



**STANDING ORDERS**

of the

**LEGISLATIVE ASSEMBLY**

of the

**PARLIAMENT**

of

**WESTERN AUSTRALIA**

**As Amended on 29 November 2017**

**Reprinted 2021**

**Including Temporary Orders  
adopted by the Legislative Assembly on  
15 February 2022 & 15 March 2022  
and Speaker's Remote Participation Rules**



**41<sup>st</sup> PARLIAMENT**  
**TEMPORARY ORDER**  
**IN RELATION TO DIVISIONS**  
**Adopted by the Legislative Assembly**  
**15 February 2022**

That, until the end of 2022, the following Temporary Order in relation to divisions applies —

(1) Standing Orders 137 to 141 read as follows —

**Calling a division**

- 137.** (1) A member may call for a division after the Speaker has announced an opinion on the voices as to whether the ‘Ayes’ or ‘Noes’ have it, but not after the Speaker confirms that opinion to the Assembly.
- (2) A member who calls for a division will vote with those who, in the opinion of the Speaker, were in the minority.
- (3) Where the Speaker forms the view that an absolute majority may be required, the Speaker will advise the House accordingly and require a division of the Assembly.

**Member may cancel call for division**

- 138.** If a member accidentally calls for a division, the call for a division may be cancelled if the member brings it to the attention of the Speaker prior to the completion of the ringing of the bells. The division will then be called off by the Speaker who will again announce an opinion on the voices.

**Procedure for division**

- 139.** When a division has been called for —
- (1) Strangers will withdraw from the Chamber.
- (2) The Speaker will state the question and direct members to exit the Chamber and re-enter through the door behind the Speaker’s Chair.
- (3) The Speaker will direct the ‘Ayes’ to pass to the right of the Chair and be marked off as they pass by a Clerk at the Clerks’ Table and the ‘Noes’ to pass to the left of the Chair and be marked off as they pass by a Clerk at the Clerks’ Table.
- (4) The Speaker will appoint at least one Teller for each side.
- (5) The Speaker will order the division bells to be rung for two minutes.

- (6) After passing the Clerks' Table members will either resume their seat or leave the Chamber.
- (7) After the two minutes have expired, voting will continue until either the Tellers agree and advise the Speaker that all members present have voted or until a period of one minute has elapsed from the last member to record a vote.
- (8) After counting the votes the Tellers will sign their respective list, and the Speaker will declare the result of the division.

**Error in tally**

**140.** If there is confusion or error in the numbers reported, unless they can be corrected, the Speaker will conduct another division.

**Speaker's casting vote**

**141.** In the event of an equality of votes, the Speaker may give a casting vote.

- (2) Standing Orders are suspended accordingly to the extent necessary to effect these arrangements.

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**41<sup>st</sup> PARLIAMENT**  
**TEMPORARY ORDER**  
**IN RELATION TO**  
**REMOTE PARTICIPATION**  
**Adopted by the Legislative Assembly**  
**15 March 2022**

That, until the end of 2022, the House authorises remote participation by members in the following manner –

- (1) ‘Remote participation’ means participation by a member in the proceedings of the House via audio visual technology.
- (2) The Speaker will determine the proceedings, and the manner in which members may participate remotely.
- (3) Remote participation will follow the *Speaker’s Remote Participation Rules* determined by the Speaker from time to time.
- (4) A member who participates remotely:
  - (a) cannot vote;
  - (b) cannot be counted for the purposes of a quorum; and
  - (c) cannot call for a division or a quorum.
- (5) A member who participates remotely is not to be regarded as having attended the House for the purposes of Standing Orders 26, 33 and 34, although they will be recorded in the Votes and Proceedings as having participated remotely.
- (6) The contributions of remote participants are a proceeding in Parliament and are to be included in the Votes and Proceedings of the Assembly and are to be incorporated in the *Hansard* record.
- (7) The *Speaker’s Remote Participation Rules* have effect notwithstanding any Standing Order to the contrary.
- (8) Standing Orders are suspended accordingly to the extent necessary to effect these arrangements.

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## **Speaker's Remote Participation Rules**

### **Tabled in the Legislative Assembly**

**15 March 2022**

1. The Speaker will permit a member to participate remotely if:
    - (1) the member cannot attend the House because of having contracted COVID-19, or having to isolate or quarantine because of COVID-19; or
    - (2) for any other reason approved by the Speaker.
  2. A member, or their Whip, must request the Speaker, in writing or orally, if a member wishes to participate remotely.
  3. The Speaker will inform the House when she has agreed to a request.
  4. Members participating remotely may:
    - (1) give a speech on the second reading and third reading of a bill;
    - (2) give a speech on a motion, including a Matter of Public Interest;
    - (3) ask and answer questions at Question Time;
    - (4) deliver a grievance, or respond to a grievance; and
    - (5) give a member's 90-second statement.
  5. The Chair is given any additional powers necessary to facilitate the member's remote participation in the proceedings and/or to address any procedural or technical issues, including but not limited to:
    - (1) stopping the clock;
    - (2) returning to a member's contribution; and
    - (3) reordering business.
  6. If an occasion arises that is not contemplated by these Rules, the Speaker shall have the authority to determine:
    - (1) whether a member may participate remotely;
    - (2) what proceedings of the House may be undertaken via remote participation; and
    - (3) under what conditions and the manner in which a member may participate remotely
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# NOTES

# NOTES



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# CHAPTER 1

## STANDING ORDERS AND CONDUCT OF BUSINESS

### General rule

1. In all cases that are not provided for in these Standing Orders or by Temporary or other Orders, or by the practice of the House, the Speaker will determine the matter and reference may be made to the rules, forms and practices of Parliaments operating under the Westminster system.<sup>1</sup>

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#### <sup>1</sup> *Behaviour of Members:*

Members who criticise actions in the House through the press are possibly committing contempt: 21/10/1941, p. 1316; 18/4/1972, p. 694; 2/5/1978, p. 1182; 4/5/1978, p. 1426.

#### *Hansard:*

Speaker has no authority to expunge matter from the record: 5/11/1942, p. 1170; 4/12/1942, p. 1790.

Uncorrected *Hansard* transcript should not be quoted: 15/8/1963, p. 338; 15/9/1964, p. 932; 22/11/1966, p. 2604; 29/8/1967, p. 609; 10/11/1988, p. 5058; 8/5/1990, p. 322.

Member reprimanded by Speaker for using uncorrected daily *Hansard*: 22/10/1992, p. 5862.

A member may request a copy of *Hansard* transcript of words just spoken, for purpose of point of order, but not for words used at an earlier stage of the debate: 15/11/1978, p. 4955.

#### *Press:*

The House may consider inaccurate press reports to be a contempt: 18/1/1911, p. 3093; 19/1/1911, p. 3161; 8/9/1954, p. 1489; 18/11/1954, p. 3046.

The House may declare the publisher of a newspaper to be guilty of contempt: 22/2/1917, p. 1914; 21/3/1917, p. 2636.

The Press Gallery pass is a privilege which may be withdrawn by the Speaker: 1/9/1948, p. 775.

#### *Privilege:*

Until 3 November 2004 the privileges held by members of the Parliament of Western Australia were those held by Members of the United Kingdom House of Commons. On 3 November 2004, the privileges held by members of the Parliament of Western Australia became pegged to those held by Members of the United Kingdom House of Commons “as at 1 January 1989”. See section 1 of the *Parliamentary Privileges Act 1891*.

#### *Reading of Speeches:*

Reading of speeches is not allowed, except when Minister is introducing a bill: 12/9/1912, p. 1682–3; 21/10/1965, p. 1706; 28/4/1970, p. 3479; 27/8/1970, p. 474; 20/11/1973, p. 5183. Exception extended to other members for private bills: 12/10/1982, p. 3599.

