence on the day to which the House stands adjourned.**

Previous SO 165 – amendment to conform SO with practice.

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.

Previous SO 166 – no amendment.

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.

Previous SO 167 – no amendment.

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.

Previous SO 168 – no amendment.

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.

Previous SO 169 – no amendment.

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.

Previous SO 170 – no amendment.

137 Motion negated Mover and Secunder may afterwards speak.

In the event of a Motion for the adjournment of the Debate upon any Question being negated, the Members moving ~~and seconding~~ the Motion for such Adjournment may address the House at any time during such Debate.

Previous SO 171 – amendment by deleting reference to 'seconders' which was deleted in all other provisions in 2009.

138 Member may resume Speech on a future day.

A Member moving a Motion or speaking to a Question who desires to continue the 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 the Speech.

Previous SO 172 – no amendment.

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

If a Motion for the Adjournment of the House or of a Debate has been negated, 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.

Previous SO 173 – no amendment.

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) By a Message from the Governor;~~
- ~~(d) By the time being come for a Conference;~~

Previous SO 174 –amendments to delete proceedings no longer requiring prescription under this SO, as follows:

- Messages from the Governor are allocated specific time on the daily program
- The SO for Conferences of Managers was repealed in 1996.

- ~~(e) By a Member appearing to be sworn;~~
- (c) attention being called to the want of a Quorum;
- ~~(g) By a request being made that the words of a Member be taken down;~~
- (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 ~~Select~~ 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 ~~Reflection upon Votes of the House~~ 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 ~~of the same Session~~ **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.

- Members are introduced at the commencement of a day's proceedings.

- Obsolete

Previous SO 175 –amendment to make provision universal in its application to all Committees.

New SO combining previous SOs 176, 177, 178, 179, 182, 183 and 184.

Amendment to twelve months given contemporary practice of four yearly Sessions.

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.

Previous SO 180 – no amendment.

144 Offensive words against a Member.

Previous SO 181.

- (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.
- ~~(3) Whenever the Speaker rules that words used by any Member are highly disorderly, such words shall not be taken down by the Clerk of the House, nor shall they be published in the Press or in any report of the proceedings of the House.~~
- (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.

New provision to formalise long-standing practice and prescribes unqualified withdrawal, thus proscribing the 'amendment' of the offensive words. Also incorporates previous SO 190.

Removal of this provision which is redundant as all proceedings are recorded.

Previous SO 185.

145 ~~Newspapers not to be read in House~~ 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.**

This SO prescribes a simple rule of courtesy to the member who has the call. Its basis is in two parts, first, the attention of members in the chamber should properly be directed to the member on their feet; and second, such activity may be a cause of distraction to the member making their contribution. Minor amendment to widen the scope to include use of electronic devices.

146 Interruptions not allowed: Exceptions.

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

- ~~(a) To request that words be taken down;~~
- (a) a Point of Order or Privilege suddenly arising;
- (b) the want of a Quorum;
- (c) the presence of strangers in the House.

~~187 Speaking "To Order", or upon matter of privilege.~~

~~Any Member may rise to speak "to Order", or upon a matter of Privilege suddenly arising.~~

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.

Words taken down by direction of Speaker

~~189. When any Member objects to words used in Debate, and stating them, desires them to be taken down, the Speaker, if it appears to be the pleasure of the House, shall direct them to be taken down by the Clerk of the House accordingly.~~

Words to be objected to when used

~~190. Every such objection shall be taken at the time when such words are used, and not after any other Member has spoken.~~

House not to permit quarrels

~~191. Members shall not be permitted by the House to prosecute any quarrel arising out of a Debate or Proceeding of the House, or any Committee thereof.~~

148 Disorder and suspension.

Any Member who has -

- (a) persistently and wilfully obstructed the business of the House; or

Previous SO 186.

Repeal of paragraph (a) – consequential upon repeal of former SO 189.

Paragraph (a) takes in previous SO 187.

Minor amendment to provide definition.

Former SO 187 –repeal as accommodated in preceding SO.

Previous SO 188 – no amendment.

Previous SO 189 - repeal as this process is obsolete. In contemporary practice, the basic principle of this SO remains but is dealt with under new SO 146 (old 181).

Previous SO 190 - repeal as per preceding.

Previous SO 191 - repeal – antiquated language and such conduct is disorderly in any event.

Previous SO 192 – no amendment.

- (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.

Previous SO 193 – no amendment.

- (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 Chairman 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 ~~during the same year~~ **within the preceding twelve months** for seven days excluding the day

Previous SO 194.

Suggested amendments formalises the interpretation and practice.

of suspension, and on the third or any subsequent occasion ~~during~~ **within the preceding twelve months** for twenty-eight days excluding the day of suspension: Provided that any suspension in a previous ~~Session~~ **Parliament** shall be disregarded.

This amendment formalises the exception of suspensions in a previous Parliament.

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

Previous SO 195 – no amendment.

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.

~~Member to withdraw while conduct is under Debate~~

~~196. A Member against whom any charge has been made, having been heard in the Member's place, shall withdraw while such charge is under consideration.~~

Previous SO 196.

