



THE

STANDING ORDERS

OF THE

LEGISLATIVE COUNCIL

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STANDING ORDERS OF THE LEGISLATIVE COUNCIL

Chapter I: General

1. Standing Orders

- (1) These Standing Orders are adopted pursuant to and for the purposes prescribed in section 34 of the *Constitution Act 1889*.
- (2) The definitions of terms used in these Standing Orders are contained in Schedule 3.
- (3) These Standing Orders shall in no way restrict or prejudice the method in which the Council may exercise and uphold its powers, privileges and immunities.

2. Temporary Orders

The Council may adopt Temporary Orders, for a specified period, which shall prevail over the Standing Orders during that period.

3. Suspension of Orders

Any Standing or Temporary Order may be suspended at any time -

- (a) on motion with notice; or
- (b) on motion without notice provided that the motion has the concurrence of an absolute majority of the Council.

4. Authority of the President

- (1) Order shall be maintained in the Council by the President.
- (2) In all cases that are not provided for in these Standing Orders or by Temporary or other Orders, the President shall determine a matter with reference to the custom and practice of the House, and may refer to parliamentary practice in other relevant jurisdictions.

Chapter II: Sitting and Adjournment of the Council

5. Days and Times of Meeting

- (1) Unless otherwise ordered and subject to Standing Order 6, the Council shall meet for business on the days and at the times as follows -

Tuesday 3.00 pm
Wednesday 2.00 pm
Thursday 10.00 am

- (2) Unless otherwise ordered by the President, the proceedings of the House shall be suspended on the days and at the times as follows -

Tuesday 6.00 pm to 7.30 pm
Wednesday 4.15 pm to 4.30 pm and 6.00 pm to 7.30 pm
Thursday 1.00 pm to 2.00 pm and 4.15 pm to 4.30 pm

- (3) Unless sooner adjourned or following business taken under (5), the Council stands adjourned at the following times -

Tuesday 10.25 pm
Wednesday 10.25 pm
Thursday 6.00 pm

- (4) The Council may be adjourned earlier than the time specified in (3) by a Minister moving that Members' Statements be now taken.

- (5) At the conclusion of Members' Statements, no further business shall be transacted by the Council, except -

- (a) the receipt of Messages and, in the case of a Bill received from the Assembly, the moving of its second reading by the Minister or Member in charge; and
- (b) a motion for the Council to adjourn until a date and/or time different than provided for by (1).

6. Annual Sitting Schedule

- (1) Prior to the conclusion of sittings each calendar year (except for the year prior to a scheduled general election), the Leader of the House shall table a schedule of dates for sittings of the Council for the forthcoming calendar year.
- (2) The schedule of sittings tabled under (1) shall only be varied by motion supported by an absolute majority of the Council, unless the Council adjourns until a date and time to be fixed by the President.

7. Bells Rung

The Bells shall be rung for 5 minutes prior to the time appointed on each day for the meeting of the Council.

8. Opening of Sitting and Initial Quorum¹

- (1) The President shall take the Chair at the time appointed on every day fixed for the meeting of the Council.
- (2) If a quorum is not present at that time, the bells shall be rung for a further maximum period of 10 minutes, during which time the doors of the Chamber shall remain unlocked and no Member shall leave the Chamber.
- (3) If a quorum is formed, the House shall commence its business.
- (4) If a quorum is not present at the conclusion of the ringing of the bells under (2), the President shall adjourn the Council until the next sitting day, and the names of the Members present shall be recorded in the Minutes.

¹ whilst the membership of the Legislative Council is 36 Members, a quorum is 12 Members (exclusive of the President), pursuant to s.14 of the *Constitution Acts Amendment Act 1899*: "The presence of at least one-third of the members of the Legislative Council, exclusive of the President, shall be necessary to constitute a quorum for the dispatch of business ..."

9. Absence of Quorum during Proceedings of the House

- (1) A Member may advise the President of the absence of a quorum in the House at any time other than during a division.
- (2) If the President confirms that a quorum is not present -
 - (a) the bells shall be rung, during which time the doors of the Chamber shall remain unlocked;
 - (b) the President shall count the House and when a quorum is formed business shall resume;
 - (c) no members shall leave the Chamber while the bells are ringing; and
 - (d) if there is no quorum within two minutes of the bells commencing, the President shall adjourn the Council until the next sitting day, and the names of the Members present shall be recorded in the Minutes.

10. Absence of Quorum during Proceedings of the Committee of the Whole House

- (1) A Member may advise the Chair of Committees of the absence of a quorum in the Committee of the Whole House at any time other than during a division.
- (2) If the Chair of Committees confirms that a quorum is not present -
 - (a) the bells shall be rung, during which time the doors of the Chamber shall remain unlocked;
 - (b) the Chair of Committees shall count the Committee of the Whole House and when a quorum is formed business shall resume;
 - (c) no members shall leave the Chamber while the bells are ringing; and
 - (d) if there is no quorum within two minutes of the bells commencing, the Chair of Committees shall interrupt proceedings and report to the President.

11. Absence of Quorum during a Division

- (1) If the Tellers' report on a division during proceedings of the House shows there is not a quorum of Members present, the President shall declare the division invalid, adjourn the Council until the next sitting day and the names of the Members present shall be recorded in the Minutes.
- (2) If the Tellers' report on a division during proceedings of the Committee of the Whole House shows there is not a quorum of Members present, the Chair of Committees shall declare the division invalid and report to the President.

12. Report from Chair of Committees - Lack of Quorum

If the Chair of Committees reports to the President under Standing Order 10 or 11 that a quorum is not present in the Committee of the Whole House, the President shall act in accordance with Standing Order 9(2).

13. Effect of Lack of Quorum

Any business which is interrupted by the absence of a quorum shall be set down on the Notice Paper for the next sitting day for resumption at the point where it was interrupted.

Chapter III: Order of Business

14. Formal Business

- (1) Unless otherwise ordered, the Council shall proceed with formal business each sitting day in the following order -
 - (a) prayers;
 - (b) condolence motions;
 - (c) reporting of Governor's messages;
 - (d) presentation of petitions;
 - (e) statements by Ministers and Parliamentary Secretaries;
 - (f) presentation of papers for tabling;
 - (g) giving notices of questions;
 - (h) giving notices of motions to introduce Bills;
 - (i) giving notices of motions to disallow statutory instruments;
 - (j) giving notices of motions; and
 - (k) motions without notice.
- (2) At the completion of formal business and subject to Standing Order 15, the Council shall proceed to motions and orders of the day as set down on the Business Program.

15. Weekly Business

The following business shall be taken each sitting week.

- (1) **Questions without Notice**

Questions without notice shall be taken at 4.30pm each day for a period of approximately 30 minutes.

- (2) **Motions on Notice**

After the conclusion of formal business each Wednesday, motions on notice shall be taken for a period of 120 minutes.

- (3) **Consideration of Committee Reports**

After the conclusion of motions on notice under (2) each Wednesday, consideration of Committee reports shall be taken for a period of 60 minutes.

(4) **Non-Government Business**

After the conclusion of formal business each Thursday, Non-Government Business shall be taken for a period of 80 minutes.

(5) **Members' Statements**

Members' statements shall be taken 40 minutes prior to the adjournment of the Council on Tuesday, Wednesday and Thursday.

16. Precedence of Business

When under Standing or Temporary Orders the time has arrived for other business to commence, the President shall interrupt and adjourn the matter under consideration.

17. Business Program

- (1) A Business Program shall be prepared for each sitting day, detailing the business proposed by the Leader of the House to be considered during that sitting of the Council, subject to Standing and Temporary Orders.
- (2) The Leader of the House may arrange the sequence of orders of the day on the Business Program.
- (3) A Minister or Parliamentary Secretary may move without notice that the sequence of orders of the day on the Business Program be varied, or other items of business on the Notice Paper be added to the Business Program. Any such motion shall be resolved without amendment or debate.
- (4) A Member may move without notice that any matter listed on the Business Program under the Member's name be postponed to a later sitting of the Council. Any such motion shall be resolved without amendment or debate.
- (5) A Member may move without notice that an order of the day or a notice of motion listed on the Notice Paper in the Member's name be made order of the day No. 1 or motion No. 1 on the Business Program for the next sitting of the Council. Any such motion shall be resolved without amendment or debate.

18. Order of the Notice Paper

- (1) All notices of motion and orders of the day shall be placed on the Notice Paper in the order they were given or made.
- (2) Any notices of motion or orders of the day not called on or not disposed of at the conclusion of a sitting day shall be set down on the Notice Paper as business for the next sitting day.

19. Motion related to Conduct of Council Business

Any motion connected with the conduct of the business of the Council may be moved by a Minister or Parliamentary Secretary at any time without notice.

20. Presentation of Papers and Committee Reports

- (1) The President, a Minister or a Parliamentary Secretary may present a paper in the course of related business or at any time when other business is not before the Council.
- (2) Other Members, by leave, may present a paper in the course of related business.
- (3) A Committee Chair, or other Member nominated by a Committee for this purpose, may present a Committee report at any time when other business is not before the Council.

Chapter IV: Time Limits

21. Time Limits on Speeches

Unless otherwise provided, a Member may speak for the specified period on the following business -

Bills (Second and Third Reading)

Mover	unlimited
Lead Member (Government or Opposition)	unlimited
Party Leader or Member deputed	unlimited
Other Members	45 minutes
Mover in Reply	unlimited

Committee of the Whole House

All Members	unlimited periods of 10 minutes
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Motions

All Members	45 minutes
Mover in Reply	15 minutes
<i>Amendments to Motions</i>	
All Members	20 minutes

Non-Government Business Motion

Mover	20 minutes
Responsible Minister or Parliamentary Secretary	15 minutes
Other Members	10 minutes
Mover in Reply	10 minutes

Consideration of Committee Reports

All Members	one period of 10 minutes per report
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Members' Statements

All Members	10 minutes
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Address-in-Reply, Dissent Motions

Mover	unlimited
Lead Member (Government or Opposition)	unlimited
Party Leader or Member deputed	unlimited
Other Members	60 minutes
Mover in Reply	unlimited
<i>Amendments to Address-in-Reply</i>	
All Members	20 minutes

Matter of Privilege (SO 92)

Member raising matter	45 minutes
Other Members	20 minutes

Statement on Tabling of Committee Report (SO 188)

Chair (or nominated Member)	3 minutes
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22. Variations to Time Limits

- (1) A Member limited to 45 or 60 minutes speaking time may, by leave, be granted an extension of 15 minutes.
- (2) Subject to order of the Council, the time limits relating to Committee of the Whole House may be applied to other business.

23. Maximum Time Limits for Certain Business Items

- (1) Unless otherwise ordered, the following maximum total debate time limits shall apply per item of business for the following categories -
 - (a) motions on notice (SO 15(2)) 240 minutes
 - (b) consideration of Committee reports (SO 15(3)) 60 minutes
 - (c) Non-Government Business motion (SO 15(4)) 80 minutes
- (2) At the completion of the maximum total debate time prescribed for a motion on notice, the question for any amendments moved and the principal question (as amended) shall be put without further debate.

Chapter V: Conduct of Members

24. When President Rises or Speaks

Whenever the President rises, puts a question, or delivers a statement or ruling, any Member then speaking shall be seated, and other Members and officers present in the Council shall remain stationary and be silent.

25. Obeisance to the Chair

Every Member and officer shall make obeisance to the Chair on entering or leaving the Council.

26. Passing Before the Chair

No Member or officer shall pass between the Chair and any Member who is speaking, nor between the Chair and the Table.

27. Allocation of Seating

The President shall determine the allocation of seats to be occupied by Members, with the front seats nearest to the right hand of the President being reserved for Ministers.

28. Member Absent more than 6 Consecutive Sitting Days²

A Member who is absent for more than 6 consecutive sittings of the Council without leave of the Council shall be deemed guilty of contempt, and may be dealt with under Standing Order 34.

² If a Member fails to attend in the House for an entire session without leave of the Council, the Member's seat thereupon becomes vacant pursuant to s.38(g) of the *Constitution Acts Amendment Act 1899*.

29. Leave of Absence

- (1) Leave of absence may be given by the Council to any Member, on motion without notice, stating the period and cause of absence.
- (2) A Member shall be excused from service in the Council or on any Committee so long as the Member has leave of absence.
- (3) Any Member having leave of absence shall forfeit the same by their attendance in the Council or at a meeting of a Committee before the expiration of such leave.

30. Member Reported for Disorderly Conduct

- (1) If any Member -
 - (a) persistently and wilfully obstructs the business of the Council;
 - (b) is guilty of disorderly conduct;
 - (c) uses objectionable words, and refuses to withdraw such words;
 - (d) persistently and wilfully refuses to conform to any Standing Order; or
 - (e) persistently and wilfully disregards the authority of the Chair,the President may report to the Council that the Member has committed an offence.
- (2) If any of the above offences is committed by a Member in Committee of the Whole House, the Chair of Committees may suspend the proceedings and report the matter to the President.

31. Procedure on Report of Offence

- (1) If a Member has been reported under Standing Order 30, the Member shall be called upon to stand in the Member's place and make an explanation or apology.
- (2) Following the Member's explanation or apology under (1), a motion may be moved "That the Member be suspended from the service of the Council."
- (3) A question moved under (2) shall be resolved without amendment, debate or adjournment.