Member quoting newspaper is responsible for accuracy of extract: 15/4/1970, p. 3186; 27/8/1970, p. 474; 8/4/1981, p. 740.

Reading from documents should be limited to a few lines — documents should be paraphrased: 1/11/1968, p. 2649; 5/8/1969, p. 23; 29/10/1980, p. 2805.

## Temporary orders

2. The Assembly may from time to time adopt Temporary Orders which will have effect for 12 calendar months, unless a lesser period is specified.

## Suspension of orders

3. Any Standing or Temporary Order may be suspended at any time except during questions without notice —

- (a) on motion with notice; or
- (b) without notice provided that a motion has the concurrence of an absolute majority of the whole number of members of the Assembly.<sup>2</sup>

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<sup>2</sup> It is in order to move to adjourn debate on a motion to suspend Standing Orders: 23/8/1979, p. 2166.

If, on putting the question, there is a dissentient voice the Speaker must divide the House without waiting for a division to be called: 29/9/1927, p. 1024; 21/10/1958, p. 1600; 31/10/1972, p. 4609.

Members must confine debate to the reason for suspension of Standing Orders and not digress into the topic of the motion to be moved on suspension of S.O.s: 15/11/1989, p. 4522; 17/3/1992, p. 76.

Suspension to allow bills to be passed before adoption of the Address in Reply: 11/8/1948, p. 345; 21/7/1959, p. 307; 17/11/1971, p. 67; 3/4/1979, p. 104; 8/8/1979, pp. 1676 and 1717 —

for remaining or particular stage of bills: 24/11/1932, p. 1999; 3/10/1972, p. 3608;

to enable Estimates to be passed under time limit: 7/9/1949, p. 1843;

to enable bills to be passed under time limit: 14/11/1963, p. 2796 (amendment p. 2849); 12/9/1974, p. 1446; 2/11/1977, p. 2937; 3/10/1979, p. 3165; 17/8/1983, p. 1081;

to allow certain motions to be dealt with before adoption of the Address in Reply: 21/7/1959, p. 303; 1/8/1962, p. 109; 1/4/1981, p. 419;

to enable bills to be passed in one sitting: 13/8/1931, p. 4456; 24/11/1932, p. 1999; 21/9/1949, p. 2302; 22/8/1972, p. 2723;

until a certain date: 15/10/1970, p. 1295.

A notice of motion to suspend, given by a private member, is placed in its order with private members' business: 21/7/1959, Notice Paper No. 6; 1/8/1962, Notice Paper No. 2.

## CHAPTER 2

# PROCEEDINGS ON THE MEETING OF PARLIAMENT

### Opening of a new Parliament

4. On the first day of a new Parliament the proceedings will be —
- (1) Members meet at the time and place specified in the Governor's proclamation.
  - (2) The Clerk reads the proclamation.
  - (3) The Clerk announces that a Commissioner has been appointed for swearing members.
  - (4) The Commissioner appointed by the Governor for swearing members is announced and the Commission is read by the Clerk.
  - (5) Members are then sworn as prescribed by the *Constitution Act 1889*, at which time a certified copy of the writ of election of each member is produced by the Clerk.<sup>3</sup>
  - (6) The Assembly elects a Speaker.<sup>4</sup> Until a Speaker is elected the member with the longest continuous service presides.
  - (7) The Speaker informs the Assembly of the time at which the Governor will be advised of the Speaker's election and the sitting of the Assembly is suspended until a time subsequent to that presentation. Other members may accompany the Speaker to the presentation.
  - (8) At the presentation, the Speaker, on behalf of the Assembly, lays claim to its undoubted rights and privileges, and asks that the most favourable construction be put on its

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<sup>3</sup> Section 22 of the *Constitution Act 1889* states that —

“No member of the Legislative Council or Legislative Assembly shall sit or vote therein until he has taken and subscribed before the Governor, or some person authorised by the Governor in that behalf, an oath or affirmation of office in a form set out in Schedule E.”

<sup>4</sup> See Chapter 3 — Presiding Officers.

proceedings. Once the Speaker has resumed the Chair, the presentation to the Governor and the claim of the Assembly's undoubted rights and privileges is reported.

- (9) The Assembly elects a Deputy Speaker.

*[Proceed to S.O. 5 suborders (3) to (7).]*

### **Meeting for a new session**

**5.** On the first sitting day of a new session the proceedings will be —

- (1) Members meet at the time and place specified in the Governor's proclamation.
- (2) The Clerk reads the proclamation.
- (3) The Assembly waits for a message from the Governor to hear the reasons for calling Parliament together.
- (4) After the message has been received, the Speaker and the members attend at the place appointed by the Governor.
- (5) After hearing the speech the Speaker and members return to the Chamber.
- (6) A Bill is read a first time to re-assert and maintain the right of the Assembly to deal with its own business before the Governor's business.
- (7) The Governor's speech is then reported to the Assembly by the Speaker.

### **Motion for Address in Reply**

**6.** An Address in Reply to the Governor's speech will be moved after the speech is reported. The motion will be seconded.<sup>5</sup>

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<sup>5</sup> There is no right of reply to the mover of an amendment: 14/8/1945, p. 223.

Amendments not in order if they reflect on Governor: 22/8/1961, p. 445 —

or on judges: 17/8/1910, p. 383; 11/8/1964, p. 168;

or on members: 11/8/1938, p. 106;

or on matters *sub judice*: 6/8/1964, p. 121; 11/8/1964, p. 168.

Debate on amendment is confined to subject matter of amendment. On disposal of amendment, members speak to original motion: 4/7/1912, pp. 123 and 126; 14/8/1945, p. 223.

Where an amendment is moved to an amendment, the second amendment is first disposed of: 29/8/1945, p. 435.



## **When Parliament opened by Commissioners**

7. When the reasons for calling Parliament together are announced by Commissioners appointed by the Governor, the same procedures will be observed by the Assembly as when the Governor opens Parliament in person.

## **Address in Reply presented to Governor**

8. The Address in Reply, as adopted, will be presented to the Governor by the Speaker, accompanied by the mover and seconder and any other members who wish to attend.

## **Premier's Statement**

- 8A. (1) On the first sitting day of each calendar year, the Premier will make a statement to the Assembly outlining the Government's legislative and other policy intentions for the next 12 months.
- (2) No Premier's Statement is to be made when the first sitting day of a year is the first sitting day of a session of Parliament.
- (3) Following the Premier's Statement a question will be proposed, "That the Premier's Statement be noted".

No other business that is not of a formal or procedural nature will have priority until after three sitting days (including the remainder of the first sitting day) have been dedicated exclusively to the debate on noting the Premier's Statement.

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Precedents where Address in Reply was adopted with amendments: 26/8/1953, p. 317 and 27/8/1953, p. 326; 10/8/1955, pp. 84 and 87; 14/8/1958, pp. 142 and 144; 31/5/1990, p. 1641 and V. and P., p. 65; 25/3/1997, p. 871 and V. and P., p. 53.

The fact that the person holding the office of Governor may have changed before the Address in Reply is presented does not affect validity of the Address in Reply motion: 8/4/1975, p. 597.

## **CHAPTER 3**

### **PRESIDING OFFICERS**

#### **How candidates are proposed as Speaker**

**9.** Each candidate for Speaker will be proposed by a member addressing the member presiding and moving, “That the member for ..... do take the Chair of the Assembly as Speaker”. The motion will be seconded.

#### **If only one member is proposed as Speaker**

**10.** If only one member is proposed and seconded as Speaker —

- (1) That member will indicate whether the nomination is accepted.
- (2) If the nomination is accepted, that member will be called to the Chair without a question being put.