Repeal - the last precedent for proceedings under this SO occurred in 1952 - in that case, the SO was suspended in any event to enable the Member to remain in the House.

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, ~~which, if seconded,~~ 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 minutes.

Previous SO 197 – minor amendment to remove 'seconding' requirement as per the amendments to the SOs in 2009.

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".

Previous SO 198 – no amendment.

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.

Previous SO 199 – no amendment.

155 Division bell rung and sand-glass turned.

~~200. — When a Division is demanded the Division Bell shall be rung, and the Clerk of the House shall turn a two-minute sand-glass, to be kept on the Table for that purpose, and the doors shall not be closed until after the lapse of two minutes as indicated by such sand-glass.~~

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, 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.

Previous SO 200.

Makes permanent the current Sessional Order which provides for early termination of bells – suggest consideration to make permanent.

156 Doors locked after lapse of two minutes.

~~201. — The doors shall be locked after the lapse of two minutes by direction of the Speaker.~~

The doors shall be locked after the lapse of five 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.

Previous SO 201.

Makes permanent the current Sessional Order which provides for early termination of bells – suggest consideration to make permanent.

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.

Previous SO 201A – no amendment.

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

Previous SO 202.

- (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.

Minor amendment to clarify timing of appointment of Tellers

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.

Previous SO 203 – no amendment.

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.

Previous SO 204 – no amendment.

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.

Previous SO 205 – no amendment.

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

Previous SO 206 – no amendment.

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.

Previous SO 207 – no amendment.

164 Recording of pairs.

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

Previous SO 208.

Removes redundant provisions.

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 the House shall proceed to a second division.

Previous SO 209 – no amendment.

166 Mistakes corrected in Journals.

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

Previous SO 210 –minor amendment to reconcile SO with practice.

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

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.

Previous SO 211 – no amendment.

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.

Previous SO 212 – no amendment.

169 No Member to vote if pecuniarily interested.

Previous SO 213 – no amendment.

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.

Previous SO 214 – no amendment.

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.

Previous SO 215 – no amendment.

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.

Previous SO 216 – no amendment.

173 Message read

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

Previous SO 217.

Minor amendments to reflect contemporary practice.

~~Verbal Message~~

~~218. A verbal Message from the Governor may be communicated to the House by a Minister of the Crown, being a Member.~~

Previous SO 218.

Contemporary practice is that such communications are now made in writing by message - repeal.

~~Recommendation or consent of the Governor~~

~~219. The recommendation or consent of the Governor to the introduction of any Motion or Bill may be signified to the House by a Minister of the Crown, being a Member.~~

Previous SO 219

See above – repeal.

CHAPTER 25

ADDRESSES TO THE CROWN OR GOVERNOR

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

Previous SO 220 – no amendment.

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

Previous SO 221 – no amendment.

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

Previous SO 222 – no amendment.

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

Previous SO 223 – minor amendment to provide a discretion.

Addresses to the Governor ~~shall~~ **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

Previous SO 224 – no amendment.

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 Seconded 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".

Previous SO 225 – no amendment.

180 Concurrence signified

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

Previous SO 226 – no amendment.

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

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

Previous SO 227 – minor amendment to align with practice.

CHAPTER 26

MINISTERIAL STATEMENTS

182 Ministerial Statements

Previous SO 228 – no amendment.

- (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 minutes and the Debate thereon shall not exceed thirty-five minutes.

CHAPTER 27

PUBLIC BILLS

183 Bills Initiated.

A ~~Public~~ 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.

Previous SO 229 – minor amendment to remove the unnecessary adjective 'Public' which is now superfluous as there remains only one class of Bills, with the classification of 'Semi-public' and 'Private' Bills repealed decades ago.

~~230 Bills not prepared according to order shall be withdrawn~~

~~A Bill not prepared pursuant to the Order of Leave, or according to the Rules and Orders of the House, shall be withdrawn.~~

Previous SO 230 – repeal as Bills are not prepared pursuant to an Order of the House since amendment to the previous SO in 1994.

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.

Previous SO 231 – no amendment.

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.

Previous SO 232 – no amendment.

186 Title of Bill only read.

On every reading of a Bill the Title only shall be read.

Previous SO 233 – no amendment.

187 First reading forthwith.

The First reading of every Bill shall be proposed immediately after the same has been presented.

Previous SO 234 – no amendment.

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.

Previous SO 235 – no amendment.

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

Previous SO 236 – no amendment.

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 and while so marked shall be deemed to be printed in italics.

Previous SO 237 – minor amendment by deleting the now antiquated usage provided that such italicised clauses technically formed no part of the Bill as originally introduced and were considered as ‘blanks’ and not further considered until such time as the Crown’s recommendation had been received.

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.

~~(b) — a Minister may make the Second reading speech on a Bill as soon as it has been read a First time, at the conclusion of which the debate stands adjourned till a future day, but not less than two days hence.~~

Previous SO 238 – repeal of paragraph (b) as there has been only one precedent for its use since its commencement in 1994.