32. Duration of Suspension

- (1) If a Member is suspended -
 - (a) for the first time within a year commencing 1 January, the suspension shall be for one sitting day;
 - (b) for a second time within that year, the suspension shall be for four sitting days; and
 - (c) on any subsequent occasion within that year, the suspension shall be for 13 sitting days.
- (2) The uncompleted portion of the sitting day during which the Member was suspended shall count as one sitting day.

33. Effect of Suspension

A Member who has been suspended from the service of the Council -

- (a) shall be excluded from the Chamber and all its galleries;
- (b) may not attend or participate in a meeting of a Council Committee or Joint Committee; and
- (c) cannot have a -
 - (i) notice of motion given;
 - (ii) motion moved;
 - (iii) question asked; or
 - (iv) petition presented,on their behalf,

for the duration of the period of suspension.

34. Member Ordered to Attend

- (1) If any Member wilfully disobeys any order of the Council, or is guilty of contempt by infringing the terms of Standing Order 28, the Member may be ordered to attend in their place or, if under suspension, at the Bar, to answer for their conduct.
- (2) Unless the Member's explanation is deemed satisfactory by the Council, the Member may be found to be in contempt of the Council.

Chapter VI: General Rules of Debate

35. Members Seeking the Call

- (1) A Member who wishes to speak -
 - (a) shall stand and seek the call;
 - (b) when called by the President, shall speak from the Member's place or, when in charge of a Bill during Committee of the Whole House, may speak from the Table;
 - (c) shall address the President; and
 - (d) if unable to stand because of injury, illness or disability, may seek the call and speak while seated.
- (2) When 2 or more Members stand and seek the call, the President shall determine which Member shall speak.
- (3) A Member seeking to raise a point of order during a division may do so while standing in another Member's place.

36. Reading of Speeches

Except when introducing a Bill or by leave of the President, a Member shall not read a speech.

37. Member's Right of Speech

- (1) A Member may speak once -
 - (a) on any question before the Council;
 - (b) on any amendment thereon; or
 - (c) in reply (if entitled under Standing Order 39).
- (2) A Member may speak more than once -
 - (a) in Committee of the Whole House; or
 - (b) in explanation in accordance with Standing Order 38.

38. Member may Speak a Second Time to Explain

A Member who has spoken to a question may speak again to explain some material part of the Member's speech which has been misquoted or misunderstood, but shall not introduce any new or debatable matter.

39. Reply by Mover

- (1) A Member who has moved a substantive motion or the second or third reading of a Bill may reply to that motion.
- (2) A Member who has moved an amendment does not have a right of reply to the amendment.
- (3) The reply of a Member closes the debate.

40. Reflections on Vote of Council

A Member shall not reflect upon any vote of the Council except for the purpose of moving that such vote be rescinded.

41. Allusion to Debate in the Assembly

A Member shall not allude to any debate of the current calendar year in the Assembly, or to any measure impending therein.

42. Reference to Other Members

A Member shall only refer to other Members by their title of office or their name.

43. Offensive Words

A Member shall not use offensive words in debate, including offensive words against either House of Parliament, any Member of either House, the Sovereign, the Governor or a judicial officer.

44. Imputations and Personal Reflections

All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

45. Unparliamentary Language

- (1) For the purposes of these Standing Orders, “unparliamentary language” is any language that falls within Standing Orders 43 and 44.
- (2) A Member may object to the President that the words used by another Member constitute unparliamentary language, so long as the objection is taken immediately after the words have been used.
- (3) If the President determines that the words used by a Member constitute unparliamentary language, whether or not an objection has been raised by another Member, the President shall direct the Member to withdraw those words and may require an apology.
- (4) Any withdrawal or apology made by a Member must be made without explanation or qualification.

46. Relevance

A Member’s speech must be relevant to the matter under discussion, and shall not anticipate any other matter which is listed on the Notice Paper.

47. Irrelevant or Repetitious Debate

- (1) A Member who persists in making irrelevant or repetitive arguments may be ordered by the President to discontinue the speech.
- (2) A Member ordered to discontinue may require that the question “That the Member be further heard.” be put, which shall be put without debate or amendment.

48. President to Read Question

- (1) Before the President puts any question, the question shall be read to the Council.
- (2) A Member may require that the President read the question before the Council at any time during debate when no other Member is speaking.

49. Interruptions to Debate

- (1) A Member may not interrupt another Member speaking, unless to call attention to -
 - (a) a point of order or matter of privilege; or
 - (b) the absence of a quorum.
- (2) Upon a point of order or matter of privilege being raised, the Member with the call shall sit down.

50. Dissent to Ruling of President

A motion to dissent from a President's ruling -

- (a) must be moved immediately after the ruling; and
- (b) takes priority until it is determined by the Council.

51. *Sub judice* Matters

Subject always to the right of the Council to debate any matter it deems appropriate, a matter before any court of record may not be referred to in any motion, debate or question (other than in relation to bills or ministerial decisions) if it appears to the President that there is a real and substantial danger of prejudice to the adjudication of the case.

52. Matters Not Open to Debate or Amendment

The following matters are not open to debate or amendment -

- | | |
|-----------------|--|
| SO 5(4) | Members' Statements be now taken |
| SO 17(3) to (5) | Business Program - Variation of Business |
| SO 22(2) | Time Limits for Committee of the Whole House applied to Other Business |
| SO 31(2) | Suspension of Member |
| SO 47(2) | That the Member be further heard |
| SO 53 | Closure Motion |
| SO 54 | Adjournment of Debate |

SO 101(4)	Presentation of a Petition
SO 102	Statements by Ministers and Parliamentary Secretaries
SO 111	Personal Explanation
SO 117(2)(b)	Report Progress - Committee of the Whole House
SO 123	First Reading
SO 136	Adoption of Report on Bill from Committee of the Whole House
SO 188	Chair's Statement on Tabling of Report

53. Closure Motion

- (1) The motion "That the question be now put." may be moved by any Member who has not spoken in a debate, but not so as to interrupt a Member speaking.
- (2) The motion shall be put immediately and without debate, and must be carried by an absolute majority.
- (3) If the motion is carried, the Council shall vote immediately on the question before it.
- (4) If the motion is resolved in the negative, debate is resumed.

54. Adjournment of Debate

A debate may be adjourned either to a later hour of the same day or to another day.

55. Member Adjourning Debate - Entitlements

- (1) The Member upon whose motion any debate is adjourned shall be entitled to be heard first on the resumption of debate.
- (2) If a motion for the adjournment of the debate is resolved in the negative, the mover does not lose the right to speak in the debate.

56. Absence of Member

A Member may -

- (a) move or move to postpone an Order of the Day;
- (b) give a notice of motion;
- (c) move a motion;
- (d) ask a question without notice; or
- (e) present a petition,

on behalf of and with the approval of an absent Member.

57. Discharge of Order of the Day

An Order of the Day may be discharged by motion without notice moved at any stage when the Council is considering the matter.

58. Documents Quoted in Debate

- (1) A Member must identify any document quoted from by the Member in debate, including an uncorrected version of Hansard.
- (2) At the conclusion of a speech in which a Member has quoted from a document, the document shall be tabled upon the request of any other Member, unless the Member states the document is a confidential document.

Chapter VII: Notices of Motion

59. Giving Notice of Motion

- (1) A notice of motion shall be given by the Member reading it aloud and delivering a signed copy to the Clerk.
- (2) A Member, other than a Minister or Parliamentary Secretary, shall not give more than -
 - (a) one notice of motion consecutively if another Member has any notice of motion to give; and
 - (b) two notices of motion per sitting day.
- (3) Paragraph (2) does not apply to a notice of motion given under Standing Order 66.

60. Irregular Notice of Motion

The President may order that a notice of motion containing -

- (a) unparliamentary language or which offends against any Standing Order be amended or withdrawn; or
- (b) more than one matter be divided.

61. Amendment to Notice of Motion

A notice of motion may be amended -

- (a) on any day prior to the motion being moved, by the Member reading the amended notice of motion aloud at the usual time for giving notices of motion and delivering a signed copy to the Clerk; or
- (b) at the time the notice of motion is called upon, by leave of the Council to move the motion in an amended form.

62. Postponement or Withdrawal of Notice of Motion

At the time for giving notices of motion or when the notice of motion is called upon, a Member may withdraw or move to postpone a notice of motion given by the Member.

63. Late Notice of Motion

No notice of motion shall be given other than at the time for giving notices of motion (Standing Order 14), unless by leave of the Council.

Chapter VIII: Motions, Questions and Votes

64. No Motion without Previous Notice

(1) No Member shall move a motion, other than those motions specified in (2), unless notice of the motion was given at a previous sitting of the Council or leave is granted by the Council.

(2) The following motions may be moved without notice -

SO 3(b)	Suspension of Standing or Temporary Orders
SO 5(4)	Members' Statements be now taken
SO 5(5)(b)	Special Adjournment
SO 6(2)	Variation of Annual Sitting Schedule
SO 17(3) to (5)	Business Program - Variation of Business
SO 19	Conduct of Council Business
SO 22(2)	Time Limits for Committee of the Whole House applied to Other Business
SO 29(1)	Leave of Absence
SO 31(2)	Suspension of Member
SO 47(2)	That the Member be further heard
SOs 50, 116(4)	Dissent to Ruling of President
SO 53	Closure Motion
SO 54	Adjournment of Debate
SO 57	Discharge of Order of the Day
SO 62	Postponement of Notice of Motion
SO 67	Motions Concerning Tabled Papers
SO 68(1)	Motion to Note Budget Papers
SO 101(5)	That a petition not be received
SO 109(4)	Reinstatement of Order of the Day - Noting of a Committee Report
SO 110	Non-Government Business
SO 117(2)(b)	Report Progress - Committee of the Whole House
SO 118	Motions Pertaining to Resolutions of the Committee of the Whole House
SO 124	Second Reading of a Bill

SO 125(3)	Referral of Uniform Legislation Bill
SO 127(1)	Referral of Bill to Committee
SO 128(c)	Motion to Divide or Consolidate Bills
SO 130	Postponement of Consideration of Clause
SO 135(2)(a)	Incorporation of Recommended Committee Amendments into a Bill
SO 137(1)	Recommittal of a Bill
SO 139	Third Reading of a Bill
SOs 144(b), 150(b)	Consideration of Message containing Amendments to a Bill
SOs 145, 149, 151	Consideration of Amendments
SO 148, 152	Appointment of Committee of Reasons
SO 156(5)(b)	Consideration of Message requesting Establishment of Joint Committee
SO 158(1)(b)	Committee Membership
SO 171(2)	Appointment of Chair or Deputy Chair
SO 189	Motions following Tabling of Committee Report
SO 200(10)	Address-in-Reply to Governor's Speech
SO 206	Nomination of President
SO 226	Motion to Communicate Resolution by Message
SO 227(2)	Consideration of Message containing Resolution
SO 229	Request for Conference of Managers

65. Precedence of Motion

Motions shall have precedence each day according to the order in which they appear on the Notice Paper.

66. Motions to Disallow Regulations

- (1) For the purposes of this Standing Order, a "regulation" includes any statutory instrument made subject to disallowance by a written law.
- (2) A notice of motion to disallow a regulation shall have precedence over other notices of motion.
- (3) If a notice of motion to disallow a regulation has not been moved at the expiration of 2 sitting days after the day on which notice was given, that motion shall be deemed to have been moved *pro forma* upon that expiration.

- (4) An order of the day to disallow a regulation has precedence over other orders of the day.
- (5) Where -
 - (a) on the 17th sitting day after the motion was moved (exclusive of the day on which the motion was moved); or
 - (b) on the proposed last sitting day prior to a general election,a motion to disallow a regulation remains unresolved, then the question shall be put before the Council rises on that day.

67. Motions Concerning Tabled Papers

Immediately following the tabling of a paper, a motion may be moved that it be printed or that consideration of the paper be made an order of the day for a future sitting day.

68. Motion to Note Budget Papers

- (1) Upon the tabling of the Budget Papers, a motion that the papers be noted shall be moved.
- (2) A motion moved under (1) shall -
 - (a) have precedence over other orders of the day on -
 - (i) the first sitting day of the next sitting week following the day on which the papers were tabled; and
 - (ii) each of the nine succeeding sitting days, unless the question is resolved sooner; and
 - (b) lapse if not resolved at the conclusion of the period under (a)(ii).

69. Motion Not Moved

If a motion is not moved when called upon, it shall be discharged from the Notice Paper.

70. Restriction on Withdrawal of Motion

After a motion has been moved, it shall be deemed to be in the possession of the Council, and can only be withdrawn by leave of the Council.

71. Withdrawn Motion may be Moved Again

A motion that has been withdrawn may be moved again.

72. Anticipating Other Business

Except as provided by Standing Orders 66, 92 and 110, no motion or amendment shall anticipate an order of the day or another motion of which notice has been given.

73. Division of Complicated Question

The President may order a complicated question to be divided.

74. Same Question

- (1) A question shall not be proposed which is the same in substance as any question which was resolved during the same year commencing 1 January.
- (2) Paragraph (1) does not apply to any question for which the vote was rescinded.

75. Putting the Question

When the debate upon the question is concluded, the President shall put the question.