#### **When more than one member proposed as Speaker**

**11.** If more than one member is proposed and seconded as Speaker —

- (1) Each member proposed may address the Assembly and a ballot will be conducted.<sup>6</sup>
- (2) Each member of the Assembly then present will deliver to the Clerk the name of the candidate that member chooses to be the Speaker of the Assembly.
- (3) The candidate with the most votes will be elected Speaker, provided that candidate also has a majority of the votes of the members present.
- (4) If no candidate has a majority, the name of the candidate with the least number of votes will be withdrawn and a fresh ballot will be taken.
- (5) This will be done until one candidate is elected Speaker.

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<sup>6</sup> Examples where ballots conducted: 2/12/1903, p. 2416; 28/7/1904, p. 10; 31/7/1980, p. 15; 17/6/1993, p.15.

## **Procedure after election of Speaker**

**12.** After the election of Speaker —

- (1) The Speaker will be conducted to the Chair by the mover and seconder.
- (2) The Speaker will acknowledge the honour that has been conferred, and take the Chair.
- (3) The Mace will be laid upon the Table.
- (4) Members may then congratulate the Speaker.

## **Privileges not reclaimed during currency of Parliament**

**13.** When the office of Speaker becomes vacant during the currency of a Parliament, the new Speaker, when presented to the Governor, does not lay claim to the privileges of the Assembly.

## **Election of Deputy Speaker**

**14.** The election of the Deputy Speaker will follow the procedure for the election of the Speaker. The Deputy Speaker will hold office for the life of the Parliament, unless the Assembly directs otherwise.<sup>7</sup>

## **Temporary absence of Speaker**

**15.** The Deputy Speaker will take the Chair whenever requested by the Speaker.<sup>8</sup>

## **Panel of Acting Speakers**

**16.** Each session the Speaker will appoint a panel of members who will preside in the Assembly whenever requested by the Speaker or the Deputy Speaker.

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<sup>7</sup> Section 22 of the *Constitution Acts Amendment Act 1899* states —

“In the case of the absence of the Speaker upon leave of absence granted to him by the Legislative Assembly, or by reason of illness, or other unavoidable cause, the Chairman of Committees shall perform the duties and exercise the authority of Speaker in relation to all proceedings of the House as Deputy Speaker; and, in the absence of the Chairman of Committees, the Assembly shall thereupon elect some other member to fill the office and perform the duties of the Speaker during such absence”.

<sup>8</sup> There is no rule which prevents a Deputy Speaker presiding over a debate in which he has just spoken: 4/9/1985, pp. 884–885.

**Absence of Clerk**

17. If the Clerk of the Assembly is absent, the duties of the Clerk will be performed by the Deputy Clerk or the Clerk Assistant.

**Vacancy in office of the Speaker**

18. When the office of Speaker becomes vacant, the Clerk will report the vacancy to the Assembly at its next sitting. The Assembly will immediately proceed to elect a new Speaker.<sup>9</sup>

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<sup>9</sup> Speaker died in office and vacancy was announced: 2/12/1903, p. 2398; 16/11/1971, p. 4.  
Speaker resigned office: 1/3/1917, p. 2018; 4/8/1938, p. 12.

## CHAPTER 4

### SITTING AND ADJOURNMENT OF THE HOUSE

#### **Days and times of meeting**

**19.** Unless otherwise ordered, the Assembly will meet for business on each Tuesday at 2.00 p.m., each Wednesday at 12 noon and each Thursday at 9.00 a.m.

#### **Acknowledgement of Country and Prayers**

**20.** The Speaker will take the Chair on every day fixed for the meeting of the Assembly at the appointed time. The Speaker will say an Acknowledgement of Country to commence proceedings and will then say prayers.

#### **Assembly adjourned for lack of quorum**

**21.** If there is no quorum fifteen minutes after the commencement of proceedings, the Speaker may adjourn the Assembly to the next sitting day. The names of the members present are recorded in the Votes and Proceedings.<sup>10</sup>

#### **Lack of a quorum**

**22.** (1) If any member takes notice and the Speaker confirms that a quorum is not present—<sup>11</sup>

- (a) The bells will be rung during which time the doors of the Chamber will remain unlocked.
- (b) The Speaker will count the Assembly and when a quorum is formed business will resume.

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<sup>10</sup> Section 24 of the *Constitution Acts Amendment Act 1899* states in part —  
 “The presence of at least one-third of the members of the Legislative Assembly, exclusive of the Speaker, shall be necessary to constitute a quorum for the despatch of business; ....”  
 House is adjourned for want of a quorum: 7/7/1898, p. 362; 21/9/1898, p. 1876.

Quorum includes those members both in the Chamber and behind the Chair but not elsewhere in the building: 11/11/1993, p. 6868. (Previous rulings were that a quorum needs not be maintained in the House if Speaker or Chairman is satisfied a quorum is within the precincts of the House: 14/12/1905, p. 517; 16/12/1930, pp. 2708 and 2714; 13/12/1934, p. 2074; 23/8/1949, p. 1391; 10/11/1988, p. 4980; 16/11/1989, p. 4745.)

<sup>11</sup> It is in order for the Chairman to initiate a move for a quorum: 3/12/1930, p. 2269.

- (c) No member will leave the Chamber while the bells are ringing.
- (d) If there is no quorum within two minutes of the bells commencing, the Speaker will adjourn the Assembly, without a question put, until the next sitting day.
- (e) The members present will be recorded in the Votes and Proceedings.
- (f) Not less than 15 minutes will elapse between calls for a quorum.

(2) If the Tellers' report of a division shows there is no quorum, the Speaker will adjourn the Assembly, without a question put, until the next sitting day and no decision of the Assembly will have been reached by that division.

### **Assembly adjourns by its own resolution, with exceptions**

**23.** Except for cases provided for in Standing Orders 20, 21(4), 22, 50 and any Temporary Order, the Assembly may be adjourned only by its own resolution.

### **Motion for adjournment**

**24.** A motion "That the Assembly do now adjourn" will always be in order if made without interrupting a member when speaking. The question will be put immediately by the Chair.<sup>12</sup>

### **Adjournment date may be varied by the Speaker**

**25.** When the Assembly is adjourned, the Speaker may, on request from the Leader of the Government and after consultation with the Leader of the Opposition vary the day and time at which the Assembly will next meet.

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<sup>12</sup> Regular motion for adjournment cannot be debated: 17/11/1892, p. 92; 5/12/1945, p. 2454; 15/10/1974, p. 2285.

Motion for adjournment for a specific period can be debated and amended: 22/10/1958, pp. 1715–1716; 29/10/1959, p. 2639; 27/9/1961, p. 1263; 15/10/1974, pp. 2284–2286.

Motion for adjournment cannot be moved by member who has spoken: 1/11/1904, p. 974; 3/11/1965, p. 2040; 8/9/1970, p. 637; 3/10/1972, p. 3608; 8/11/1978, p. 4688.

In a question of the length of the adjournment, the longest time proposed is put first: 29/10/1959, p. 2638; 15/10/1974, p. 2285.

## **CHAPTER 5**

### **RECORDS OF THE HOUSE**

#### **Votes and Proceedings**

- 26.** (1) The Clerk will record all votes and proceedings of the Assembly, and record members who attend in their places at any time during the day's sitting. The Votes and Proceedings as printed and signed by the Speaker and the Clerk will then be the official record of the Assembly.
- (2) If an error in the Votes and Proceedings is reported to the Assembly, the Speaker will direct the record to be corrected.

#### **Roll of members**

**27.** The Clerk will keep a record of the Members of the Assembly. In this record will be entered the names of all members, the dates of their election, the dates that they took their seats and the dates when and reasons why they ceased to be members.

#### **Custody of records**

**28.** The Clerk has custody of the Votes and Proceedings, records and all documents that are laid before the Assembly and will not allow them to be removed from that custody without the consent of the Speaker.