192 No Bills to be read a Second time until distributed two days.

~~A Bill shall not be read a Second time~~ **The Order of the Day for the Second reading of a Bill may not be called** until two days after printed copies shall have been distributed to Members.

Previous SO 239 – minor amendment to clarify the actual practice.

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”.

Previous SO 240 – minor amendment to clarify the actual practice.

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.

Previous SO 241 – no amendment.

- (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.**

Previous SO 242

Insertion of new paragraph (2) to formally prescribe the authority for the Clerk's certification which has been practiced since 1994.

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".

Previous SO 243 – no amendment.

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.

Previous SO 244 – no amendment.

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

Previous SO 245 – no amendment.

words “this House will on this day Three Months (*or Six Months, or other time*) resolve itself into the said Committee.

~~Bills may be considered in Committee together~~

~~246. Bills which may be fixed for consideration in Committee on the same day may be referred together to a Committee of the Whole House, which may consider on the same day all the Bills so referred to it, without the Chair of Committees leaving the Chair on each separate Bill.~~

Previous SO 246 – repeal as the contemporary practice is for each Bill is proceeded with discretely and each procedural stage dealt with serially. There are no known precedents for proceedings under this SO.

199 Preamble postponed. Marginal note of Bill read.

Previous SO 247 – minor amendment to align the SO with contemporary practice.

- (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; ~~but if a Member so requires, any Clause shall be read at length.~~

200 Order of business in Committee on Bill.

Previous SO 248 – no amendment.

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.

Previous SO 249 – no amendment.

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

202 What Amendments admissible.

Previous SO 250 – no amendment.

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.

Previous SO 251 – no amendment.

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.

Previous SO 252 – minor amendment to align the SO with contemporary practice that without exception requires the submission of amendments in writing.

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, ~~if so desired by the Chair,~~ and shall be dealt with as in the House itself.

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

Previous SO 253 – no amendment.

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.

Previous SO 254 – no amendment.

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

~~Proceeding upon blanks~~

Previous SO 255 – repeal of the now antiquated usage provided that such italicised clauses technically formed no part of the Bill as originally introduced and were considered as 'blanks' and not further considered until such time as the Crown's recommendation had been received. Refer SO 192 above.

~~255. In going through a Bill, no Questions shall be put for the filling up of words already printed in italics, and commonly called "blanks", unless exception be taken thereto; and if no alterations have been made in the words so printed in italics, the Bill shall be reported without Amendment, unless other Amendments have been made thereto.~~

207 Clauses postponed.

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

Previous SO 256 – no amendment.

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.

Previous SO 257 – no amendment.

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”.

Previous SO 258 – no amendment.

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.

Previous SO 259 – no amendment.

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.

Previous SO 260 – no amendment.

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.

Previous SO 261 – no amendment.

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**

Previous SO 262 – minor amendments to align the SO with contemporary practice and incorporate the provisions of previous SO 269.

printed copy of every Bill to be reported with the Amendments clearly ~~set out thereon or therewith, and shall initial any Clauses added in the Committee and any sheets containing Amendments attached thereto; and the Bill so signed and initialled~~ **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 ~~and the Bill may, in the meantime, be printed as reported.~~

Previous SO 263 – minor amendment to align the SO with contemporary practice.

215 Bill reported without Amendment.

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

Previous SO 264 – no amendment.

216 Amendments made on recommittal.

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.

Previous SO 265 – no amendment.

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.

Previous SO 266 – no amendment.

218 Third reading.

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

Previous SO 267 – no amendment.

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

Previous SO 268 – no amendment.

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 minutes and the whole discussion shall not exceed thirty-five minutes.

Certificate of Chair of Committees

~~269. Before any Bill shall be read a Third time, the Chair of Committees shall certify in writing that the Bill is in accordance with the Bill as agreed to in Committee and reported; and the Speaker shall announce that the Chair has so certified.~~

Previous SO 269 – incorporated into new SO 213 above.

Verbal Amendments

~~270. Amendments merely of a Verbal or formal nature may be made, on Motion, in any part of a Bill, at any time during its progress through the House, or in Committee of the Whole House.~~

Previous SO 270 – repeal as there are no known precedents for verbal amendments nor indeed any authorities to assist its interpretation.

220 ~~Chair of Committees~~ Clerk of the House may correct clerical errors.

Clerical and typographical errors may be corrected in any part of a Bill by the ~~Chair of Committees~~ **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 ~~Chair~~ **Clerk** before it is sent to the Legislative Council for its concurrence.

Previous SO 271 – minor amendment to align the SO with contemporary practice.

- 221 Bill passed.**
- After the Third reading no further Question shall be put, and the Bill shall be deemed to have passed the House.
- Previous SO 272 – no amendment.
- 222 Clerk to certify the passing.**
- When a Bill originated in this House shall have passed, the Clerk of the House 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."
- Previous SO 273 – no amendment.
- 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.
- Previous SO 274 – no amendment.
- 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.
- Previous SO 275 – no amendment.
- 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.
- Previous SO 276 – no amendment.
- 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.
- Previous SO 277 – no amendment.