76. Question Determined on the Voices

- (1) A question being put shall be resolved in the affirmative or negative by the majority of voices 'Aye' or 'No', upon which the President shall declare an opinion whether the 'Ayes' or 'Noes' have it.
- (2) The question shall be resolved in accordance with the President's opinion unless a division is called for immediately.

77. Calling a Division

- (1) After the President has declared an opinion on the resolution of a question (Standing Order 76), a Member may challenge that opinion by calling for a division immediately.
- (2) A Member who calls for a division shall not leave the Council, and shall vote with those Members who, in the opinion of the President, were in the minority.
- (3) If the President determines that an absolute majority is required, the President shall advise the Council accordingly and conduct a division.

78. Procedure for Division

When a division has been called for -

- (a) strangers shall withdraw from the Chamber;
- (b) the President shall order the division bells to be rung for two minutes;
- (c) after 2 minutes have expired, the President shall order the doors be locked, and no Member shall enter or leave the Council until after the division;
- (d) the President shall state the question and direct that the Members voting 'aye' pass to the right of the Chair and the Members voting 'no' to the left;
- (e) all Members present shall vote;
- (f) the President shall appoint at least one Teller for each side;
- (g) no Member shall cross from one side to the other after the President has appointed the Tellers;
- (h) after counting the votes the Tellers shall sign their respective list; and
- (i) the President shall declare the result of the division.

79. Division may be Cancelled

At any time before the Tellers are appointed, a call for a division may be withdrawn by leave of the Council, and the division shall not be proceeded with. The decision of the President which was challenged shall then stand.

80. President's Casting Vote³

When the votes are equal, the President shall give a casting vote. The President may state the reasons for giving the casting vote, and these reasons shall be recorded in the Minutes.

81. Chair of Committees' Vote

When in the Chair, the Chair of Committees -

- (a) shall be entitled to a deliberative vote;
- (b) shall exercise this vote from the Chair; and
- (c) may state reasons.

82. Error in Division

In the case of confusion or error in the numbers reported, unless the matter can be corrected, the President shall conduct another division.

83. Rescission of Vote

A vote of the Council may be rescinded by motion with notice, provided that seven days notice of the motion is given and the rescission is supported by an absolute majority.

³ The President's casting vote applies to the President only. Any other Member in the Chair (Chair or Deputy Chair of Committees) retains their deliberative vote.

Chapter IX: Amendments

84. Forms of Amendment

After a question has been proposed, it may be amended, unless otherwise prescribed in these Standing Orders, by -

- (a) deleting words;
- (b) deleting words in order to insert other words; or
- (c) inserting words.

85. Amendment to be Written and Signed

An amendment shall be in writing and signed by the mover.

86. Amendment to be Relevant and Not a Direct Negative

An amendment shall -

- (a) be relevant to the question before the Council; and
- (b) not be a direct negative.

87. Form of Question for Amendments

- (1) When an amendment is to delete words, the President shall put the question -

“That the words proposed to be deleted, be deleted.”.

- (2) When an amendment is to insert words, the President shall put the question -

“That the words proposed to be inserted, be inserted.”.

- (3) When an amendment is to delete words and insert other words, the President shall first put the question -

“That the words proposed to be deleted, be deleted.”,

which if resolved in the negative shall dispose of the amendment, but if agreed to, the President shall then put the question -

“That the words proposed to be inserted, be inserted.”.

88. No Amendment to Words Already Agreed To

Except as provided by Standing Order 129, no amendment shall be proposed -

- (a) in any part of a question if a later part has -
 - (i) been amended; or
 - (ii) had an amendment moved to it, unless the proposed amendment has been withdrawn by leave;

or

- (b) to any words which the Council has resolved shall stand part of a question except to insert other words.

89. Withdrawal of Amendment

A proposed amendment may be withdrawn by leave of the Council.

90. Amendment to Amendment

An amendment may be moved to a proposed amendment as if the proposed amendment was the original question.

91. Question after Amendment Resolved

- (1) When an amendment has been agreed to, the original question, as amended, shall be proposed.
- (2) When an amendment has been proposed but resolved in the negative, the original question shall again be proposed.

Chapter X: Parliamentary Privilege

92. Matter of Privilege

- (1) A Member may at any time raise a matter of privilege, which shall, until disposed of, suspend consideration of any other business before the Council.
- (2) A Member raising a matter of privilege under (1) may table any relevant documents.
- (3) If the President otherwise becomes aware of a matter of privilege that the President determines is of sufficient substance to warrant consideration by the Council, the President shall advise the Council.
- (4) The President may -
 - (a) determine the matter and provide a ruling to the Council immediately; or
 - (b) defer the matter and provide a ruling to the Council at the earliest possible opportunity.
- (5) If the President rules that there is some substance to the matter, the President shall refer the matter to the *Procedure and Privileges Committee* for inquiry and report to the Council.

93. Contempts of the Council

- (1) Criteria for the Council to take into account when determining whether a contempt has been committed and examples of conduct which may be treated by the Council as a contempt are specified in Schedule 4.
- (2) The examples provided in Schedule 4 are not intended to be an exhaustive list of all conduct constituting a contempt of the Council, and do not derogate from the Council's power to determine that any particular act constitutes a contempt.

94. Penalties for Prescribed Contempts

- (1) Any person declared guilty of contempt by the Council for an offence defined by section 8 of the *Parliamentary Privileges Act 1891* may be fined a penalty of such amount as the Council orders.
- (2) If a fine imposed under (1) is not paid immediately, the offender may be imprisoned in the custody of the Usher of the Black Rod, in such place within the State as the Council orders, until -
 - (a) the fine is paid; or
 - (b) the expiration of the then existing session or a lesser period as ordered by the Council.

95. Usher of the Black Rod

In all matters of contempt or misconduct, the Usher of the Black Rod shall act on the direction of the President.

96. Strangers in the Council

- (1) Only the President may admit strangers onto the floor of the Council.
- (2) When a division is called or as otherwise ordered by the President, strangers shall withdraw.

97. Arrest of Strangers

- (1) The President may order the taking into custody of a stranger who -
 - (a) is in any part of the Council reserved for Members without the permission of the President; or
 - (b) having been admitted to the precincts of the Council -
 - (i) misconducts themselves;
 - (ii) creates a disturbance;
 - (iii) wilfully interrupts the business of the Council; or
 - (iv) does not withdraw when strangers are ordered to withdraw.
 - (2) Whenever the President orders that a stranger be taken into custody, the President shall report this to the Council as soon as practicable.
 - (3) A person taken into custody shall only be discharged from custody by order of the President or the Council.
-

Prorogation of the Legislative Council

98. Bills Lapsed

- (1) A Bill that has lapsed due to prorogation before it has been passed may be proceeded with in the next Session from the point of interruption in the previous Session of the same Parliament.
- (2) A Council Bill in the possession of the Council, including consideration of Assembly amendments, may be restored by motion on notice.
- (3) An Assembly Bill in the possession of the Council may be restored by motion on notice, subject to receipt of a Message from the Assembly requesting that action.
- (4) If a Council Bill is in the possession of the Assembly, a Message may be sent to the Assembly requesting the Bill be restored.
- (5) Any Bill restored shall be proceeded with as if its consideration had not been interrupted by a prorogation.
- (6) If a motion for restoration is not agreed to by the House in which the Bill originated, the Bill may be re-introduced as a new Bill.

99. Tabling of Papers Pursuant to Statute

Where an Act specifies that a document may be deemed tabled during a period when the Council is not sitting, such period shall include when the Council has been prorogued.

Chapter XI: Formal Business Procedures

100. Form and Contents of Petitions

- (1) A petition shall -
 - (a) be addressed to the President and Members of the Council;
 - (b) state the action or remedy sought from the Council, which must be repeated at the top of every page of the petition;
 - (c) be legible and unamended whether by insertion or deletion or inter-lineation;
 - (d) be couched in reasonable language;
 - (e) be in the English language, or be accompanied by a certified English translation;
 - (f) contain the name, address, and original signature or mark of the petitioners;
 - (g) be signed by the person or persons promoting the petition, who must reside in Western Australia or, if a corporation, have its registered office in Western Australia; and
 - (h) if from a corporation, be made under its common seal.
- (2) A petition shall not -
 - (a) have any documents attached to it;
 - (b) be presented by a Member who has signed the petition as a petitioner;
 - (c) reflect upon a vote of the Council in the same calendar year;
 - (d) seek a direct grant of public money from the Council;
 - (e) contain statements adverse to, or make allegations of improper, corrupt or illegal conduct against, a person whether by name or office; or
 - (f) contain or disclose a matter in breach of a secrecy provision of, or order imposed or made under the authority of, a written law.

- (3) The Member presenting the petition shall sign the petition at the top of the front page of the petition.
- (4) The total number of petitioners shall be stated at the top of the front page of the petition.
- (5) The petition must be certified to conform with the Standing Orders by the Clerk before it may be presented to the Council.

101. Procedure for Lodgement and Presentation of Petitions

- (1) A petition shall be lodged with the Clerk at least one hour prior to the sitting of the Council at which a Member proposes to present the petition, in order that the Clerk may certify that the petition conforms with the Standing Orders.
- (2) A petition may be presented at the time nominated for presentation of petitions, or by leave at a later stage of proceedings when no question is before the Council.
- (3) The Member presenting the petition shall -
 - (a) read the address of the petition;
 - (b) read the text of the petition or a summary of that text; and
 - (c) advise the number of signatories to the petition.
- (4) No debate of the subject matter is allowed upon presentation of a petition, except for the purposes of a motion moved under (5).
- (5) The Council may order that a petition not be received.
- (6) Every petition presented shall stand referred to the *Environment and Public Affairs Committee*.

102. Statements by Ministers and Parliamentary Secretaries

- (1) A Minister or Parliamentary Secretary may make a statement at the time specified under Standing Order 14, or by leave when no other business is before the Council.
- (2) A statement must impart factual information relating to public affairs, and must not contain debateable matter other than matter that is inherent in the content of the statement.

Chapter XII: General Business Procedures

103. Questions to Ministers and Members

Questions may be asked of -

- (a) a Minister or Parliamentary Secretary relating to public affairs with which the Minister or Parliamentary Secretary is connected, to proceedings in the Council, or to any matter of administration for which the Minister or Parliamentary Secretary is responsible; or
- (b) a Member, except the President, relating to any Bill, motion or other public matter connected with the business of the Council of which the Member has charge.

104. Rules for Questions

- (1) Questions shall -
 - (a) be concise; and
 - (b) not seek an opinion or a legal interpretation or opinion.
- (2) Any question that infringes upon this Standing Order may be amended, disallowed or withdrawn as ordered by the President.

105. Answers to Questions

An answer shall be concise and relevant.

106. Questions on Notice

- (1) Members may lodge written questions on notice, signed by or on behalf of the Member, for any sitting day with the Clerk not later than midday on that day.
- (2) A question on notice may also be lodged orally by a Member in accordance with Standing Order 14(1)(g).
- (3) Questions lodged under (1) and (2) shall be published in a Supplementary Notice Paper in the order in which the questions were received by the Clerk.

107. Answers to Questions on Notice

- (1) Answers to questions on notice shall be transmitted to the Clerk, who shall arrange for their distribution and publication.
- (2) When a question on notice remains unanswered after 9 sitting days, the Member to whom the question is directed shall advise the Council, at the conclusion of the period for questions without notice on the next sitting day, the date when an answer is expected to be provided.

108. Questions without Notice

- (1) Questions without notice shall be taken each sitting day in accordance with Standing Order 15.
- (2) Immediately after the period for questions without notice -
 - (a) a Member may give further brief, factual information in relation to a question already answered by that Member;
 - (b) a Member may provide an answer to a question without notice that was not answered previously; and
 - (c) a Minister or Parliamentary Secretary may table documents relating to an answer to a question.
- (3) The Leader of the House may terminate questions without notice on any sitting day by requesting the President to proceed to the next item of business.

109. Consideration of Committee Reports

- (1) Consideration of Committee reports presented under Standing Order 187 (except reports pertaining to Bills) shall be listed for noting in Committee of the Whole House as orders of the day on the Notice Paper.
- (2) Orders of the day under (1) shall be listed in the order in which the reports were presented to the House.
- (3) Where an order of the day listed under (2) has remained on the Notice Paper for 12 months without being moved, the President shall announce that the order of the day will be removed from the Notice Paper on the next sitting day.

-
- (4) A Member may move without notice that an order of the day removed under (3) be reinstated to the Notice Paper.
 - (5) An order of the day reinstated under (4) shall be dealt with before the consideration of other Committee reports.

110. Non-Government Business

- (1) Motions without notice and orders of the day that are in the name of non-Government Members may be listed for consideration by the Council during the period prescribed under Standing Order 15(4).
- (2) For the purposes of this Standing Order, a non-Government Member is a Member that does not support the Government.
- (3) Business subject to this Standing Order -
 - (a) shall be allocated according to the proportion of representation of political groups of non-Government Members;
and
 - (b) is to be provided, together with the text of any motion without notice, to the Clerk by 4.00pm on the Wednesday prior.
- (4) The weekly rotation schedule under (3)(a) shall be tabled by the President at the commencement of each Parliament, and otherwise as required, and must be adopted by the Council prior to its application.
- (5) A motion without notice moved under this Standing Order -
 - (a) cannot be amended;
 - (b) cannot be adjourned; and
 - (c) lapses at the conclusion of the debate.