#### **Custody of committee documents**

**29.** All evidence submitted to committees under the administration of the Clerk of the Assembly and original and final documents collected or produced by committees will remain in the custody of the Clerk and will not be destroyed or disposed of except by resolution of the Assembly.

#### **Examination of committee documents**

**30.** Evidence or documents collected or produced by a committee which have not already been published by the Assembly or a committee may be disclosed to any person if the documents have

been in the custody of the Clerk for at least 10 years and in the opinion of the Speaker it is appropriate that they be disclosed.

***In camera* documents**

**31.** Evidence or documents taken or received *in camera* will not be disclosed unless the documents have been in the custody of the Clerk for at least 30 years and in the opinion of the Speaker it is appropriate that such evidence or documents be disclosed.

**Report of requests for documents**

**32.** The Speaker will report to the Assembly any request for documents referred to in Standing Orders 30 and 31, the nature of the documents, the persons who made the request and whether access was allowed.



## CHAPTER 6

### ATTENDANCE AND PLACES OF MEMBERS

#### Members to attend the sittings of the Assembly and committees

**33.** Every member will attend the sittings of the Assembly and committees to which they have been appointed.

#### Member absent more than nine consecutive sitting days

**34.** No member will be absent for more than nine consecutive sitting days of any session without leave of absence from the Assembly. Any member who wilfully infringes this Standing Order will be guilty of contempt.

#### Leave of absence

**35.** Leave of absence may be given to any member by motion stating the reason and period of absence. Such a motion will have priority over other motions. A member is excused from the Assembly and any committee for the period of the leave of absence. Leave of absence is cancelled if the member attends the Assembly before the expiration of the leave.<sup>13</sup>

#### Places and how reserved

**36.** Allocation of seats to be occupied by members will be determined by the Speaker who will give priority to requests made by the Leader of the Government and the Leader of the Opposition.<sup>14</sup>

#### No obstruction to passages

**37.** Members will not stand in any of the passages or gangways of the Chamber.

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<sup>13</sup> Section 38 (g) of the *Constitution Acts Amendment Act 1899* states —  
“fails to give his attendance in the House of which he is a member for one entire session thereof without the permission of the House entered upon its journals”.

<sup>14</sup> Members permitted to occupy another seat for remainder of debate: 11/11/1993, p. 6855.  
Acting Whip permitted to speak from seat normally occupied by Whip: 12/9/1991, p. 4599.

**Members acknowledge the Chair**

- 38.** (1) Members will acknowledge the Chair when entering and leaving the Chamber and will not pass between the Chair and any member who is speaking unless it is unavoidable, the Chair is acknowledged and the Chair has indicated its approval for the member to proceed.
- (2) Members will not pass between the Chair and the Table.

**Speaker may determine appropriate dress**

- 39.** The Speaker may determine what dress is appropriate for members.

## **CHAPTER 7**

### **STRANGERS**

#### **Admittance of members of the Council and strangers to the Chamber**

**40.** Only the Speaker may admit strangers onto the floor of the Chamber. When a division is called, strangers will withdraw. Members of the Council will be admitted to the Chamber in the area behind the Chair and may remain there during divisions.

#### **Notice taken of strangers**

**41.** If at any sitting a member objects to the presence of strangers the Speaker will put the question “That strangers be ordered to withdraw” and no debate or amendment is allowed.

## CHAPTER 8

### CONTEMPT OR OTHER MISCONDUCT

#### **Member named for disorderly conduct**

**42.** A member may be named by the Speaker, or by the member presiding for —

- (1) Persistently and wilfully obstructing the business of the Assembly;
- (2) Being guilty of disorderly conduct;
- (3) Using offensive words, and refusing to withdraw or apologise;
- (4) Persistently and wilfully refusing to conform to any Standing Order; or
- (5) Persistently and wilfully disregarding the authority of the Chair.

#### **Procedure after naming in the Assembly**

**43.** If the member has been named in the Assembly, the Speaker will immediately propose the question “That the member be suspended from the service of the Assembly”, no amendment, adjournment or debate being allowed.<sup>15</sup>

#### **Sergeant-at-Arms**

**44.** In all matters of contempt or misconduct, the Sergeant-at-Arms will act on the direction of the Speaker.

#### **Duration of suspension**

**45.** If a member is suspended —

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<sup>15</sup> The matter of the suspension of a member from the services of the House is not a question of privilege: 15/10/1907, pp. 123–125.

Naming and suspension: 19/8/1993, V. and P., p. 163; 30/9/1993 V. and P., pp. 266–267; 15/11/1995, V. and P., p. 453; 30/11/1995, V. and P., p. 563; 19/12/1995, V. and P., p. 651.

House fails to carry suspension motion: 23/11/1972, p. 5734.

No point of order is considered by Chairman after naming member: 9/9/1975, pp. 2629–2630.

- (1) For a first time within a year commencing 1 January, the suspension will be for two sitting days.
- (2) For a second time within that year, the suspension will be for four sitting days.
- (3) On any subsequent occasion within that year, the suspension will be for 13 sitting days.

The uncompleted portion of the sitting during which the member was suspended will count as one sitting day.

### **Further penalty for continuing offence**

**46.** If a member who has been named and suspended continues to offend under the provisions of Standing Order 42 prior to the member leaving the precincts of the Chamber, the member will, after due warning and after being named again by the Speaker and without further question put, incur a further penalty of three sitting days for each further offence.

### **Gross disorderly conduct**

**47.** When a member's conduct is so grossly disorderly that Standing Order 43 is inadequate to protect the dignity of the Assembly, the Speaker will order the member to withdraw from the Chamber immediately. Once the member has withdrawn, the member will be named by the Speaker.

### **Member repeatedly called to order**

**48.** A member whose conduct has made it necessary for the Speaker to formally call that member to order more than three times in the course of one sitting for a significant breach of the rules may, by order and at the discretion of the Speaker, be suspended from the service of the Assembly until the adjournment of that sitting.<sup>16</sup>

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<sup>16</sup> Suspension: 21/9/1995, V. and P., p. 316; 30/11/1995, V. and P., p. 563; 21/2/2002, V. and P., p. 430.

## **Consequences of suspension**

**49.** A member who has been suspended from the service of the Assembly will be excluded from the Chamber and all its galleries including Legislation and Estimates Committees.<sup>17</sup>

## **Grave disorder**

**50.** In the case of grave disorder, the Speaker may adjourn the Assembly without question put, or suspend any sitting for a time to be determined by the Speaker.<sup>18</sup>

## **Member ordered to attend**

**51.** A member may be ordered to attend to answer for the member's conduct.

## **Arrest of strangers in the Chamber or gallery**

**52.** The Speaker may direct the taking into custody of a stranger who —

- (1) Is in any part of the Chamber reserved for the members of the Assembly;
- (2) Having been admitted to any part of the Chamber or gallery, misconducts themselves or does not withdraw when strangers are directed to withdraw;
- (3) Wilfully interrupts the business of the Assembly;
- (4) Obstructs the approaches to the Chamber; or
- (5) Creates a disturbance within the precincts of the Chamber.<sup>19</sup>

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<sup>17</sup> Questions on the Notice Paper in the name of a suspended member are postponed: 10/9/1975, p. 2720; 3/5/1978, V. and P., p. 235; 22/11/1979, p. 5225. (To remain on Notice Paper: 7/9/1993, p. 3284.)

A suspended member may not have questions answered nor may he (through another member) give a notice of motion: 7/10/1986, pp. 2715–2716.

<sup>18</sup> House adjourned by Speaker: 27/2/1917, p. 1951.

<sup>19</sup> Speaker orders the withdrawal of strangers from the Public Gallery: 15/11/1977, p. 3509; 22/12/1982, p. 5974; 10/8/1993, p. 2178.