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

Previous SO 278 – no amendment.

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

Previous SO 279 – no amendment.

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

Previous SO 280 – no amendment.

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

Previous SO 281 – no amendment.

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

Previous SO 282 – no amendment.

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

Previous SO 283 – no amendment.

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

Previous SO 284 – no amendment.

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

Previous SO 285 – no amendment.

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

Previous SO 286 – no amendment.

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

Previous SO 287 – no amendment.

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

Previous SO 288 – no amendment.

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).

Previous SO 289 – no amendment.

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

Previous SO 290 – no amendment.

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".

Previous SO 291 – no amendment.

CHAPTER 28

SPECIAL PROVISIONS RELATING TO BILLS WHICH LEGISLATIVE COUNCIL MAY NOT AMEND

241 Requests considered in Committee.

Previous SO 292 – no amendment.

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.

Previous SO 293 – no amendment.

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.

Previous SO 294 – no amendment.

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.

Previous SO 295 – no amendment.

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.

Previous SO 296 – no amendment.

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.

Previous SO 297 – no amendment.

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.

Previous SO 298 – no amendment.

CHAPTER 29

LAPSED BILLS

248 Resumption of proceedings on lapsed Bills

Previous SO 299 – no amendment.

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

Previous SO 300 – no amendment.

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

Previous SO 301 – no amendment.

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.

Previous SO 302 – no amendment.

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.

Previous SO 303 – no amendment.

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.

Previous SO 304 – no amendment.

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.

Previous SO 305 – no amendment.

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.

Previous SO 306 – no amendment.

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.

Previous SO 307 – no amendment.

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

257 Questions decided by a majority of votes.

Previous SO 308 – no amendment.

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.

~~Questions put on longer time and smallest sum~~

~~309. When there comes a question between the greater and lesser sums, or the longer and shorter time, the least sum and the longest time shall first be put to the Question.~~

Previous SO 309 – repeal to align SO with contemporary practice – simply that the Question is proposed 'That the amendment be agreed to'.

258 Order in Committee.

Previous SO 310 – no amendment.

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.

Previous SO 311 – no amendment.

- (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.

Previous SO 312 – no amendment.

261 Speaker to resume the Chair in certain cases.

The Speaker shall also resume the Chair if the time ~~be come~~ **comes** for doing anything which the House has ordered to be done at a stated time, ~~or if a Message be received to attend the Governor or the Commissioners in the Legislative Council.~~

Previous SO 313 –minor 'plain English' amendment and to align SO with contemporary practice.

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.

Previous SO 315 – no amendment.

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 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.

Previous SO 316 – no amendment.

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.

Previous SO 317 – no amendment.

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.

Previous SO 318 – no amendment.

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.

Previous SO 319 – no amendment.

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.

Previous SO 320 – no amendment.

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

Previous SO 321 – no amendment.

- (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.

~~286 Motion that the Chair of Committees do now leave the Chair.~~

Previous SO 322 – repeal as the provision is redundant with only one known precedent (1922).

~~A Motion “That the Chair do leave the Chair”, shall, if agreed to, supersede the proceedings of a Committee, but such proceedings may, by Motion on Notice, be revived by Resolution of the House.~~

269 Committee of the Whole House cannot adjournittings or Debate.

Previous SO 323 – no amendment.

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.

Previous SO 324 – no amendment.

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 ~~shall be read by the Clerk of the House without a Question first put,~~ and 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.

Previous SO 325 – minor amendment to align the SO with contemporary practice.

CHAPTER 31

PROCEEDINGS ON FINANCIAL BILLS AND PROPOSALS

Bills submitted by Minister without Notice

~~326. — A Bill to grant and apply moneys from the Consolidated Fund, or for the imposition of any tax, rate, duty, or impost, or for releasing or compounding any money due to the Crown may be submitted to the House by a Minister without Notice.~~

Motions shall not be presently entered upon

~~327. — If a Motion is made in the House for any Public aid or charge upon the people, the consideration and Debate thereof shall not be presently entered upon, but shall be adjourned to such future day as the House thinks fit to appoint.~~

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

Previous SO 326 – repeal as the 1994 amendment to new SO 185 (previous SO 229) simplified the procedure for the introduction of any Bill by enabling initiation of a Bill without notice. This has effectively made the intended distinction provided by this SO redundant.

Previous SO 327 - repeal as there is no application of this measure in contemporary practice.

Previous SO 328 – no amendment.

Previous SO 329 – no amendment.

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.

Previous SO 330 – minor amendment to align with contemporary practice.

When a Motion is made to omit or reduce any item of a Vote, a Question shall be proposed from the Chair ~~for omitting or reducing such item accordingly, and Members shall speak to such Question only until it has been disposed of, “That the amendment be agreed to”.~~

~~331 When reduction is proposed.~~

Previous SO 331 – repeal to align with contemporary practice.