111. Personal Explanation

- (1) When there is no business before the Council, a Member may, by leave, explain a matter of a personal nature.
- (2) A personal explanation shall not be debated.

112. Protection of Persons and Corporations Referred to in the Council

- (1) Where a submission is made in writing to the President by a person or corporation who has been referred to in the Council by name, or in such manner as to be readily identified -
 - (a) claiming that the person or corporation 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 the person's privacy has been unreasonably invaded, by reason of that reference to the person or corporation; and
 - (b) requesting that the person or corporation be able to incorporate an appropriate response in Hansard,

and the President is satisfied -
 - (c) that the subject of the submission is not so obviously trivial or the submission so frivolous, vexatious or offensive in character as to make it inappropriate that it be considered by the *Procedure and Privileges Committee* ("the Committee"); and
 - (d) that it is practicable for the Committee to consider the submission under this Standing Order,

the President shall refer the submission to the Committee.
 - (2) The Committee may decide not to consider a submission referred to it under this Standing Order if the Committee considers that the subject of the submission is not sufficiently serious or the submission is frivolous, vexatious or offensive in character, and such a decision shall be reported to the Council.
 - (3) If the Committee decides to consider a submission under this Standing Order, the Committee may confer with the person who made the submission and any Member who referred in the Council to that person or corporation.
 - (4) In considering a submission under this Standing Order, the Committee shall meet in private session.
 - (5) The Committee shall not publish a submission referred to it under this Standing Order or its proceedings in relation to such a submission, but may present minutes of its proceedings and all or part of such submission to the Council.
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- (6) In considering a submission under this Standing Order and reporting to the Council, the Committee shall not consider or judge the truth of any statements made in the Council or the submission.
 - (7) In its report to the Council on a submission under this Standing Order, the Committee may make either of the following recommendations -
 - (a) that no further action be taken by the Council or by the Committee in relation to the submission; or
 - (b) that a response by the person who made the submission, in terms specified in the report and agreed to by the person or corporation and the Committee, be incorporated in Hansard, and shall not make any other recommendations.
 - (8) A document presented to the Council under paragraph (5) or (7) -
 - (a) in the case of a response by a person or corporation who made a submission, shall be succinct and strictly relevant to the questions in issue and shall not contain anything 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 corporation, or unreasonably invading a person's privacy, in the manner referred to in paragraph (1); or
 - (ii) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person or corporation.
 - (9) A corporation making a submission under this Standing Order is required to make it under its common seal.

Chapter XIII: Committee of the Whole House

113. Composition

The composition of the Committee of the Whole House is the same as that of the Council.

114. Application of Laws and Standing Orders

Insofar as they can be applied -

- (a) the laws applicable to the operation of the Council shall apply to the Committee of the Whole House; and
- (b) unless otherwise provided, the Standing Orders applicable to the operation of the Council shall apply to the Committee of the Whole House.

115. Formation

- (1) The Council forms itself into a Committee of the Whole House either -
 - (a) for consideration of a Bill in detail; or
 - (b) pursuant to order of the Council.
- (2) When the Council forms itself into a Committee of the Whole House, the President leaves the Chair and the Chair of Committees presides over proceedings.

116. Objection to Decision of Chair of Committees

- (1) If a Member objects to a decision made by the Chair of Committees, the Member shall state that objection immediately and provide the objection in writing.
- (2) Upon receipt of a written objection under (1), the Chair of Committees shall leave the Chair, the Council shall resume, and the Chair of Committees shall report the objection to the President.
- (3) The President may invite Members to address the objection, and shall rule on the matter.

- (4) A Member may move dissent to the President's ruling in accordance with Standing Order 50.
- (5) Once the matter is determined, business shall resume in Committee of the Whole House.

117. Report to the Council

- (1) When all matters referred to the Committee of the Whole House have been considered, the Chair of Committees shall report the same to the Council.
- (2) Prior to the consideration of all matters referred to the Committee of the Whole House, the Chair of Committees shall report progress and seek to sit again when -
 - (a) the time for precedence of other business before the Council has arrived; or
 - (b) a motion to that effect is resolved by the Committee of the Whole House.
- (3) A motion under (2)(b) may be moved by a Member without notice at any time during proceedings of the Committee of the Whole House.

118. Resolutions of the Committee of the Whole House

- (1) All resolutions of the Committee of the Whole House shall be reported to the Council.
- (2) Resolutions reported under (1) may be agreed to or disagreed to by the Council, or agreed to with amendments, recommitted to the Committee of the Whole House, or postponed for further consideration.

Chapter XIV: Bills

All Bills

119. Definitions

For the purposes of these Standing Orders -

- (a) a “Council Bill” is a Bill originating in the Council; and
- (b) an “Assembly Bill” is a Bill originating in the Assembly.

120. Introduction in the Council

- (1) A Council Bill may be introduced by motion after notice at a time ordered by the Council.
- (2) An Assembly Bill shall be introduced by Message.
- (3) Every Bill shall be accompanied by an explanatory memorandum.

121. Contents of a Bill

- (1) No clause shall be included in any Bill that does not come within its title.
- (2) If any clause is amended after the Bill is introduced, the title may be altered accordingly.
- (3) Any Bill that the President determines -
 - (a) does not conform to the Standing Orders; or
 - (b) in the case of a Council Bill, cannot be introduced in the Council in accordance with any constitutional or statutory provision,

shall be withdrawn by order of the President.

122. Readings Required

- (1) A Bill shall be given a first, second and third reading.
- (2) If the question for the first, second or third reading of the Bill is resolved in the negative, the Bill is defeated.
- (3) On every order for the reading of a Bill, the short title shall be read.

123. First Reading

- (1) For each Council Bill, the question “That a Bill for an Act [long title] be introduced and read a first time.” shall be put and decided without amendment or debate.
- (2) For each Assembly Bill, the question “That the Bill contained in Legislative Assembly Message No. [] be read a first time.” shall be put and decided without amendment or debate.
- (3) After the first reading, copies of the Bill and explanatory memorandum shall be distributed, and the second reading may be moved immediately or ordered for a later stage of the sitting or the next sitting of the Council.

124. Second Reading

- (1) Following the first reading of the Bill, the Member in charge of the Bill shall move “That the Bill be read a second time.”, and speak to that motion.
- (2) At the conclusion of the Member’s speech under (1), the debate shall be adjourned, and shall not be resumed until at least -
 - (a) for a Council Bill, 2 calendar weeks later; or
 - (b) for an Assembly Bill, one calendar week later,unless otherwise ordered by the Council.

125. Uniform Legislation

- (1) During the second reading speech of a Member in charge of a Bill, the Member shall advise the Council whether or not the Bill is a Uniform Legislation Bill.
- (2) For the purposes of these Standing Orders, a Uniform Legislation Bill is a Bill that -
 - (a) ratifies or gives effect to a bilateral or multilateral intergovernmental agreement to which the Government of the State is a party; or
 - (b) by reason of its subject matter, introduces a uniform scheme or uniform laws throughout the Commonwealth.
- (3) The Council may order that a Bill is a Uniform Legislation Bill notwithstanding contrary advice from the Member in charge of the Bill.
- (4) Any Bill nominated by the Member in charge or ordered by the Council as a Uniform Legislation Bill shall stand referred to the *Uniform Legislation and Statutes Review Committee* (“the Committee”) at the conclusion of the second reading speech of the Member in charge or immediately following an order of the Council under (3).
- (5) The Member in charge of a Bill referred to the Committee shall ensure that all documentation required by the Committee is provided to the Committee within three working days after referral under (4).
- (6) The Committee shall inquire into any Bill referred under (4) in accordance with the Committee’s terms of reference, and present its final report to the Council.
- (7) A report due under (6) shall be presented to the Council by -
 - (a) not later than 45 days after the Bill was referred to the Committee; or
 - (b) such other date as ordered by the Council.
- (8) The second reading stage of the Bill shall not be resumed until the Committee has presented its final report to the Council.

126. Cognate Debate

- (1) Where two or more Bills are complementary to each other, the debate on the second and third reading of the Bills may, by leave, take place on the Bill declared by the Member in charge to be the principal Bill.
- (2) At the conclusion of a cognate debate -
 - (a) the question for the second or third reading of the principal Bill shall be put; and
 - (b) the question for each other Bill shall be put separately without further debate.

127. Referral to Committee

- (1) At any time after the second reading has been moved and before the third reading has been moved, a motion without notice may be moved to refer the Bill to a Standing or Select Committee.
- (2) Unless otherwise ordered, if a Bill is referred under (1) after the second reading of the Bill has been agreed, the Committee shall not inquire into the policy of the Bill.
- (3) A motion to refer a Bill to a Committee may include an instruction to the Committee, including an instruction to divide the Bill into two or more Bills, or to consolidate several Bills into one Bill.

128. Committal to Committee of the Whole House

After the question for the second reading has been agreed by the Council, the President shall leave the Chair and the Council shall form a Committee of the Whole House to consider the Bill, unless -

- (a) the consideration by the Committee of the Whole House is ordered for a later stage of the sitting or the next sitting of the Council;
- (b) the Bill is referred to a Committee;
- (c) a motion is moved to instruct the Committee of the Whole House to divide the Bill into two or more Bills, or to consolidate several Bills into one Bill; or
- (d) leave is granted to proceed forthwith to the third reading of the Bill.

129. Order for Considering Bill

- (1) Unless the Committee of the Whole House otherwise determines, a Bill shall be considered in Committee of the Whole House in the following order -
 - (a) clauses as printed and new clauses proposed, in their numerical order;
 - (b) schedules as printed and new schedules proposed, in their numerical order;
 - (c) postponed clauses (unless specifically postponed until after certain other clauses);
 - (d) preamble (if any); and
 - (e) long title,and a question shall be proposed for each “That the [] stand as printed.”.
- (2) Consequential amendments may be made to a clause previously agreed to by the Committee of the Whole House.
- (3) If a clause or schedule is amended, the question shall be proposed “That the [clause/schedule], as amended, be agreed to.”.

130. Postponement of Clause

Consideration of a clause, including a clause that has been amended, may be postponed by motion without notice.

131. Clauses and Amendments Put as One Question

Any number of -

- (a) clauses or schedules; or
- (b) amendments in any one or more clauses or schedules,

may, by leave, be put as one question.

132. Proposed Amendments

Members may submit proposed amendments to a Bill to the Clerk at any time after the first reading of the Bill.

133. Admissible Amendments

- (1) Any amendment may be moved during consideration in Committee of the Whole House to any part of a Bill, provided the amendment -
 - (a) is within the Subject Matter of the Bill;
 - (b) is in accordance with section 46 of the *Constitution Acts Amendment Act 1899*; and
 - (c) does not propose to amend a schedule or attachment to a Bill where the schedule or attachment cannot be amended by the Council.
- (2) If any amendment made does not come within the long title of the Bill, the long title shall be amended accordingly.

134. Requested Amendments

If an amendment may only be made by request to the Assembly pursuant to section 46 of the *Constitution Acts Amendment Act 1899*, the requested amendment shall be proposed and dealt with as any other amendment.

135. Amendments Proposed by a Committee

- (1) When a Committee reports a Bill to the Council, the report may include recommended amendments to the Bill.
- (2) If the Council has not proceeded to consider the Bill in Committee of the Whole House -
 - (a) the Member in charge of the Bill may move without notice that all or some of the amendments recommended by a Committee be incorporated into the Bill; and
 - (b) if a motion moved under (2)(a) is agreed to by the Council, the amendments shall be incorporated into a re-printed version of the Bill prior to consideration of the Bill in Committee of the Whole House, unless leave is granted to proceed with consideration of the Bill immediately.
- (3) If the Council has commenced consideration of the Bill in Committee of the Whole House or the procedure outlined in (2) is not adopted, any amendments recommended by a Committee shall be listed under the Committee's name in the Supplementary Notice Paper related to the Bill, and shall be put by the Chair of Committees when the Committee of the Whole House is considering the relevant clause or schedule.

- (4) When required, a Bill shall be recommitted in Committee of the Whole House for the purpose of considering an amendment recommended by a Committee.

136. Adoption of Report of Committee of the Whole House

- (1) The report on an unamended Bill may be adopted on presentation.
- (2) Consideration and adoption of a report on an amended Bill shall be made an Order of the Day for a future sitting, unless leave is granted to consider the report on presentation.
- (3) Upon adoption of a report amending a Council Bill, the Bill shall be reprinted.

137. Recommittal

- (1) After the presentation of the report of the Committee of the Whole House and prior to the question for the third reading being moved, a Member may move without notice that the Bill be recommitted to the Committee of the Whole House.
- (2) A motion to recommit a Bill shall restrict reconsideration to certain parts of the Bill or new proposed amendments.

138. Chair of Committees' Certification

When a Bill has been considered by the Committee of the Whole House, before the Bill shall be read a third time, the Chair of Committees shall certify in writing that "This is a true copy of the Bill as agreed to in Committee of the Whole House and reported.", and the President shall announce that the Chair has so certified.

139. Third Reading

When the report has been adopted by the Council -

- (a) if the Bill has not been amended, the Member in charge of the Bill may move the third reading immediately; or
- (b) if the Bill has been amended, the third reading of the Bill shall be made an order of the day for the next sitting day.