Arrests and action against person creating a disturbance in the Public Gallery: 31/10/1963, p. 2296; 21/8/1990, p. 3818.

Person arrested by order of and reprimanded by the Speaker for disturbing the proceedings of the House: 5/2/1992, p. 7927.

Removal of Senator from Public Gallery: 17/7/1986, p. 2087. (Letter to Senator and President of Senate re reprehensible behaviour; 22/7/1986, p. 2160.)

Removal of television camera ordered: 23/8/1984, p. 1197.

## **Speaker to report arrest of strangers**

**53.** When the Speaker directs that a stranger be taken into custody under Standing Order 52, the Speaker will report this to the Assembly as soon as practicable.

## **Discharge from custody**

**54.** A person taken into custody will not be discharged out of custody unless —

- (1) The Speaker dismisses a person with or without a reprimand;  
or
- (2) The Assembly directs and such fines as the Assembly may direct have been paid.

## **Penalties for certain contempts**

**55.** Any person declared guilty of contempt for an offence defined by Section 8 of “An Act for defining the Privileges, Immunities, and Powers of the Legislative Council and Legislative Assembly of Western Australia respectively,” may be fined a penalty of such amount as the Assembly orders, and if the fine is not immediately paid, the offender may be imprisoned in the custody of the Sergeant-at-Arms, in such place within the State as the Assembly directs, until the fine is paid, or until the end of the then existing session or such lesser period as the Assembly orders.<sup>20</sup>

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<sup>20</sup> Section 8 of the *Parliamentary Privileges Act 1891* states —

### **Houses empowered to punish summarily for certain contempts**

**8.** Each House of the said Parliament is hereby empowered to punish in a summary manner as for contempt by fine according to the Standing Orders of either House, and in the event of such fine not being immediately paid, by imprisonment in the custody of its own officer in such place within the Colony as the House may direct until such fine shall have been paid, or until the end of the then existing session or any portion thereof, any of the offences hereinafter enumerated whether committed by a member of the House or by any other person —

- (a) disobedience to any order of either House or of any Committee duly authorised in that behalf to attend or to produce papers, books, records, or other documents, before the House or such Committee, unless excused by the House in manner aforesaid;
- (b) refusing to be examined before, or to answer any lawful and relevant question put by the House or any such Committee, unless excused by the House in manner aforesaid;
- (c) assaulting, obstructing, or insulting any member in his coming to or going from the House, or on account of his behaviour in Parliament or endeavouring to compel any member by force, insult, or menace to declare himself in favour of or against any proposition or matter depending or expected to be brought before either House;
- (d) sending to a member any threatening letter on account of his behaviour in Parliament;
- (e) sending a challenge to fight a member;
- (f) offering a bribe to, or attempting to bribe a member;

**Other contempts**

**56.** Any member or other person declared guilty of contempt not covered by Standing Order 55 may be fined in a penalty not exceeding one hundred dollars as the Assembly orders, and if the fine is not immediately paid, be committed by warrant of the Speaker, for a period not exceeding fourteen days, to the custody of the Sergeant-at-Arms in such place within the State as the Assembly directs, and will be detained in custody for the period directed unless sooner discharged by order of the Assembly or the fine is paid.

**57.** (This standing order intentionally left blank.)

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(g) creating or joining in any disturbance in the House, or in the vicinity of the House while the same is sitting, whereby the proceedings of such House may be interrupted.



## CHAPTER 9

### ORDER OF BUSINESS

#### Order of business

**58.** Unless otherwise ordered, the Assembly will proceed with its ordinary business, as listed on the Notice Paper, in the following order —

- (1) Prayers;
- (2) Petitions;
- (3) Papers;
- (4) Giving notices of motion;<sup>21</sup>
- (5) \*Brief ministerial statements;
- (6) \*Questions without notice (approximately 2.00 p.m. each day);<sup>22</sup>
- (7) Matter of public interest;
- (8) Business of the Assembly – notices of motion;
- (9) Bills – notices of motion;
- (10) Government business – notices of motion;
- (11) Government business – orders of the day;

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<sup>21</sup> Leave was given for late notice: 21/11/2000, V. and P., p. 244; 23/11/2000, V. and P., pp. 248 and 252.

<sup>22</sup> Speaker may direct that the answering of questions be delayed to a later stage: 25/11/1964, p. 2992; 19/11/1965, p. 2657; 21/7/1971, p. 82.

Questions without notice are asked at the Speaker's discretion: 11/8/1955, p. 110; 1/8/1968, p. 145; 8/5/1973, p. 1435; 10/4/1979, p. 401; 12/4/1979, p. 550; 17/8/1982, p. 2382; 29/8/1985, p. 646.

Questions asked without notice which are objectionable in nature are disorderly: 15/8/1963, p. 339; 18/4/1972, pp. 694–696.

Questions asked without notice are governed by the same rules as questions on notice: 14/4/1970, p. 3119; 5/4/1973, p. 731.

Questions without notice to a Minister representing a Minister in the Legislative Council are not permissible unless adequate notice has been given: 2/11/1982, p. 4571.

Speaker may not recognise members seeking to ask questions without notice: 6/9/1962, p. 864; 18/4/1972, pp. 694–696.

Question time terminated by the Speaker: 29/8/1985, p. 646; 7/6/1990, p. 2110; 12/9/1991, p. 4635; 15/9/1993, p. 3987.

- (12) Private members' business – notices of motion; and
- (13) Private members' business – orders of the day.

\*On days when the Assembly meets at 2.00 p.m. brief ministerial statements and questions without notice will be taken after prayers.<sup>23</sup>

### **Priority for Address in Reply**

**59.** Bills may be introduced and taken to the stage that the motion “That the bill be now read a second time” has been moved but no other business that is not of a formal or procedural nature will have priority until —

- (a) after four sitting days (including opening day) have been dedicated exclusively to the debate on the Address in Reply; or
- (b) immediately following a general election after seven sitting days (including opening day) have been dedicated exclusively to the debate on the Address in Reply.<sup>24</sup>

### **Private members' business**

**60.** When the Address in Reply no longer has precedence private members' business will take precedence on Wednesdays between 4.00 p.m. and 7.00 p.m.

### **When order of business no longer has precedence**

**61.** When under Standing or Temporary Orders an order of business under discussion no longer has precedence or the time has arrived for other business to take place, the Chair will adjourn the matter to a later stage of that day's sitting without a question put.

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<sup>23</sup> If orders of the day are postponed it is not possible to return to them on the same day, unless leave is granted: 27/9/1945, p. 919; 18/8/1959, p. 1042.

Private member attempts to alter order of business: 26/11/1959, p. 3693; 7/9/1961, pp. 797–800 (motion agreed to); 1/8/1962, p. 109. (Debate is permitted: 24/8/1978, p. 2626; is not permitted: 30/11/1983, p. 5649.)

Motion to postpone items on the Notice Paper is open to debate: 5/5/1981, p. 1491; 4/5/1982, p. 1317.

<sup>24</sup> Standing Orders suspended to enable bills to be passed prior to adoption of Address: 11/8/1948, p. 345; 21/7/1959, pp. 307–308; 17/11/1971, p. 67; 3/4/1979, p. 104; 8/8/1979, p. 1676; 22/8/1985, p. 264.

Standing Orders suspended to enable a motion to be dealt with: 9/7/1957, p. 21.

### **Order of the Notice Paper**

- 62.** (1) Notices of motion and orders of the day will be placed on the Notice Paper according to the priority set out in the order of business Standing Order 58 in the order they were given or made.
- (2) Any notices of motion or orders of the day not called on will be set down on the Notice Paper for the next sitting day with priority in each category over new notices of motion or orders of the day.
- (3) At the end of each sitting day, the Leader of the House may direct the Clerk to reorder Government business – orders of the day, on the Notice Paper, for the next sitting day.