~~When a reduction of the amount of an item or Vote is proposed, the Question shall be first put upon the smallest sum and if that is negatived then upon the next largest sum; and so on if necessary until the Question is put upon the original Vote, after failure of the several Motions for a reduction thereof.~~

275 When several ~~Motions~~ Amendments offered, order to be taken.

Previous SO 332 – no amendment.

When several ~~Motions~~ **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.

Previous SO 333 – no amendment.

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.

Previous SO 334 – no amendment.

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.

Previous SO 335 – no amendment.

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.

Previous SO 336 – no amendment.

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.

Previous SO 337 – no amendment.

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”.

Previous SO 338 – no amendment.

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.

Previous SO 339 – no amendment.

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.

Previous SO 340 – no amendment.

CHAPTER 33

SELECT COMMITTEES

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

Previous SO 341 – no amendment.

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.

Previous SO 342 – no amendment.

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

~~Willingness of Members to attend to be ascertained~~

Previous SO 343 – repeal in order to align with contemporary practice.

~~343. — A Member intending to move for the appointment of a Select Committee shall endeavour to ascertain previously whether each Member proposed to be named on such Committee will give attendance thereupon.~~

~~Notice of nomination to be given~~

Previous SO 344 – repeal in order to align with contemporary practice.

~~344. — A Member intending to move for the appointment of a Select Committee shall, on the day on which Notice of intention is given to move the appointment of such Committee, name the Members intended to be proposed to be Members of such Committee.~~

286 When to report.

Previous SO 345 – no amendment.

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

Previous SO 346 - minor amendments to align with practice – done in 'Other Formal Business'

Members **who are appointed by the House** may be discharged by the House from attending a Select Committee, and other Members appointed ~~after Notice has been given.~~

- 288 Mover fixes date of first meeting.**
The Mover of the Committee shall fix the time for the first meeting of the Committee.
Previous SO 347 – no amendment.
- 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.
Previous SO 348 – no amendment.
- 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.
Previous SO 349 – no amendment.
- 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*.
Previous SO 350 – no amendment.
- 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.
Previous SO 351 – no amendment.
- 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.
Previous SO 352 – no amendment.
- 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.
Previous SO 353 – no amendment.

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.

Previous SO 354 – no amendment.

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.

Previous SO 355 – no amendment.

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.

Previous SO 356 – no amendment.

~~Secret Committee.~~

~~357. — No Stranger, or Member not being of the Committee, shall be admitted, at any time, to a Secret Committee.~~

Previous SO 357 – repeal. In the unlikely event a 'secret committee' is required, this may be effected by Order.

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.

Previous SO 358 – no amendment.

299 Days of meeting.

Select Committees may meet for the despatch of business on any day except Sunday, ~~during any Adjournment of the House which shall not exceed Fourteen days, and by leave of the House, during any longer adjournment.~~

Previous SO 359 – repeal of these words in order to avoid the necessity for the House to grant such leave (which is without exception granted). It will align the SO with contemporary practice.

300 Committee may adjourn.

A Select Committee may adjourn from time to time; and ~~by leave of the House~~, from place to place.

Previous SO 360 – repeal of these words for the reasons outlined above.

301 May not sit during Sitting of the House.

Previous SO 361 – no amendment.

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

302 Procedure on ~~Public~~ Bills.

Previous SO 362 – amendment as a consequence of amendment to new SO 185.

A Select Committee on a ~~Public~~ 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.

Previous SO 363 – no amendment.

- (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.

Previous SO 364 – no amendment.

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.

Previous SO 365 – no amendment.

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.

~~By Leave of the House, a~~ A Committee may report from time to time its opinions or observations, or its Proceedings with or without the evidence, or the Evidence only.

Previous SO 366 - amendment to avoid the necessity for the House to grant such leave (which is without exception granted). It will align the SO with contemporary practice.

307 Consideration of Draft Report.

Previous SO 367 – no amendment.

- (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 ~~Dissenting Statement~~ Protest or Dissenting Reports.

~~The Chair will sign the unanimous or majority Report. A dissenting statement, confined to issues in dispute~~ **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.

Amended as follows:-
The following SO prescribes that the Chair must sign the Report, so the first sentence is superfluous.
Suggest change of terminology from 'dissenting statement' to 'protest or dissenting report' to align with contemporary practice.

309 Report brought up.

- (1) The Report of a Committee shall be signed and brought up by the Chair, ~~and, if the House so orders, but not otherwise, shall be read by the Clerk of the House.~~
- (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.

Previous SO 369 – suggest consideration of minor amendment to align SO with contemporary practice.

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.

Previous SO 370 – no amendment.

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.

Previous SO 371 – no amendment.

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.

Previous SO 372 – no amendment.

CHAPTER 34

JOINT COMMITTEES OF BOTH HOUSES

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.

Amendment to remove tautology.

Previous SO 373 – no amendment.

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.

Previous SO 374 – no amendment.

315 Members proposed.

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

Previous SO 375 – minor amendment to align SO with contemporary practice.

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.

Previous SO 376 – no amendment.

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.