140. Scope of Third Reading Debate

The debate on the third reading of a Bill -

- (a) shall be limited to the contents of the Bill as agreed by the Council prior to that stage; and
- (b) shall not introduce new arguments or otherwise expand the debate.

141. Bill Passed

- (1) When the question for the third reading of a Bill has been agreed to, the Bill is passed.
- (2) When a Bill has been passed by the Council, the Clerk shall certify that fact on the Bill.

142. Clerical Amendments

The Clerk may amend a Bill to correct -

- (a) any clerical or typographical error in the Bill; and
- (b) the short title and citation to reflect the calendar year in which the Bill completed its passage through the Parliament.

143. Message to the Assembly

- (1) When a Bill has been passed, a Message shall be sent to the Assembly -
 - (a) for a Council Bill, forwarding the Bill for the concurrence of the Assembly; or
 - (b) for an Assembly Bill, advising the Assembly of the Bill's passage through the Council and returning the Bill, with a schedule of any amendments made by the Council.
- (2) When an Assembly Bill is defeated in the Council, a Message shall be sent to the Assembly, advising of the defeat of the Bill and returning the Bill.

Council Bills Amended by the Assembly**144. Message containing Amendments from the Assembly**

When a Council Bill is returned from the Assembly with amendments, the Message shall be read and ordered for consideration in Committee of the Whole House -

- (a) at the next sitting of the Council; or
- (b) by order of the Council, immediately or at a later stage of the sitting.

145. Consideration of Assembly Amendments

Amendments made by the Assembly may be -

- (a) agreed to with or without amendment;
- (b) disagreed to,

or the Bill may be referred to a Conference or laid aside.

146. Relevance of Further Amendments

No amendment shall be proposed to an amendment of the Assembly unless the amendment is relevant to or consequent upon the Assembly's amendment.

147. Procedures after Consideration of Assembly Amendments

If the Council -

- (a) agrees to the Assembly's amendments, it shall inform the Assembly by Message;
- (b) amends the Assembly's amendments, the Bill shall be returned by Message with a schedule of the Council amendments for the concurrence of the Assembly; or
- (c) disagrees with the amendments -
 - (i) the Bill may be laid aside, in which case the Assembly shall be informed by Message; or
 - (ii) the Bill may again be sent by Message to the Assembly, requesting its reconsideration.

148. Reasons for disagreeing

In any case when a Bill is returned to the Assembly with any of the amendments made by that House disagreed to, the Message returning such Bill may contain reasons for the Council not agreeing to the amendments proposed by the Assembly. Such reasons shall be drawn up by a committee of 3 Members to be appointed for that purpose when the Council adopts the report of the Committee of the Whole House disagreeing to the amendments in question.

149. Continued Assembly Disagreement on Amendments

- (1) If the Assembly returns a Council Bill insisting on the original Assembly amendments to which the Council has disagreed, the Council may -
 - (a) agree, with or without amendment, to the Assembly amendments to which the Council had previously disagreed, and make any necessary consequential amendments to the Bill; or
 - (b) insist on its disagreement to the Assembly amendments and make any necessary amendments relevant to the rejection of the Assembly amendments.
- (2) If the Assembly returns a Council Bill disagreeing to Council amendments, the Council may -
 - (a) withdraw its amendments and agree to the original Assembly amendments;
 - (b) make further amendments to the Bill consequent upon the rejection of its amendments;
 - (c) make new amendments as alternative to its amendments to which the Assembly disagreed; or
 - (d) insist on its amendments to which the Assembly has disagreed.
- (3) If the Assembly returns a Council Bill with further amendments to the Bill or to Council amendments, the Council may -
 - (a) agree, with or without amendment, to the further Assembly amendments, and make any necessary consequential amendments to the Bill; or
 - (b) disagree to the further Assembly amendments and insist on its own amendments which the Assembly has amended.

- (4) In the situations described in (1), (2) and (3), the Council may -
 - (a) return the Bill to the Assembly;
 - (b) order the Bill to be laid aside; or
 - (c) request a Conference.
- (5) If the Council returns a Bill to the Assembly, and the Assembly returns the Bill still disagreeing with any of the requirements of the Council, the Council shall act in accordance with (1) to (4).

Assembly Bills Amended by the Council

150. Message Returning Council Amendments

When an Assembly Bill is amended by the Council, and a Message is returned from the Assembly disagreeing to any of those amendments or proposing further amendments, the Message shall be read and ordered for consideration in Committee of the Whole House -

- (a) at the next sitting of the Council; or
- (b) by order of the Council, immediately or at a later stage of the sitting.

151. Consideration of Assembly Disagreement with Council Amendments

- (1) If the Assembly disagrees to Council amendments to an Assembly Bill, the Council may -
 - (a) insist, or not insist, on its amendments;
 - (b) make further amendments to the Bill consequent upon the rejection of its amendments;
 - (c) make new amendments alternative to the amendments to which the Assembly disagreed; or
 - (d) order the Bill to be laid aside; or
 - (e) request a Conference.

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- (2) If the Assembly agrees to Council amendments with further amendments, the Council may -
 - (a) agree to the Assembly's amendment, with or without further amendment, making any consequential changes to the Bill;
 - (b) disagree to the Assembly's amendments and insist on its own amendments;
 - (c) order the Bill to be laid aside; or
 - (d) request a Conference.
 - (3) If the Council returns a Bill to the Assembly, and the Assembly returns the Bill still disagreeing with any of the requirements of the Council, the Council shall act in accordance with (1) and (2).

152. Reasons for Disagreement

In any case when a Bill is returned to the Assembly with any of the amendments made by the Assembly on the Council's amendments disagreed to, the Message returning such Bill may also contain written reasons for the Council not agreeing thereto. Such reasons shall be drawn up by a committee of 3 Members to be appointed for that purpose when the Council adopts the report of the Committee of the Whole House disagreeing to the amendments in question.

153. Clerk to Certify Stages

In whatever way the Council shall dispose of a Bill returned by the Assembly with amendments, or returned by the Assembly after being amended by the Council, the Clerk shall at every stage certify accordingly on the Bill.

154. Bills Amending the Constitution

- (1) If a Bill received from the Assembly requires an absolute majority pursuant to the Constitution, the Council shall not proceed with such Bill unless the Clerk of the Assembly has certified on the Bill that its second and third readings were passed with the concurrence of an absolute majority of the whole number of the Members of the Assembly.
- (2) A division shall be taken on the second and third reading of any Bill which requires an absolute majority pursuant to the Constitution, and if the result of any such division is that the second or third reading has not been passed with the concurrence of an absolute majority of the whole number of the Members of the Council, the Bill shall be laid aside.

Chapter XV: Committees

Standing, Select and Joint Committees

155. Application

- (1) This chapter applies to Standing and Select Committees of the Council.
- (2) If ordered by the Houses, this chapter applies to Joint Committees of the Parliament.

156. Establishment of Committees

- (1) All Committees shall be established by motion on notice.
- (2) A motion to establish a Committee shall include -
 - (a) the terms of reference for the Committee;
 - (b) the number of Members to be appointed to the Committee;
 - (c) any procedures specific to the operation of the Committee; and
 - (d) for a Select Committee, the date by which the Committee is to report to the Council.
- (3) Upon the Council agreeing to a motion under (2), the relevant terms of that motion shall be incorporated into Schedule 1 to these Standing Orders.
- (4) If the Council resolves to establish a Joint Committee, a Message shall be sent to the Assembly seeking the Assembly's agreement.
- (5) When a Message requesting the establishment of a Joint Committee is received from the Assembly, the Message shall be read and ordered for consideration -
 - (a) at the next sitting of the Council; or
 - (b) by order of the Council, immediately or at a later stage of the sitting.

157. Ex Officio Membership - President

- (1) The President shall be *ex officio* a Member of each Committee.
- (2) For the purposes of this Standing Order, the President shall not be -
 - (a) entitled to vote on any matter before a Committee; or
 - (b) counted for the purposes of a quorum.

158. Membership of Committees

- (1) Members shall be appointed to a Committee by -
 - (a) motion on notice; or
 - (b) motion without notice if the motion is moved -
 - (i) immediately after the motion establishing the Committee is agreed by the Council; or
 - (ii) consequent upon a discharge or resignation of a Member from a Committee.
 - (2) A Member shall be discharged from a Committee -
 - (a) by motion on notice; or
 - (b) if the Member fails to attend 3 consecutive meetings of the Committee, unless leave of absence has been granted to the Member by the Committee or the Council.
 - (3) Unless otherwise ordered, a Minister shall not be appointed as a member of a Standing or Joint Committee.
 - (4) A Member may resign from a Committee in writing to the President, and the resignation is effective upon receipt by the President.
 - (5) When the Council is not sitting and a vacancy occurs on a Committee, the President may appoint a Member to fill the vacancy until an appointment can be made or confirmed by the Council.
 - (6) An appointment made by the President under (5) shall maintain the political representation that existed on the Committee before the vacancy occurred.
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159. Ballot for Committee Membership

- (1) Any Member may request a ballot for the election of Committee members.
- (2) When a ballot has been requested -
 - (a) the bells shall be rung as for a division;
 - (b) the President shall advise the Council of the number of Members to be elected to the Committee;
 - (c) each Member shall write the names of the Members for whom they wish to vote on a ballot paper, not exceeding the number of Members to be elected;
 - (d) the ballot papers shall be returned to the Clerk;
 - (e) the Clerk shall count the votes;
 - (f) the Members who receive the most votes shall be declared by the President to be elected;
 - (g) if 2 or more Members have an equality of votes for the last place or places on the Committee, a second ballot shall be conducted to determine that place or those places;
 - (h) only those Members who achieved an equality of votes for that place or those places shall continue as candidates in the second ballot; and
 - (i) further ballots shall be conducted as necessary.

160. Quorum

- (1) At any Committee meeting, a majority of Members is a quorum.
- (2) Members participating in a meeting under Standing Order 161 shall be counted for the purposes of a quorum.
- (3) If a quorum is not present within 15 minutes of the time set for a meeting, the meeting shall be cancelled, and the names of the Members present shall be recorded in the Committee Minutes.
- (4) If attention is drawn to the absence of a quorum during a Committee meeting, the Chair shall suspend the Committee until a quorum is present or adjourn the Committee to a future time.
- (5) A motion to establish a Joint Committee may include quorum provisions specific to that Committee.

161. Participation by Electronic Communication

A Committee is authorised to hold meetings by electronic communication without the Members of the Committee or witnesses being present in one place, provided that -

- (a) during a Committee's deliberations or proceedings, Members of the Committee are able to speak to and hear each other contemporaneously;
- (b) when a witness gives oral evidence, Members of the Committee are able to hear the witness contemporaneously and to put questions to the witness in each other's hearing; and
- (c) the Chair of such a meeting takes care to ensure that a quorum is maintained during the meeting and that the Standing Orders of the Council are observed.

162. Substitute Members

- (1) A Member of a committee may be replaced by another Member ("Substitute Member") for the duration of a particular inquiry. The Substitute Member, subject to this order, is a Member of the Committee for all purposes.
- (2) Substitution is made by order of the Committee and, once ordered, cannot be rescinded until the inquiry is completed.
- (3) A Substitute Member, by further order, may be a Substitute Member -
 - (a) on 2 or more Committees at the same time; and/or
 - (b) for more than one inquiry being undertaken by the same Committee at the same time.
- (4) Except in relation to the inquiry for which substitution was made, the capacity of the Member substituted to act as a Member of the Committee is not affected.
- (5) Where a Committee -
 - (a) presents its final report on an inquiry for which a substitution was made; or
 - (b) discontinues the inquiry for any reason,the order granting substitution lapses and the Substitute Member, subject to subclause (3), ceases to be a Member of the Committee.

- (6) At the earliest opportunity after a substitution is made, the Clerk is to publish in the Notice Paper the names of the Member being substituted and the Substitute Member, and the purpose of the substitution.

163. Participating Members

- (1) Any Member of the Council may participate in the taking of oral evidence by a Committee, and by leave of a Committee, its deliberations and proceedings, but may not vote.
- (2) Leave under (1) can be given only for a specific inquiry, but a Member may be given leave in relation to more than one inquiry.

164. Pecuniary Interest

A Member shall not participate in a Committee if the Member has a direct pecuniary interest in the matters being investigated by the Committee, unless the Member has declared that interest in the Council.

165. Powers of a Committee

In addition to any power conferred by order of the Council or by law, a Committee shall have the power to -

- (a) send for persons, papers and records; and
- (b) confer with a similar committee of the Assembly considering similar matters.

166. Subcommittees

- (1) A Committee may appoint a Subcommittee of 2 or more Members to inquire into and report to the Committee upon any matter which the Committee is empowered to examine.
- (2) The Standing Orders apply to a Subcommittee in like manner as they apply to a Committee.
- (3) A quorum of a Subcommittee shall be 2 Members, or a majority of Members where the Subcommittee is comprised of more than 2 Members.
- (4) A Subcommittee shall report to the Committee as soon as practicable on each matter referred to the Subcommittee.

167. Committee Minutes

- (1) The Committee Minutes shall be the official record of each Committee meeting.
- (2) The Committee Minutes shall record -
 - (a) Members present and apologies received; and
 - (b) the votes and proceedings of the meeting.