### **Presentation of papers**

- 63.** Papers and records may be presented in the course of related business or at any time when other business is not before the Assembly.

## CHAPTER 10

### PETITIONS

#### Contents of petitions

#### 64. A petition will —

- (1) Be legible.
- (2) Be addressed to the Speaker and the Assembly.
- (3) State the action or remedy sought from the Assembly.
- (4) Be in English or be accompanied by a translation certified to be correct by the lodging member.
- (5) Contain at least one signature.
- (6) Contain the action or remedy sought on the top of every sheet.<sup>25</sup>
- (7) Contain the names and addresses of the petitioners and their own signatures or marks, except in case of incapacity or sickness where someone else may sign on their behalf.<sup>26</sup>
- (8) Not contain signatures pasted or otherwise transferred to the petition.
- (9) Be respectful and temperate in its language.
- (10) If from a corporation, be made under its common seal.<sup>27</sup>

#### Restrictions on petitions

#### 65. A petition will not —

- (1) Have letters, affidavits, or other documents attached to it.<sup>28</sup>

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<sup>25</sup> Pages not containing action or remedy ruled out of order: 5/5/1999, V. and P., p. 576.

<sup>26</sup> Petition containing fictitious signatures is disorderly: 15/5/1979, p. 1378.

<sup>27</sup> Petition which is not in accordance with Standing Orders is ordered to be withdrawn: 22/8/1972, p. 2723; 22/3/1978, p. 310; 9/11/1978, p. 4774; 16/11/1978, p. 5070; 20/11/1986, V. and P., p. 203; 14/10/1987, p. 4499; 19/12/1995, V. and P., p. 608; 8/5/1996, p. 1640; 10/9/1997, V. and P., p. 331. Petition objecting to membership of Select Committee allowed: 13/12/1984, pp. 5006–5013.

Petitions that have been faxed or photocopied are not original and are out of order: 27/9/1990, p. 5903; 19/8/1997, V. and P., p. 279; 17/8/1999, V. and P., p. 26.

<sup>28</sup> Speaker directs removal of other documents from a petition: 13/12/1984, p. 5005; 20/12/1994, V. and P., p. 508; 12/6/1996, V. and P., p. 162; 24/3/1999, V. and P., p. 450.

- (2) Be lodged by a member who has signed the petition as a petitioner.
- (3) Make an application for direct grant of public money to be paid to an individual.

### **Procedure for lodgement and presentation**

**66.** The procedure for the lodging and presentation of a petition will be —

- (1) The member must write the number of signatures contained in the petition on the front sheet and sign the front sheet.<sup>29</sup>
- (2) The Clerk will certify on the petition that it is in conformity with the Standing Orders.
- (3) The member presenting the petition will read the prayer, announce the subject matter of the petition and the number of signatures attached to it unless the Speaker determines otherwise.<sup>30</sup>
- (4) The petition will be received unless the Assembly or the Speaker determine otherwise.
- (5) No discussion of the subject matter is allowed.<sup>31</sup>

### **Petition referred to committee**

**67.** A petition may be referred by motion to a committee.<sup>32</sup>

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<sup>29</sup> Members should not present petitions day after day with only a few signatures on them: 26/9/1990, p. 5768.

<sup>30</sup> Speaker may require that a member does not read the full text of a petition: 16/4/1969, p. 3144; 29/3/1979, pp. 11–12; 1/4/1981, p. 408.

<sup>31</sup> No action is possible in the House relating to a petition unless a member moves a motion: 26/9/1899, p. 1424.

<sup>32</sup> Precedent where a Petition seeking discharge of a member from a Select Committee was referred to that Select Committee: 13/12/1984, p. 5006; 5/2/1992, p. 7881.

## CHAPTER 11

### NOTICES OF MOTION

#### Giving notice

**68.** A notice of motion will be given by reading it aloud and delivering a signed copy to a Clerk at the Table. Members, except for Ministers, may not give more than one notice consecutively if another member has any notice to give.<sup>33</sup>

#### Notice postponed or withdrawn

**69.** At the time for giving notice or when a notice is called upon, a notice of motion may be postponed or withdrawn by the member who gave notice.<sup>34</sup>

#### Notice amended

**70.** A notice of motion may be amended —

- (1) On any day prior to the motion being proceeded with by the member reading it aloud at the usual time for giving notices and delivering a signed copy of the amended notice to a Clerk at the Table.
- (2) At the time the notice is called upon, by leave of the Assembly without a dissentient voice being given to move the motion in an amended form.<sup>35</sup>

#### Absent member

**71.** A member may move, postpone, withdraw or amend a notice on behalf of another member not present in the Chamber.

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<sup>33</sup> A suspended member may not give notice of motion through another member: 7/10/1986, p. 2716.

<sup>34</sup> Motion lapses because no member rises to move it: 16/4/1942, p. 3037; 23/9/1970, pp. 923–924.

<sup>35</sup> Motion may be moved in amended form by leave: 11/8/1999, V. and P., p. 12; 7/9/1999, V. and P., p. 49; 6/4/2000, V. and P., p. 490.

### **No notice given after the time for giving notices has passed**

**72.** No notice of motion will be given other than at the time for giving notices of motion except by leave of the Assembly.

### **Unbecoming expressions**

**73.** If any notice contains unbecoming expressions the Speaker may direct that the notice be removed or amended.<sup>36</sup>

### **Notice lapses**

**74.** (1) If a notice of motion has remained on the Notice Paper for 30 sitting days without being moved the Speaker will announce it will be removed from the Notice Paper on the next sitting day. A member may require the notice given by them to be continued by written notification to the Clerk prior to it being removed. A member may renew a notice of motion only once.

(2) If a notice of motion is for disallowance in accordance with section 42 of the *Interpretation Act 1984* or any other Act, it may remain on the Notice Paper for 60 sitting days without being moved. On the final day, the Speaker will announce it will be removed from the Notice Paper on the next sitting day.

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<sup>36</sup> Precedents where motions contain unbecoming expressions and —  
 are altered by Speaker: 11/9/1901, pp. 876–877;  
 are altered by member at direction of Speaker: 28/10/1980, pp. 2666–2667; 22/9/1981, p. 3844–3845;  
 are discharged from the Notice Paper or withdrawn by Speaker: 20/9/1906, pp. 1773–1774; 22/2/1917, pp. 1882–1883; 5/9/1962, p. 845.

## CHAPTER 12

### QUESTIONS SEEKING INFORMATION

#### Questions to Ministers and members

75. Questions may be asked of —

- (1) Ministers regarding matters under the Minister's administrative responsibility;<sup>37</sup>
- (2) The Leader of a party in government regarding that party's policies;
- (3) Members regarding any matter connected with the business of the Assembly for which that member has charge;<sup>38</sup>

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<sup>37</sup> Questions to Ministers should relate to public affairs with which they are connected, to proceedings pending in Parliament, and to matters of administration for which they are responsible, but not to matters arising from a Minister's actions as a private citizen: e.g., questions —

to a Minister who attended a public meeting in a private capacity disallowed: 7/4/1954, p. 43;

to a Premier who led a "moratorium" march against Australia's participation in the war in Vietnam disallowed: 20/7/1971, pp. 36–37;

to a Minister relating to events which occurred before he became a Minister disallowed: 8/8/1978, p. 2088;

concerning behaviour of directors of security companies (Assistance and Security W.A. and Assistance and Security Pty Ltd.) disallowed: 24/10/1978, pp. 4133–4134;

to a Minister referring to a court case in which he was concerned disallowed: 7/10/1980, p. 1978;

asking a Minister to advise on a method to protect shareholders against a decline in share values disallowed: 8/10/1980, p. 2093;

to a Minister about campaign donations disallowed: 1/12/1993, p. 8587;

to Minister concerning a statutory or other authority should not be asked unless the Minister has a clear and definable responsibility and power for same: 20/9/1989, V. and P., p. 100.

to a Leader of a minor party in coalition must concern those party's policies: 26/11/1974, p. 3627; 1/4/1976, p. 194; 13/4/1976, p. 486; 24/10/1978, p. 4142; 30/3/1994, pp. 1174–1175; 3/5/1995, pp. 2008–9; 14/6/1995, p. 5157.