Previous SO 377 – no amendment.

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.

Previous SO 378 – no amendment.

319 Chair.

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

Previous SO 379 – no amendment.

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.

Previous SO 380 – no amendment.

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.

Previous SO 381 – no amendment.

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.

Previous SO 382 – no amendment.

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

Previous SO 383 – minor 'plain English' amendment.

serve on a Joint Committee (to be known as the House Committee) to control ~~the~~ Parliament House and ~~the~~ grounds ~~appurtenant thereto~~, 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.
- ~~(4) The House Committee shall meet within one month after the commencement of every Session when summoned by its Secretary.~~
- ~~(5) The Library Committee shall meet within one month after the commencement of every Session when summoned by the Librarian.~~

CHAPTER 35

STANDING COMMITTEES

324 Standing Orders Committee.

A Standing Orders Committee, to consist of the Speaker, the Chair of Committees, and three 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.

Previous SO 384 – no amendment.

325 Committee of Privileges.

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

Previous SO 385 – no amendment.

326 Quorum.

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

Previous SO 387 – no amendment.

CHAPTER 36

WITNESSES

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

Previous SO 388 – no amendment.

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.

Previous SO 389 – no amendment.

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

Previous SO 390 – no amendment.

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

330 During discussion witness withdraws.

Previous SO 391 – no amendment.

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.

Previous SO 392 – no amendment.

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.

Previous SO 393 – no amendment.

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.

Previous SO 394 – no amendment.

- (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 Privileges Act 1858*).

Previous SO 395 – no amendment.

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.

Previous SO 396 – no amendment.

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.

Previous SO 397 – no amendment.

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.

- (1) 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

Addresses for Papers, &c.

- ~~399. (1) When the Sovereign's Prerogative is concerned in any Account or Paper required by the House, an Address shall be presented to the Governor by Resolution of the House, praying that the same may be laid before the House.~~
- (2) Papers may also be presented pursuant to Statute or by command of the Governor.

House of Assembly Papers to be supplied to Legislative Council

- ~~400. The Clerk of the House shall transmit to the Clerk of the Legislative Council a sufficient number of all Papers printed by Order of the House for distribution to the Members of the Legislative Council.~~

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.

Previous SO 398 – no amendment except by incorporating previous SO 403.

Previous SO 399 – repeal paragraph (1) as this provision is an antiquated form by which the House sought the production of papers from the Sovereign's Government, or a particular member of it, by means of an Address being made to the Vice-Regal personage. This form has been superseded by Orders made pursuant to the previous SO. Paragraph (2) incorporated into previous SO.

Previous SO 400 – repeal to align with contemporary practice.

Previous SO 401 – no amendment.

Previous SO 402 – no amendment.

Orders for Papers.

~~403—All Orders for Papers made by the House shall be communicated to the Premier by the Clerk of the House.~~

Previous SO 403 – incorporated into new SO 337 (1).

Return of documents.

~~404—All documents which may be laid on the Table of the House, being Record Papers, shall be returned as soon as they are done with.~~

Previous SO 404 – repeal as the provision is redundant.

Papers in possession of Legislative Council asked for by Message

~~405.—If it be desired that any Paper in the possession of the Legislative Council may be laid before the House, a Message shall be ordered to be sent to the Legislative Council requesting that such Paper (or a copy thereof) may be communicated to the House.~~

Previous SO 405 – repeal as the provision is redundant.

Printing Committee

~~406.—(1) At the commencement of each Session a Select Committee shall be appointed for the purpose of selecting and arranging for printing Returns and Papers presented in pursuance of Motions made by Members, and of regulating all matters which relate to printing for the House.~~

~~(2)—The first meeting of the Committee for each Session shall be summoned by the Clerk of the House to take place within one month of the appointment of the Committee.~~

Previous SO 406 – repeal as the Committee is redundant.

CHAPTER 38

MESSAGES BETWEEN THE TWO HOUSES

340 Communications with the Legislative Council.

Previous SO 407 – no amendment.

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.

Previous SO 408 – minor amendment to align SO with contemporary practice.

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, ~~or delivered to the President by two Members.~~

342 Messages from Legislative Council.

Previous SO 409 – minor amendment to align SO with contemporary practice.

- (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) If the Message is conveyed by Members of the Legislative Council, it shall be received by the Speaker at the Bar, and the business before the House shall be suspended.~~
- (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.

Previous SO 410 – no amendment.

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.

Previous SO 411 – no amendment.

PART 40

STRANGERS

345 Strangers not admitted to certain parts of the House.

Previous SO 412 – no amendment.

- (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.

Previous SO 413 – no amendment.

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

347 Strangers may be ordered to withdraw.

Previous SO 414 – amendment to align with practice.

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 of Committees, as the case may be, shall forthwith put the Question that Strangers be ordered to withdraw, which Question shall be decided without Debate: Provided that the Speaker, or the Chair, may, whenever thought fit, order the withdrawal of Strangers from any part of the House.~~

CHAPTER 41

GENERAL PROVISIONS

348 Absence of the Clerk of the House.

Previous SO 419 – no amendment.