168. Scheduling of Meetings

A Committee may meet during a suspension or adjournment of the Council.

169. Voting

- (1) Each Member of a Committee has a deliberative vote only.
- (2) Questions are decided by a simple majority of Members present and voting.
- (3) When the votes are equal, the question is resolved in the negative.

170. First Meeting

The Clerk shall call the first meeting of a Committee as soon as practicable following the establishment of the Committee.

171. Election of Chair and Deputy Chair

- (1) Unless otherwise determined by the Council, each Committee shall elect a Chair and Deputy Chair from its own membership.
- (2) Where a Committee reports to the Council that it is unable to elect a Chair or Deputy Chair, the Council shall make an appointment.

172. Duties of Chair and Deputy Chair

- (1) The Chair presides at meetings and has the powers necessary to conduct the Committee's proceedings in an orderly and expeditious manner.
- (2) In the absence of the Chair, the duties of the Chair shall be performed by the Deputy Chair or an Acting Chair appointed by the Committee for that purpose.

173. Definitions of Committee Evidence, Documentation, Deliberations and Proceedings

For the purposes of these Standing Orders related to Committees -

“evidence” is any information or item provided to, or received by, a Committee, and includes -

- (a) an oral, written or electronic submission; and
- (b) any document or record.

“documentation” is any correspondence or information produced by a Committee.

“deliberations” are a Committee's consideration of evidence or a draft report.

“proceedings” are any Committee business that is not “evidence”, “documentation” or “deliberations”.

174. Status of Evidence

- (1) All evidence shall fall within one of three categories -
 - (a) public evidence;
 - (b) private evidence; or
 - (c) *in camera* evidence.
 - (2) All oral evidence shall be public and may be disclosed or published by any Committee Member or person, unless otherwise ordered by the Committee or the Council.
 - (3) All evidence other than oral evidence shall be private and may not be disclosed or published by any Committee Member or person, unless otherwise ordered by the Committee or the Council.
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- (4) If a Committee orders that any evidence is *in camera* to the Committee, the evidence shall not be disclosed or published by any Committee Member or person unless otherwise ordered by the Council.
 - (5) For all private and *in camera* evidence, the Committee shall ensure that the person(s) who provided the evidence to the Committee is advised of the status of the evidence and the effect of that status.

175. Status of Documentation

- (1) All documentation shall be private to a Committee excluding a third party to whom the documentation is provided by the Committee, and shall not be disclosed or published by any Committee Member or person to whom the documentation is directed unless otherwise ordered by the Committee.
- (2) All persons to whom documentation is directed shall be advised of any restrictions on the release or further publication of that documentation.

176. Status of Deliberations

Committee deliberations shall be conducted in private session, and shall not be disclosed unless otherwise ordered by the Committee.

177. Status of Proceedings

Committee proceedings shall be conducted in private session, and may be disclosed unless otherwise ordered by the Committee.

178. Committee Initiated Inquiry

- (1) A Committee may initiate an inquiry of its own motion if the Committee's terms of reference provide that capacity.
- (2) Where a Committee initiates an inquiry under (1), notice of that inquiry shall be reported to the Council within 2 sitting days of the Committee's resolution.

179. Requests and Orders for Evidence

- (1) A Committee may request or order a person to provide evidence to the Committee by -
 - (a) appearing in person before the Committee; and/or
 - (b) providing written or documentary evidence to the Committee.
- (2) When a Committee determines to receive evidence from a person, the Committee may seek that evidence by -
 - (a) written request; or
 - (b) summons in accordance with Standing Order 191.
- (3) A Committee may only request that a Member of the Council provide evidence to the Committee and, if the Member declines to provide that evidence, may report the matter to the Council.
- (4) A Committee shall not seek evidence directly from a Member of the Assembly.

180. Witnesses Entitlements

Any person examined before a Committee is entitled to -

- (a) access to relevant documents before and during examination;
- (b) benefit of counsel;
- (c) request that the evidence be deemed private or *in camera*;
- (d) be informed prior to the examination of the right of objection provided by section 7 of the *Parliamentary Privileges Act 1891*;
- (e) a reasonable opportunity to rebut allegations of criminal, improper or unethical conduct made against the witness if the allegations are relevant to the Committee's inquiry;
- (f) a reasonable opportunity to correct errors of transcription in a transcript of evidence;
- (g) an opportunity to provide supplementary or new evidence; and
- (h) any additional entitlements as determined by the Council.

181. Evidence of Public Servants

An officer of a government agency -

- (a) shall not be asked to give an opinion on a matter of policy; and
- (b) shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a Minister.

182. Compensation for Witnesses

Claims for reasonable compensation for expenses or loss of time and special costs may be submitted by witnesses and considered by the Clerk.

183. Procedural Rulings by the President

- (1) The President may provide a procedural ruling to a Committee.
- (2) The President shall report any procedural ruling provided under (1) to the Council.

184. Evidence Containing Allegations about Member

If a Committee receives evidence containing allegations of improper conduct of a Member of the Council or Assembly, the Committee shall not consider that evidence but shall report the evidence to the *Procedure and Privileges Committee*.

185. Preparation of Report

- (1) A draft report shall be prepared under the Committee's direction and circulated to all Members of the Committee.
- (2) A draft report shall be considered and adopted by the Committee in a manner determined by the Committee.
- (3) The Chair shall sign the report as adopted by the Committee.

186. Minority Report

- (1) A Committee Member may add a minority report to the Committee's report prior to its tabling in the Council, provided that the minority report -
 - (a) is confined to issues in dispute;
 - (b) is signed by the Member; and
 - (c) has been presented to Committee Members at a Committee meeting.
- (2) A reasonable opportunity for presentation of a minority report shall be given by the Committee to any Member who indicates a desire to do so prior to the formal adoption of the Committee's report.

187. Tabling of Report

- (1) A Committee report shall be tabled in the Council by the Chair or another Member of the Committee appointed for that purpose.
- (2) Upon tabling in the Council, a Committee report shall be -
 - (a) deemed printed and published under the authority of the Council; and
 - (b) listed for consideration by the Council in accordance with Standing Order 109.
- (3) If the Council is adjourned or in recess, a Committee report may be forwarded to the President and upon receipt it shall be deemed to be tabled.
- (4) The President shall advise the Council of any report deemed tabled under (3) at the next sitting of the Council.

188. Chair's Statement on Tabling of Report

- (1) When a Committee report has been tabled in the Council, the Member tabling the report may make a short statement to the Council, providing an overview of the report and any other relevant matters.
 - (2) A Member's statement under (1) must -
 - (a) be agreed to by the Committee prior to delivery in the Council; and
 - (b) not exceed 3 minutes.
-

189. Motions following Tabling of Report

When a Committee report has been tabled in the Council, any corollary motion without notice may be moved, including a motion that the recommendations contained in the report be agreed to.

190. Response to Recommendations

- (1) Where a report recommends action by, or seeks a response from, the Government, the responsible Minister or the Leader of the House shall provide its response to the Council within not more than 2 months or at the earliest opportunity after that time if the Council is adjourned or in recess.
- (2) The Clerk shall record on the Notice Paper any such requirement for a response together with the time limit for the response.
- (3) Paragraphs (1) and (2) do not apply to a report on a Bill.

Chapter XVI: Witnesses

191. Summoning Witnesses

Witnesses, not being Members, shall be ordered to -

- (a) attend before the Council; or
- (b) attend before or provide evidence to a Committee,

by summons under the hand of the Clerk.

192. Witness in Custody

If a witness is in prison, the Council may order that the President issue a warrant to the keeper of the prison to bring the witness in safe custody to be examined.

193. Recusant Witness

If a witness fails or refuses to attend or to provide evidence pursuant to a summons of the Council, the Council shall deal with the matter in accordance with Standing Order 92 or as the Council otherwise determines.

194. Members Summoned

When the Council orders the attendance of a Member, the Member shall be summoned by the President and examined in the Member's place.

195. Attendance of Member or Officer of Council before Assembly Committee

If an Assembly Committee seeks to examine a Member or officer of the Council, the Council may -

- (a) give leave for the Member to attend if the Member thinks fit; or
- (b) order an officer to attend.

196. Witness Protected

Any witness examined by the Council or a Committee is entitled to the protection of the Council, and shall be absolutely privileged in respect of any evidence provided by the witness.

197. Examined at the Bar

A witness shall be examined by the Council at the Bar with the Bar kept closed.

198. Procedures for Examination of Witness

- (1) A witness appearing before the Council shall be examined by Members putting their questions through the President.
- (2) If any question is objected to or other matters arise, the witness shall withdraw while the Council considers the matter.

199. Officers not to Give Evidence Elsewhere

No person employed or contracted to assist the Council or a Committee shall give evidence elsewhere in respect of any proceedings of the Council or its Committees unless ordered by the Council.

Chapter XVII: Opening of Parliament

200. Proceedings for Opening of a New Parliament or Session

- (1) The President shall take the Chair at the hour named in the Proclamation.
- (2) The Clerk shall read the Proclamation.
- (3) The Governor shall be introduced by the Usher of the Black Rod to the Council, and shall take the President's Chair.
- (4) The Governor shall direct the Usher of the Black Rod to command the attendance of the Members of the Assembly in the Council Chamber.
- (5) Once the Members of the Assembly are present in the Council Chamber, the Governor shall deliver the Governor's speech and declare the Parliament open.
- (6) At the conclusion of the Governor's speech -
 - (a) a copy of the speech shall be presented to the President and the Speaker;
 - (b) the Governor shall withdraw from the Council Chamber;
 - (c) the Members of the Assembly shall withdraw from the Council Chamber; and
 - (d) the President shall resume the Chair.
- (7) Before the Governor's speech is reported to the Council, some formal business, including -
 - (a) the presentation of petitions and papers for tabling;
 - (b) the giving of notices of motion; and
 - (c) questions without notice,may be transacted.
- (8) A Bill is read a first time so as to re-assert and maintain the undoubted rights and privileges of the Council to initiate legislation.
- (9) The President shall report the Speech of the Governor to the Council.
- (10) A Member shall move a motion for an Address-in-Reply to the Speech of the Governor.

201. Vacancy in the Office of President at Opening of New Parliament or Session

Where a vacancy exists in the office of President at the commencement of the first sitting of a new Parliament or Session -

- (a) Members shall convene at the hour named in the proclamation; and
- (b) the Council shall proceed to elect a President in accordance with Standing Orders 206 to 212 inclusive prior to Standing Order 200(4).

202. Persons Commissioned by the Governor

Under commission issued by the Governor -

- (a) another person may undertake the duties of the Governor during the proceedings for the opening of a new Parliament or Session; and
- (b) the President may take the oath or affirmation from new Members in accordance with Standing Order 203.

203. Oath or Affirmation - New Members

- (1) Before a Member may take their seat in the Legislative Council, the Member must take and subscribe an oath or affirmation of office pursuant to section 22 of the *Constitution Act 1889*, at which time a certified copy of the writ of election of the Member shall be produced by the Clerk.
- (2) When a Member commences their parliamentary term on the same day as the opening of a new Parliament or Session, the new Member shall take and subscribe the oath or affirmation of office after Standing Order 200(3).

204. Precedence of Address-in-Reply

Except as provided by Standing Order 66, the order of the day for the Address-in-Reply shall take precedence over all other business until it is resolved.

205. Presentation of the Address-in-Reply

- (1) The Address-in-Reply, as adopted, shall be presented to the Governor by the President, the mover of the Address-in-Reply, and any other Members who wish to attend.
- (2) The President shall report to the Council the terms of any response by the Governor to the Address-in-Reply.

Chapter XVIII: President and Officers

206. Procedure for Proposing Candidates for President

- (1) Whenever the office of President becomes vacant, a Member may propose by address to the Clerk that another Member then present be elected to the office, by moving the motion “That the Honourable [.....] do take the Chair in the Council as President.”. The motion shall be seconded.
- (2) Other Members may similarly propose that other Members of the Council be elected to the office of President by moving a motion in accordance with (1).

207. Sole Nomination for President

If only one Member is proposed and seconded as President -

- (a) that Member shall indicate whether the nomination is accepted; and
- (b) if the nomination is accepted, that Member shall be called to the Chair without a question being put.

208. Multiple Nominations for President

If more than one Member is proposed and seconded as President, and those Members accept their nomination, a ballot shall be conducted in accordance with -

- (a) if there are 2 candidates, Standing Order 209; or
- (b) if there are more than 2 candidates, Standing Order 210.

209. Ballot for President - Two Candidates

- (1) Each Member of the Council then present shall deliver to the Clerk a ballot paper with the name of the candidate that Member chooses to be President.
- (2) The candidate with the most votes shall be elected President and called to the Chair.

- (3) If there is an equality of votes, the ballot shall be conducted again.
- (4) If at the conclusion of a second ballot conducted under (3) there remains an equality of votes, the Clerk shall draw a name by lot which Member shall be President.