Questions seeking factual information concerning a matter on the Notice Paper are permitted: 14/4/1970, pp. 3119–3120; 29/4/1970, p. 3522; 7/5/1970, pp. 3783–3784.

The Premier cannot be questioned on advice given to the Governor: 9/11/1967; pp. 1944–1945; 29/11/1979, p. 5563.

A Minister should not be expected to provide information concerning legislation which does not fall within his responsibilities: 2/8/1978, p. 1989.

<sup>38</sup> Questions to private members must relate to matters connected with the business before the House: 9/8/1955, p. 26; 21/8/1962, pp. 551–552.



- (4) A member chairing a committee regarding the administration of that committee but not so as to interfere with the operations of the committee or the substance of its inquiry; or
- (5) The Leader of the Government relating to matters of general government policy.<sup>39</sup>

### Questions to the Speaker

**76.** A question may only be asked of the Speaker on notice relating to any matter of administration, including committees, for which the Speaker is responsible.<sup>40</sup>

### Rules for questions

**77.** The following general rules apply to questions —

- (1) Questions should not contain —
  - (a) preambles, opinions, statements of facts or names of persons unless they are necessary to render the question intelligible, extracts from newspapers or books, or quotations; or
  - (b) argument, allegations, inference, imputation, epithets, ironical expressions, or hypothetical matter.<sup>41</sup>
- (2) Questions should not be repetitive, ask for an expression of opinion or seek legal interpretation or opinion.<sup>42</sup>

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<sup>39</sup> No Minister is bound to answer any question: 21/11/1973, p. 5273; 9/4/1981, p. 851.

On the Speaker's direction disorderly questions may be expunged from the Notice Paper, not printed, or amended: 2/8/1921, pp. 33–34; 16/8/1932, p. 25; 15/9/1971, p. 1374.

Questions must not have long preambles to the text of the questions: 30/3/1995, pp. 476 and 479.

<sup>40</sup> Speaker may permit a question without notice to be addressed to him, in order to determine its orderliness: 15/9/1977, p. 1411.

It is not in order to seek a ruling from the Speaker by way of a question: 28/11/1978, p. 5770; 2/9/1980, p. 838.

<sup>41</sup> Questions which are based on supposition are not permissible: 11/4/1972, p. 510.

<sup>42</sup> Questions seeking information under the control of another Government not allowed: 7/11/1969, pp. 2382–2383.

Questions concerning matters which are the responsibility of other Governments are not allowed: 8/8/1979, pp. 1734–1735.

Questions seeking answers in the form of a return (statistical information, etc.) are out of order, a notice of motion should be given: 10/8/1938, pp. 74–75.

### **Answers to be relevant**

**78.** An answer must be relevant to the question.

### **Lodging questions on notice**

**79.** The procedure for lodging questions is as follows —

- (1) Questions for the next sitting day will be handed to the Clerk at a time to be determined by the Speaker.<sup>43</sup>
- (2) When notices of questions have been received, the Clerk will place them on the day's Notice Paper.
- (3) Questions that are disorderly or irregular may be altered under the Speaker's authority or may be reserved for the Speaker's consideration.<sup>44</sup>

### **Answers to questions on notice**

**80.** The procedure for answering questions is as follows —

- (1) Answers to questions will be transmitted to the Clerk who will distribute them. Answers received during a recess of the Assembly which is greater than two weeks will be published on the first working day of each month over which the Assembly is adjourned.
- (2) If no answer to a question on notice has been received one calendar month after the question was asked, the member who asked the question may rise at the end of the time for questions without notice and ask the Minister why no answer has been received, and may similarly ask again after each succeeding month during which the question remains unanswered.

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<sup>43</sup> The Speaker directs a variation to the time for acceptance of questions: 12/8/1964, p. 221; 6/11/1969, p. 2284; 30/5/1972, p. 1631; 22/8/1978, p. 2472.

<sup>44</sup> Questions on Notice which are not in order should not be placed on the Notice Paper: questions which are irregular, or infringe the Standing Orders, may by the Speaker's authority be amended by the Clerks, or may be reserved for the Speaker's consideration: 8/5/1990, p. 352. (Questions removed from Notice Paper by Speaker: 1/12/1993, p. 8587.)

### **Withdrawal of questions on notice**

**81.** A member may withdraw a question asked by that member by delivering to the Clerk a signed letter requesting that a question be withdrawn.<sup>45</sup>

### **Questions without notice**

**82.** Questions without notice may be asked for a period determined by the Speaker.

### **Further information provided in answer to questions**

**82A.** Immediately after question time, Ministers may give further brief, factual information in relation to a question already answered in the Assembly, either with notice or without notice, but will not debate the matter.

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<sup>45</sup> Question on Notice, withdrawn by request of the member asking, is treated as if never in the hands of the House: 8/10/1968, p. 1519.

## CHAPTER 13

### DEBATE

#### **Order to be maintained by the Speaker**

**83.** Order will be maintained in the Assembly by the Speaker.<sup>46</sup>

#### **When Speaker rises or puts a question**

- 84.** (1) When the Speaker stands members will sit down and be silent.
- (2) When the Speaker is putting a question, members will not move about the Chamber.

#### **Procedure when members wish to speak**

- 85.** A member who wishes to speak —
- (1) Will stand and seek the call.
- (2) When called by the Speaker, the member may speak from the member's place or the Table.<sup>47</sup>
- (3) Will address themselves to the Chair.
- (4) If unable to stand because of illness or disability, by permission of the Speaker, may seek the call and speak while seated.

#### **Incorporation of material into *Hansard***

- 86.** (1) Following the request of the member speaking, the Speaker may direct the incorporation into *Hansard* of material such as statistical tables, graphs and charts, to which a member has referred in debate but which are not suitable for presentation in the ordinary course of a speech.<sup>48</sup>

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<sup>46</sup> The behaviour of members in the House is a matter for the Speaker, not, in the case of members of the Opposition, the Leader of the Opposition: 28/8/1979, p. 2293.

Speaker requests members not to read newspapers in their places in the Chamber: 26/9/1989, pp. 2766–2767; 28/4/1992, p. 1337; 10/11/1993, p. 6691.

Members should not bring pagers or mobile phones into the Chamber: 8/12/1993, p. 9462.

<sup>47</sup> Members speaking from the Table must still address the Chair and not turn their back to the Speaker: 5/5/2005, p. 1398.

<sup>48</sup> Incorporation of material into *Hansard* may not include material which could be read in the course of debate: 9/4/1981, p. 829; 14/5/1981, p. 2257; 8/9/1981, p. 3399.

- (2) By leave of the Assembly without a dissentient voice, the speech in which the second reading of a Bill is moved, may be incorporated into *Hansard* if it is substantially the same as was given in the Council.

### **Member may not speak twice**

**87.** A member may not speak more than once to any question except —<sup>49</sup>

- (1) In explanation.
- (2) In reply.
- (3) In consideration in detail stage.

### **Members may speak a second time to explain their words**

**88.** By leave of the Assembly and after written notification to the Speaker, a member may speak a second time to a question to explain some material part of that member's speech, but will not introduce any new matters.

### **Right of reply**

**89.** A member who has moved a motion may reply, except to an amendment. The reply of the mover of the original motion closes the debate.<sup>50</sup>

**90.** (Deleted V. and P., p. 167, 1 June 2005.)

The appropriate time to seek incorporation of material into Hansard is either at the time the document is being referred to or at the conclusion of the member's speech: 3/9/1980, p. 966.