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 ~~Mechanical~~ Recording of proceedings ~~and note-taking~~

Previous SO 420. Amendment to heading to reflect changes to body of the SO.

(1) No person shall, without the express permission of the Speaker, ~~bring into the House or~~ use in the House any ~~mechanical~~ recording device or photographic equipment.

Amendment to recognise that Members will 'bring in' modern devices – avoids the need to excuse that but retains the proscription upon using them to record and photograph.

~~(2) Subject to Clause (3) of this Standing Order, a person may take notes of the proceedings of the House.~~

Repeal of antiquated 'notetaking' proscription.

~~(3) If at any time the Speaker is of the opinion that this Standing order is being abused, the Speaker may prohibit the taking of notes of the proceedings of the House, either generally or in particular cases.~~

(2) A Stranger who infringes this Standing Order shall, ~~for the purposes of Standing Order No. 416,~~ be deemed to have misconducted, and may accordingly be dealt with in accordance with the provisions of that Standing Order **ordered to withdraw by the Speaker or the Chair.**

Amendment consequent to repeal of previous SO 416.

350 Debate on Question of House granting leave

Previous SO 421 – no amendment.

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 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

Previous SO 57 – no amendment.

- (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

Previous SO 422 – no amendment.

- (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.

New SO which formally authorises publication of documents and Hansard. This will ensure that there is no question of the attachment of Parliamentary privilege to such publications.

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.

New SO which formally authorises the broadcast of proceedings. This will ensure that there is no question of the attachment of Parliamentary privilege to such broadcast.

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.

Previous SO 415 – no amendment.

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

Previous SO 416 – no amendment.

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.

Previous SO 417 – no amendment.

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.

Personal fee to Sergeant at Arms.

~~418 — The following fee shall be payable to the Sergeant at Arms or other Officer of the House appointed by the Speaker as remuneration for personal expenses incurred in the custody of the person arrested, and no person ordered by the House to be so detained shall be discharged out of the custody until such fee be paid, viz:—
For each day's detention, including sustenance
.....\$4~~

Previous SO 418 – repeal as provisions are anachronistic.

CHAPTER 42

SUSPENSION OF STANDING ORDERS

358 Standing Orders not suspended without Notice.

Previous SO 423 – no
amendment.

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 and seconded without Notice, provided that such Motion has the concurrence of a two-thirds majority of the Members present.

359 Motion for suspension carried by majority.

Previous SO 424 – no
amendment.

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

Previous SO 425 – no
amendment.

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

APPENDIX 2

NOTICES OF MOTION GIVEN AND MOTIONS VOTED UPON 2000 – 2017

Notices of Motion Given and Motions Voted on 2000-2017

Year	Total Notices of Motion Given	Total Voted On	% Voted On	# Sitting Days	Average Notices of Motion Given per Sitting Day
2000	128	40	31	51	2.5
2001	133	30	23	49	2.7
2002	168	31	18	39	4.3
2003	198	36	18	47	4.2
*¹2004/05	460	58	13	82	5.6
2006	198	29	15	32	6.2
2007	242	29	12	43	5.6
2008	355	38	11	45	7.9
2009	509	49	10	49	10.4
2010	365	31	8	36	10.1
2011	451	39	9	47	9.6
2012	496	35	7	42	11.8
2013	611	34	6	43	14.2
2014	482	45	9	36	13.4
2015	478	32	7	45	10.6
2016	486	27	5.5	45	10.8
*²2017	70	6	3.3	12	23.3
*³2017_{exp}	690	22	3.3	45	23.3

Length of Notices of Motion Given

2003	≈ 90 words
2004/05	≈ 100 words
2010	≈ 140 words
2015	≈ 210 words
2016	≈ 210 words
* ² 2017	≈ 221 words