210. Ballot for President - More than Two Candidates

- (1) Each Member of the Council then present shall deliver to the Clerk a ballot paper with the name of the candidate that Member chooses to be President.
- (2) The candidate with the most votes, provided that Member also has a majority of the votes of the Members present, shall be elected President and called to the Chair.
- (3) If no candidate has such a majority, the name of the candidate having the smallest number of votes shall be excluded, and a further ballot shall be conducted.
- (4) Further ballots shall be conducted as required until one candidate is supported by the majority of the votes of the Members present.
- (5) If at the conclusion of any ballot under (3) or (4) there is an equality of votes between candidates with the smallest number of votes, the ballot shall be taken again.
- (6) If at the conclusion of a further ballot under (5) there remains an equality of ballots between candidates with the smallest number of votes, the Clerk shall determine by lot which of the candidates shall be excluded.
- (7) If a final ballot is conducted between 2 candidates and there is an equality of votes, the ballot shall be conducted again.
- (8) If at the conclusion of a final ballot conducted under (7) there remains an equality of votes, the Clerk shall draw a name by lot which Member shall be President.

211. Procedure after Election of President

- (1) After the election of a President, the President shall be conducted to the Chair by the mover and seconder.
 - (2) The President shall acknowledge the honour that has been conferred, and take the Chair.
 - (3) Members may then congratulate the President.
-

212. Presentation to the Governor

- (1) A Minister shall inform the Council at what time the Governor shall be pleased to receive the President.
- (2) The sitting of the Council shall be suspended and the President, accompanied by Members, shall be presented to the Governor.

213. Term of Office

The President shall continue in office until -

- (a) death;
- (b) resignation;
- (c) periodical retirement; or
- (d) removal by the vote of an absolute majority of the Council.

214. Vacancy in the Office of President

- (1) When the office of President becomes vacant, the Clerk shall report the vacancy to the Council at its next sitting.
- (2) The Council shall immediately proceed to elect a new President.

215. Election of Chair of Committees

- (1) The Chair of Committees shall be elected in accordance with the procedures for the election of the President.
- (2) The term of office and procedures related to a vacancy in the office of Chair of Committees shall be the same as those applying to the President.

216. Role of Chair of Committees

The Chair of Committees shall chair proceedings when the Council forms a Committee of the Whole House.

217. Deputy Chairs of Committees

At the commencement of each Parliament, the Council shall elect a panel of five Members to act as President or Chair of Committees in accordance with Standing Order 218.

218. Absence of the President or Chair of Committees

- (1) In the absence of or at the request of the President, the Chair of Committees shall perform the duties of the President.
- (2) At the request of the President, a Deputy Chair of Committees shall perform the duties of the President or Chair of Committees.
- (3) In the absence of the President and the Chair of Committees, an Acting President and an Acting Chair of Committees shall be elected in accordance with the procedures for the election of President.

219. Absence of the Clerk or Usher of the Black Rod

- (1) In the absence of the Clerk, the Deputy Clerk or a Clerk Assistant shall perform the duties of the Clerk.
- (2) In the absence of the Usher of the Black Rod, an officer appointed by the President and Clerk shall perform the duties of the Usher of the Black Rod.

220. Roll of Members

- (1) The Clerk shall maintain a roll of Members of the Council, detailing the name of each Member and the dates when each Member -
 - (a) was elected;
 - (b) took the oath or affirmation of office; and
 - (c) ceased to be a Member and the cause thereof.
- (2) Each Member shall sign the roll on the day on which the Member takes the oath or affirmation of office.

Chapter XIX: Records of the Council

221. Minutes of Proceedings

- (1) The proceedings of the Council, and the attendance of Members in their places at any time during the day's sitting, shall be recorded by the Clerk.
- (2) The record as printed and signed by the President and the Clerk shall constitute the Minutes of the Legislative Council, the official record of proceedings of the House.
- (3) If an error in the Minutes is reported to the Council, the President shall direct the record to be corrected.

222. Custody of Records

The Clerk has custody of all records of the Council and its Committees, and shall not allow them to be removed without the consent of the President.

223. Examination of Records

- (1) The public records of the Council shall be available for inspection by Members at any time and by other persons during office hours. Copies or extracts of these records may be taken.
- (2) Records of the Council that have not been published, including unpublished Committee records, may not be inspected or released unless otherwise ordered by the Council.

Chapter XX: Communication between the Houses

224. Methods of Communication

Communications with the Assembly may be by Message, Conference, or Committees conferring with each other.

225. Message to be Written and Signed by President

Every Message from the Council to the Assembly shall be in writing, signed by the President and delivered by the Usher of the Black Rod.

226. Motion to Communicate Resolution

A Member may move without notice at any time that any resolution of the Council be communicated by Message to the Assembly.

227. Messages from the Assembly

- (1) Every Message from the Assembly shall be received without delay at the Bar, or by the Clerk if the Council is not sitting, and shall be reported by the President at the earliest convenient opportunity.
- (2) A Message containing a resolution from the Assembly shall be read and ordered for consideration -
 - (a) at the next sitting of the Council; or
 - (b) by order of the Council, immediately or at a later stage of the sitting.

228. Request for Conference

Conferences between the Council and the Assembly shall be requested by Message.

229. Motion to Request Conference

Any motion to request a Conference must include the object of the Conference and the names of the Council Managers.

230. Council Managers at Conference

- (1) At least three Managers shall be appointed to represent the Council in a Conference requested by the Council.
- (2) The number of Members appointed to represent the Council in a Conference requested by the Assembly shall be the same number as appointed by the Assembly.
- (3) If a Member so requests, the Managers for the Council shall be appointed by ballot, in the same manner as for a Committee.

231. Restriction on Request for Conference

No Conference shall be requested by the Council on any Bill or motion before the Assembly.

232. Conference Time and Place

- (1) When the Assembly requests a Conference, the time and place for holding the Conference shall be determined by the Council.
- (2) When the Council requests a Conference, the time and place for holding the Conference shall be determined by the Assembly.

233. Proceedings at Conference

- (1) At all Conferences, the Managers for the Council shall meet the Managers for the Assembly at the time and place appointed and, unless otherwise determined by the Council, shall be at liberty to confer freely with them.
- (2) If agreement cannot be reached on the Bill or other matter referred to the Conference, the Council Managers may terminate the Conference and the matter shall be deemed to have been determined.

234. Council Suspended during Conference

A Conference shall only meet during a suspension or adjournment of the Council.

235. Conference Proceedings Reported by Managers

When the Conference has concluded, the Council Managers shall sign a report on the result of the Conference and immediately present it to the Council.

Chapter XXI: The Sovereign and the Governor

236. Messages

- (1) A Message from the Governor shall be reported by the President.
- (2) If required, the Council may consider a Governor's Message forthwith or at a later sitting.

237. Address to Sovereign or Governor

- (1) An address to the Sovereign shall be presented by the President to the Governor for presentation to the Sovereign.
- (2) An address to the Governor shall be presented by the President.
- (3) Any response from the Governor to an Address under (1) or (2) shall be reported to the Council by the President.

238. Governor's Amendments

- (1) Whenever the Governor shall return to the Council any Bill presented to the Governor and transmit therewith any amendment which the Governor may recommend, such amendment shall be considered and dealt with in the same manner as amendments proposed by the Assembly to a Bill originated in the Council.
- (2) When the Council shall have agreed to any amendment proposed by the Governor, with or without amendment, such amendment together with any alterations rendered necessary to be made in the Bill in consequence of such amendment, shall be sent to the Assembly for its concurrence, and any amendment made by the Assembly thereto shall be dealt with in the same manner as amendments made by the Assembly to Bills originated in the Council.
- (3) Amendments recommended by the Governor in Bills originated in the Assembly which have been agreed to by the Assembly and are forwarded for the concurrence of the Council, shall be proceeded with in the same manner as amendments made by the Assembly on the Council's amendments to Bills first received from the Assembly.

- (4) When amendments recommended by the Governor in any Bill originated in the Council have been agreed to by both Houses, with or without amendment, the Bill shall be reprinted and presented to the Governor, but if any such amendment be disagreed to by the Council, or if no agreement between the two Houses be arrived at thereon, the Bill shall be again presented to the Governor for assent in the same form as first presented to the Governor for that purpose.

239. Royal Prerogative

- (1) When the Royal Prerogative is concerned in any account or paper, an Address shall be presented to the Governor praying that the same may be laid before the Council.
- (2) Motions for the production of despatches or other correspondence, addressed to or by the Governor, or for any information desired from the Governor, shall be in the form “That an Address be presented to His/Her Excellency”, to that effect.
- (3) Other papers may be presented by the Command of the Governor.

Schedule 1: Committees

1. Environment and Public Affairs Committee

- 1.1 An *Environment and Public Affairs Committee* is established.
- 1.2 The Committee consists of 5 members.
- 1.3 The functions of the Committee are to inquire into and report on -
 - (a) any public or private policy, practice, scheme, arrangement, or project whose implementation, or intended implementation, within the limits of the State is affecting, or may affect, the environment;
 - (b) any Bill referred by the House; and
 - (c) petitions.
- 1.4 The Committee, where relevant and appropriate, is to assess the merit of matters or issues arising from an inquiry in accordance with the principles of ecologically sustainable development and the minimisation of harm to the environment.
- 1.5 The Committee may refer a petition to another Committee where the subject matter of the petition is within the competence of that Committee.
- 1.6 In this order “**environment**” has the meaning assigned to it under section 3(1), (2) of the *Environmental Protection Act 1986*.

2. Estimates and Financial Operations Committee

- 2.1 An *Estimates and Financial Operations Committee* is established.
- 2.2 The Committee consists of 5 Members, 3 of whom shall be non-Government Members.
- 2.3 The functions of the Committee are to -
 - (a) consider and report on -
 - (i) the estimates of expenditure laid before the Council each year;
 - (ii) any matter relating to the financial administration of the State; and
 - (iii) any Bill or other matter relating to the foregoing functions referred by the House;and
 - (b) consult regularly with the Auditor General.

3. Public Administration Committee

3.1 *A Public Administration Committee* is established.

3.2 The Committee consists of 5 Members.

3.3 The functions of the Committee are to -

- (a) inquire into and report on -
 - (i) the structure, efficiency and effectiveness of the system of public administration;
 - (ii) the extent to which the principles of procedural fairness are embodied in any practice or procedure applied in decision making;
 - (iii) the existence, adequacy, or availability, of merit and judicial review of administrative acts or decisions; and
 - (iv) any Bill or other matter relating to the foregoing functions referred by the House;

and

- (b) consult regularly with the Parliamentary Commissioner for Administrative Investigations, the Public Sector Standards Commissioner, the Information Commissioner, the Inspector of Custodial Services, and any similar officer.

3.4 The Committee is not to make inquiry with respect to -

- (a) the constitution, function or operations of the Executive Council;
- (b) the Governor's Establishment;
- (c) the constitution and administration of Parliament;
- (d) the judiciary;
- (e) a decision made by a person acting judicially;
- (f) a decision made by a person to exercise, or not exercise, a power of arrest or detention; or
- (g) the merits of a particular case or grievance that is not received as a petition.

4. Legislation Committee

- 4.1 *A Legislation Committee* is established.
- 4.2 The Committee consists of 5 Members.
- 4.3 The functions of the Committee are to consider and report on any Bill referred by the House.
- 4.4 Unless otherwise ordered, any amendment recommended by the Committee must be consistent with the policy of the Bill.

5. Uniform Legislation and Statutes Review Committee

- 5.1 *A Uniform Legislation and Statutes Review Committee* is established.
- 5.2 The Committee consists of 4 Members.
- 5.3 The functions of the Committee are -
 - (a) to consider and report on Bills referred under Standing Order 125;
 - (b) on reference from the House, to consider or review the development and formulation of any proposal or agreement whose implementation would require the enactment of legislation made subject to Standing Order 125;
 - (c) to examine the provisions of any treaty that the Commonwealth has entered into or presented to the Commonwealth Parliament, and determine whether the treaty may impact upon the sovereignty and law-making powers of the Parliament of Western Australia;
 - (d) to review the form and content of the statute book; and
 - (e) to consider and report on any matter referred by the House.
- 5.4 In relation to function 5.3(a) and (b), the Committee is to confine any inquiry and report to an investigation as to whether a Bill or proposal may impact upon the sovereignty and law-making powers of the Parliament of Western Australia.

6. Joint Delegated Legislation Committee

- 6.1 *A Joint Delegated Legislation Committee* is established.
- 6.2 The Committee consists of 8 Members, 4 of whom are appointed from each House. The Chair must be a Member of the Committee who supports the Government.
- 6.3 A quorum is 4 Members of whom at least one is a Member of the Council and one a Member of the Assembly.
- 6.4 (a) A report of the Committee is to be presented to each House by a Member of each House appointed for the purpose by the Committee.
- (b) Where a notice of motion to disallow an instrument has been given in either House pursuant to recommendation of the Committee, the Committee shall present a report to both Houses in relation to that instrument prior to the House's consideration of that notice of motion. If the Committee is unable to report a majority position in regards to the instrument, the Committee shall report the contrary arguments.
- 6.5 Upon its publication, whether under section 41(1)(a) of the *Interpretation Act 1984* or another written law, an instrument stands referred to the Committee for consideration.
- 6.6 In its consideration of an instrument, the Committee is to inquire whether the instrument –
- (a) is within power;
- (b) has no unintended effect on any person's existing rights or interests;
- (c) provides an effective mechanism for the review of administrative decisions; and
- (d) contains only matter that is appropriate for subsidiary legislation.
- 6.7 In this clause –
- “instrument”** means –
- (a) subsidiary legislation in the form in which, and with the content it has, when it is published;
- (b) an instrument, not being subsidiary legislation, that is made subject to disallowance by either House under a written law;
- “subsidiary legislation”** has the meaning given to it by section 5 of the *Interpretation Act 1984*.
-

7. Procedure and Privileges Committee

- 7.1 *A Procedure and Privileges Committee* is established.
- 7.2 The Committee consists of 5 Members, including the President and the Chair of Committees, and any Members co-opted by the Committee whether generally or in relation to a particular matter. The President is the Chair, and the Chair of Committees is the Deputy Chair, of the Committee.
- 7.3 With any necessary modifications, Standing Order 162 applies to a co-opted Member.
- 7.4 The Committee is to keep under review the law and custom of Parliament, the rules of procedure of the House and its Committees, and recommend to the House such alterations in that law, custom, or rules that, in its opinion, will assist or improve the proper and orderly transaction of the business of the House or its Committees.