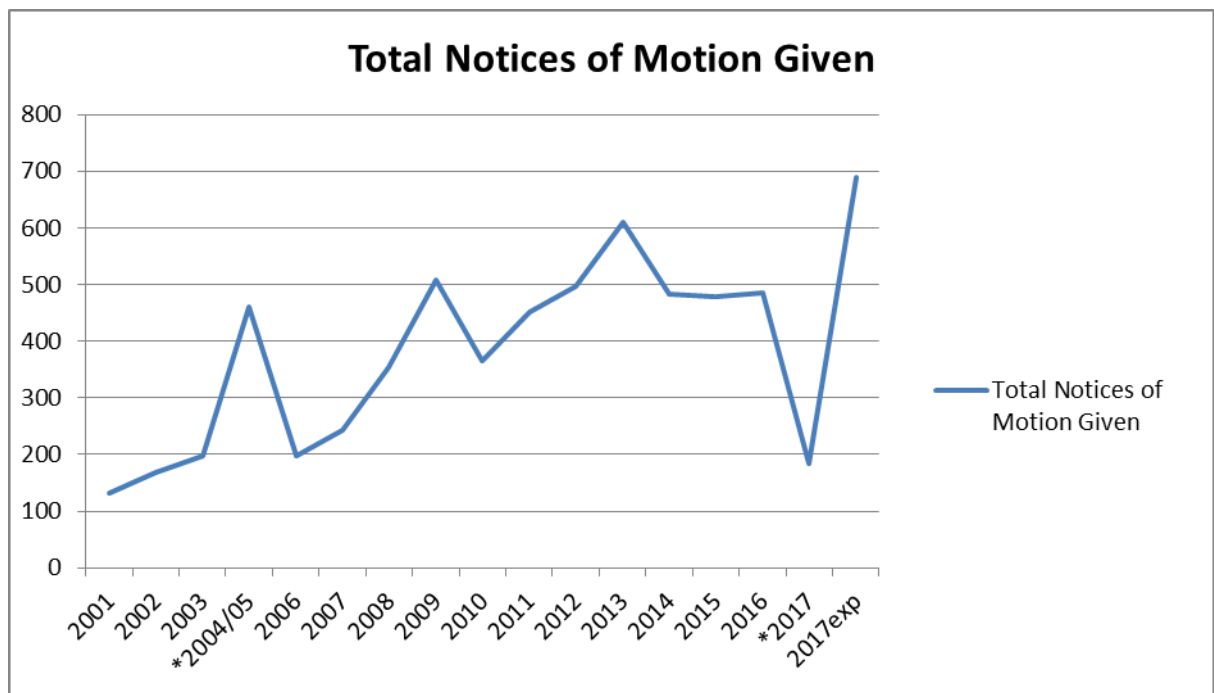
***¹Note:** Stats spreadsheet presents combined figures for the 2004 and 2005 sitting years.

***²Note:** up to 13 April 2017

***³Note:** 2017_{exp} are the expected figures based on the number of Notices of Motion given to 13 April 2017 and extrapolated for the year.

Graph 1

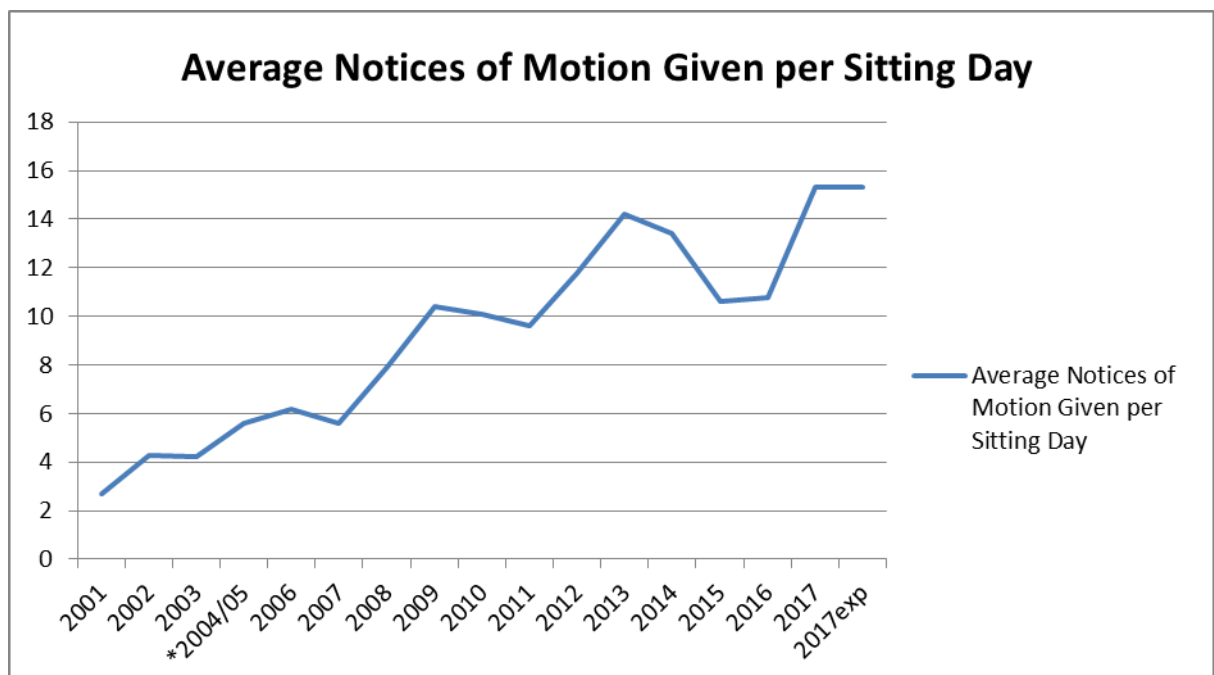
Total Number of Notices of Motion Given per Year



Please note that the 2017 figures in Graph 1 above are only up to 13 April 2017, therefore the drop in the **Total Notices of Motion Given** is misleading. The 2017_{exp} is an extrapolation for 2017 of the figures up to 13 April.

Graph 2

Average Number of Notices of Motion Given per Sitting Day



Graph 3 **Percentage of Notices of Motion Given that have been Voted on per Year**