8. Parliamentary Services Committee

- 8.1 *A Parliamentary Services Committee* is established.
- 8.2 The Committee consists of 5 Members.
- 8.3 It is the function of the Committee to advise the President on any matter under the joint control of the President and the Speaker and on any other matter referred to the Committee for its consideration by the President.
- 8.4 The Committee has power to confer with a committee of the Legislative Assembly having similar functions.
- 8.5 The Committee is not to exercise a power under section 4 or section 5 of the *Parliamentary Privileges Act 1891* without prior order of the House on each occasion.
- 8.6 The President presides at any meeting of the Committee attended by the President.

Schedule 2: Joint Standing Rules and Orders of the Legislative Council and Legislative Assembly

STANDING COMMITTEES

1. Appointment of standing committees

Repealed by Resolution of the House June, 10 1998

JOINT COMMITTEES

2. Constitution of committees

Repealed by Resolution of the House June, 10 1998

BILLS⁴

3. Bills fair printed when passed

Every Bill shall be fair printed immediately after it shall have been passed in the House in which it originated, and the Clerk of the House in which the Bill shall have passed shall certify the passing thereof on such fair print, together with the day upon which the Bill did pass.

4. Bill printed on vellum⁵

When such Bill shall have passed both Houses of the Legislature, it shall be fair printed by the Government Printer, who shall furnish 3 fair prints thereof on vellum or other suitable material to the Clerk of the Parliaments.

5. Bills to be authenticated

Such 3 fair prints of each Bill shall be duly authenticated by the Clerk of the Parliaments.

⁴ For Joint Standing Rules and Orders relating to Private Bills see the 1969 volume of the Legislative Council Standing Orders.

⁵ Amended, Votes and Proceedings November 6 1930, p. 131.

6. Bills presented to Governor by Clerk of Parliaments

The 3 fair prints of all Bills, except the Appropriation Bill, shall, when passed, be presented to His Excellency the Governor for Her Majesty's assent, by the Clerk of the Parliaments.

7. Disposal of Bills⁶

When His Excellency the Governor shall have assented in the name of Her Majesty to any Bill, one of the fair prints thereof, on vellum, or other suitable material, shall be deposited by the Clerk of the Parliaments in the Registry of the Supreme Court, another shall be delivered to the Private Secretary of His Excellency the Governor for transmission to Her Majesty's Principal Secretary of State for the Colonies, and the third shall be registered and retained in the office of the Chief Secretary.

8. Title to set forth objects of Bill

The Title of every Bill shall succinctly set forth the general objects thereof.

9. Numbering of Acts⁷

All public Acts assented to on behalf of Her Majesty, and all public Bills reserved for the signification of Her Majesty's pleasure, shall be numbered by the Clerk of the Parliaments immediately before the Title, and shall have the date of such assent or reservation following the words "assented to" or "reserved" (as the case may be) immediately after the Title, commencing a new series of numbers in each calendar year.

10. Clerk of the Parliaments

The Clerk of the Legislative Council shall be Clerk of the Parliaments.

11. In case of absence of Clerk of the Parliaments

In case of the unavoidable absence or illness of the Clerk of the Parliaments, the duties imposed upon him by these rules shall be performed by the Clerk of the Legislative Assembly.

⁶ Amended, Votes and Proceedings November 6 1930, p. 131.

⁷ Amended, Votes and Proceedings September 30 1969, p. 199.

12. Clerical Errors

Upon the discovery of any clerical error in any Bills which shall have passed both Houses of Parliament, and before the same be presented to His Excellency the Governor for the Royal Assent, the Clerk of the Parliaments shall report the same to the House in which the Bill originated, which House may deal with the same as with other amendments.

13. Interpretation

In any Joint Standing Rules and Orders of the Legislative Council and Legislative Assembly, the words “in writing” or “written” shall be deemed to mean and include either written or printed, or partly written and partly printed.⁸

⁸ The aforementioned Joint Standing Rules and Orders were adopted by the Legislative Council on February 10 1891 and were approved by His Excellency the Governor on February 13 1891.

Schedule 3: Definitions

1. Definitions

In these Standing Orders, the following words and phrases shall have the meanings hereby respectively assigned to them:

“**absolute majority**”⁹ means the majority of the total membership of the House (including the President).

“**Assembly**” means the Legislative Assembly of Western Australia.

“**Assembly Bill**” means a Bill originating in the Legislative Assembly.

“**Clerk**” means the Clerk of the Legislative Council.

“**committal**” means referred to the Committee of the Whole House.

In relation to **Committees** -

“**evidence**” is any information or item provided to, or received by, a Committee, and includes -

- (a) an oral, written or electronic submission; and
- (b) any document or record.

“**documentation**” is any correspondence or information produced by a Committee.

“**deliberations**” are a Committee’s consideration of evidence or a draft report.

“**proceedings**” are any Committee business that is not “evidence”, “documentation” or “deliberations”.

“**Constitution**” means the Constitution of Western Australia (comprising the *Constitution Act 1889*, *Constitution Acts Amendment Act 1899* and the other sources of Western Australian constitutional law).

“**Council**” means the Legislative Council of Western Australia or the Council sitting as a House in contradistinction to sitting as a Committee of the Whole House.

“**Council Bill**” means a Bill originating in the Legislative Council.

“**floor of the Council**” means the area from behind the President’s Chair to the Bar of the House/President’s Gallery.

“**instruction**” means a resolution passed to instruct or direct a Committee or the Committee of the Whole House.

⁹ whilst the total membership of the House is 36 Members, the absolute majority is 19 Members.

“**Joint Committee**” means a Committee created pursuant to resolution of both Houses, comprising Members from both Houses.

“**laid aside**” means that the House has decided not to proceed with a particular proposal and has resolved to defeat it.

“**leave**” and “**leave of the Council**” means leave granted by all Members of the Legislative Council present without a dissentient voice.

“**Managers**” means Members appointed by the Council to represent the House at a Conference of Managers.

“**Member**” means a Member of the Legislative Council.

“**Minister**” means a Minister of the Crown.

“**Minutes**” means the Minutes of Proceedings of the Legislative Council.

“**Non-Government Member**” is a Member of the Legislative Council who does not support the Government.

“**notice**” means a stated intention for a new item of business to be considered by the House.

“**order of the day**” means a formal agenda item of business, including a Bill or motion.

“**prorogation**” means the formal ending of a session of Parliament by the Governor.

“**quorum**”¹⁰ (s.14 of the *Constitution Acts Amendment Act 1899*) means at least one-third of the Members of the Legislative Council, exclusive of the President (such whole number as is next greater).

“**recommitted**”/“**recommittal**” means referred again to the Committee of the Whole House.

“**records of the Council**” means the original documents and items presented to or created by the House or its Committees, including tabled papers, minutes, Committee evidence and Committee documentation.

“**Select Committee**” means a Committee established by the House for a specific purpose and for a specific period of time. A Select Committee is dissolved upon its final report to the House.

“**Standing Committee**” means a permanent, ongoing Committee established by the House.

“**strangers**” means all persons other than Members of the Legislative Council and parliamentary officers.

“**Subject Matter of a Bill**” means the provisions of the Bill as printed, read a second time and referred to the Committee of the Whole House (also referred to as ‘scope of the Bill’).

¹⁰ whilst the total membership of the House is 36 Members, a quorum is 12 Members excluding the President (where the President is absent from the Chamber, the 12 Members includes the Member in the Chair)

“substantive motion” means a self-contained proposal, drafted in a form capable of expressing a decision or opinion of the House.

“unparliamentary language” means any language that falls within Standing Orders 43 and 44.

Schedule 4: Contempts of the Council [Standing Order 93]

Criteria to be taken into Account when Determining Matters relating to Contempt

The Council shall take into account the following criteria when determining whether matters possibly involving contempt should be referred to the *Procedure and Privileges Committee* and whether a contempt has been committed, and requires the *Procedure and Privileges Committee* to take these criteria into account when inquiring into any matter referred to it -

- (a) the principle that the Council's power to adjudge and deal with contempts should be used only where it is necessary to provide reasonable protection for the Council and its Committees and for Members against improper acts tending substantially to obstruct them in the performance of their functions, and should not be used in respect of matters which appear to be of a trivial nature or unworthy of the attention of the Council;
- (b) the existence of any remedy other than that power for any act which may be held to be a contempt; and
- (c) whether a person who committed any act which may be held to be a contempt -
 - (i) knowingly committed that act; or
 - (ii) had any reasonable excuse for the commission of that act.

Matters constituting Contempts

That, without derogating from its power to determine that particular acts constitute contempts, the Council declares, as a matter of general guidance, that breaches of the following prohibitions, and attempts or conspiracies to do the prohibited acts, may be treated by the Council as contempts.

1. *Interference with the Council*

A person shall not improperly interfere with the free exercise by the Council or a Committee of its authority, or with the free performance by a Member of the Council's duties as a Member.

2. *Improper Influence of Members*

A person shall not, by fraud, intimidation, force or threat of any kind, by the offer or promise of any inducement or benefit of any kind, or by other improper means, influence a Member in the Member's conduct as a Member or induce a Member to be absent from the Council or a Committee.

3. *Members Seeking or Receiving Benefits*

A Member shall not ask for, receive or obtain, any property or benefit for the Member, or another person, on any understanding that the Member will be influenced in the discharge of the Member's duties, or enter into any contract, understanding or arrangement having the effect, or which may have the effect, of controlling or limiting the Member's independence or freedom of action as a Member, or pursuant to which the Member is in any way to act as the representative of any outside body in the discharge of the Member's duties.

4. *Molestation of Members*

A person shall not inflict any punishment, penalty or injury upon, or deprive of any benefit, a Member on account of the Member's conduct as a Member.

5. *Disturbance of the Council*

A person shall not wilfully disturb the Council or a Committee while it is meeting, or wilfully engage in any disorderly conduct in the precincts of the Council or a Committee tending to disturb its proceedings.

6. *Service of Writs*

A person shall not serve or execute any criminal or civil process in the precincts of the Council except with the consent of the Council or the President.

7. *Exemption from Compulsory Attendance in a Court or Tribunal*

A Member shall not be required to attend before a court or tribunal, if that attendance would interfere with the proceedings of the House or its Committees, but may attend voluntarily.

8. *False Reports of Proceedings*

A person shall not wilfully publish any false or misleading report of the proceedings of the Council or of a Committee.

9. *Disobedience of Orders*

A person shall not, without reasonable excuse, disobey a lawful order of the Council or of a Committee.

10. *Obstruction of Orders*

A person shall not interfere with or obstruct another person who is carrying out a lawful order of the Council or of a Committee.

11. *Interference with Witnesses*

A person shall not, by fraud, intimidation, force or threat of any kind, by the offer or promise of any inducement or benefit of any kind, or by other improper means, influence another person in respect of any evidence given or to be given before the Council or a Committee, or induce another person to refrain from giving such evidence.

12. *Molestation of Witnesses*

A person shall not inflict any penalty or injury upon, or deprive of any benefit, another person on account of any evidence given or to be given before the Council or a Committee.

13. *Obstruction by Witnesses*

- (1) A witness before the Council or a Committee shall not -
 - (a) without reasonable excuse, refuse to make an oath or affirmation or give some similar undertaking to tell the truth when required to do so;
 - (b) without reasonable excuse, refuse to answer any relevant question put to the witness when required to do so; or
 - (c) give any evidence which the witness knows to be false or misleading in a material particular, or which the witness does not believe on reasonable grounds to be true or substantially true in every material particular.
- (2) A person shall not, without reasonable excuse -
 - (a) refuse or fail to attend before the Council or a Committee when ordered to do so; or
 - (b) refuse or fail to produce documents, or to allow the inspection of documents, in accordance with an order of the Council or of a Committee.
- (3) A person shall not wilfully avoid service of an order of the Council or of a Committee.
- (4) A person shall not destroy, damage, forge or falsify any document required to be produced by the Council or by a Committee.

14. *Unauthorised Disclosure*

A person shall not, without the authority of the Council or a Committee, disclose or publish -

- (a) a document submitted to the House, where the House has ordered that document not be made public;
- (b) any private or *in camera* evidence received by a Committee;
- (c) any documentation produced by a Committee; or
- (d) any deliberation of a Committee.

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to be added by Clerk's office