<sup>49</sup> A member who has spoken to the main question may also speak to an amendment and a member who has spoken to an amendment may speak later to the main question: 5/8/1896, p. 273.

It is not in accordance with practice for the Speaker to take part in a second reading debate: 22/9/1938, pp. 985 and 988.

Speaker participates in debate by making a statement immediately before Committee stage of a Bill: 19/3/1998, p. 932.

A member who has spoken to the main question may not rise later to move an amendment: 20/12/1932, p. 2689; 6/11/1940, pp. 1771 and 1778; 7/10/1942, p. 713.

Mover of an amendment may not again speak to main question: 10/9/1924, pp. 715–716; 6/11/1940, p. 1771; 7/10/1942, p. 714.

<sup>50</sup> Member should not introduce new matter when replying to debate: 21/12/1932, p. 2767; 3/10/1956, p. 1245.

Mover of amendment has no right of reply: 31/7/1906, p. 709; 20/11/1924, p. 1919; 30/8/1967, p. 668.

The mover of an amendment is regarded as having spoken to both the original question and the amendment: 28/11/1978, p. 5689; 28/8/1979, pp. 2234–2235.

## ***Sub judice convention***

**91.** Subject always to the discretion of the Speaker and to the right of the Assembly to legislate on any matter, matters awaiting or under adjudication in any court of record —

- (a) in criminal matters from the time a person is charged, until sentence; and
- (b) in civil matters from the time that the case has been set down for trial or otherwise brought before the court,

may not be referred to in any motion, debate or question if it appears to the Speaker that there is a real and substantial danger of prejudice to the trial of the case.<sup>51</sup>

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<sup>51</sup> A warden's court is a court of record: 5/9/1962, p. 845.

The Industrial Commission is a court of record: 6/8/1964, p. 121; also Industrial Relations Commission: 4/4/1985, p. 1880.

A motion on the Notice Paper dealing with a matter held to be *sub judice* may be —

- ordered to be discharged: 3/11/1926, p. 1878; or
- ordered to be placed at the bottom of the Notice Paper until case is finalised: 28/8/1974, p. 995; 20/8/1975; pp. 2113 and 2133; 2/8/1978, p. 1950–1951; 16/9/1981, p. 3686–3687; or
- the motion not further proceeded with: 22/9/1926, p. 1073; 13/9/1950, p. 742; 5/9/1962, p. 845; 8/11/1972, p. 4924.

A bill introduced on the subject of a Royal Commission is not disorderly: 25/11/1947, pp. 2131–2132; 10/12/1947, p. 2642. Any member may speak in debate, even though he is an Honorary Royal Commissioner: 12/10/1982, p. 3601–3602. (Ruling that a Royal Commission is not a court of law: 25/11/1947, p. 2131–2132.)

It is disorderly to raise a *sub judice* matter by way of an amendment to the Address in Reply: 6/8/1964, p. 121.

In some circumstances it is possible for a limited debate to proceed on a broad matter provided reference is not made to the particular case before the court: 24/8/1971, p. 934; 2/12/1971, pp. 726–727; 3/4/1973, p. 568 (or members of the public who are to appear in court so that it precludes them from obtaining a fair trial: 24/10/1990, p. 6536).

Speaker permits debate to proceed, notwithstanding the existence of a relevant writ: 24/11/1981, pp. 6061–6063; 12/11/1986, p. 4176.

Questions asked regarding the state of matters earlier held to be *sub judice*: 7/10/1971, p. 1979; 19/9/1973; p. 3377; 6/8/1974, p. 285.

Speaker may withhold Tabled Papers if they deal with a *sub judice* matter: 28/8/1974, pp. 964–965.

A motion to table papers dealing with a *sub judice* matter is disorderly: 13/2/1918, p. 386.

The reading of an affidavit concerning a *sub judice* matter is disorderly: 22/9/1926, p. 1073.

A bill may be introduced covering the subject of a case before a court: 22/11/1972, pp. 5553–5554; 15/10/1975, pp. 3496–3497. (Debate on a bill concerning a *sub judice* matter was restricted; 21/8/1979, p. 2001.)

Debate on resolution to disallow regulations not permitted if matter is *sub judice*: 1/12/1981, p. 6530.

It is disorderly in debate to presume guilt in parties awaiting trial on criminal charges: 10/11/1982, pp. 5018–5019.

## **Imputations and personal reflections**

**92.** Imputations of improper motives and personal reflections on the Sovereign, the Governor, a judicial officer or members of the Assembly or the Council are disorderly other than by substantive motion.<sup>52</sup>

## **No member to be referred to by name**

**93.** A member will refer to other members by their title of office or by the name of their electorate.<sup>53</sup>

## **Relevance**

- 94.** (1) A member's speech must be relevant to the question under discussion.
- (2) Matters relating to public affairs may be debated at the second reading of the following bills —
- (a) the principal appropriation bill which includes recurrent expenditure;
  - (b) (i) a bill which appropriates expenditure from the Treasurer's Advance Account in relation to recurrent expenditure; or
  - (ii) a Supply Bill;
  - (c) a Loan Bill;
  - (d) any other bill where leave of the Assembly is given without a dissentient voice.<sup>54</sup>

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<sup>52</sup> The substantive motion must be specific: 17/11/1988, p. 5475–5476.

Reflections upon officers of the House are disorderly, unless by substantive motion: 1/12/1910, p. 1984; 9/10/1930, p. 926.

Criticism of members can be made only by substantive motion, not by way of an amendment to the Address in Reply, or on a matter of urgency: 22/2/1917 p. 1888; 11/8/1938, p. 106.

Improper use of the Governor's name in debate is disorderly: 27/8/1936, p. 223; 22/8/1961, p. 445.

No member should reflect upon the Monarch or representatives of the Monarch in this State or in any other part: 22/11/1978, p. 5375.

Reflections on Legislative Council are disorderly: 8/9/1976, p. 2340.

Use of offensive words against Statute is disorderly: 25/8/1925, p. 470; 9/9/1938, p. 49; 8/9/1976, p. 2341.

<sup>53</sup> The use of a member's name in debate is disorderly: 24/7/1902, p. 182.

<sup>54</sup> Appropriation Bill third reading debate is limited to the budget and matters in the Estimates Committee: 22/9/1994, p. 4754.

## **No noise or interruption of debate**

**95.** Members will not converse noisily or otherwise disturb the proceedings.<sup>55</sup>

## **Interruptions not allowed — exceptions**

**96.** A member may only interrupt another member to call attention to a point of order or privilege, or absence of a quorum. Upon a question of order or privilege being raised, the member with the call will sit down.<sup>56</sup>

## **Repetitious or irrelevant debate**

**97.** A member who persists in irrelevance or tedious repetition, either of the member's own arguments or of the arguments used by other members, may be directed by the Speaker to discontinue the speech.

A member directed to discontinue may require that the question "That the member be further heard", be put which will be decided without debate.

## **Objection to words**

**98.** If a member objects to words used in debate — <sup>57</sup>

- (1) The objection must be taken immediately.
- (2) If the Speaker considers that the words are objectionable or unparliamentary, the Speaker may order the words to be withdrawn and may require an apology.
- (3) A withdrawal, and an apology must be made without explanation or qualification.<sup>58</sup>

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<sup>55</sup> Private conversations during debate are disorderly: 5/9/1940, p. 641.

<sup>56</sup> Speaker may invite opinion before giving ruling: 11/12/1908, pp. 890–891.

Member may rise on a point of order concerning objections to remarks made by another member: 22/12/1904, p. 2194.

<sup>57</sup> Member requests that words be withdrawn: 10/12/1935, p. 2386; 15/8/1962, p. 471; 15/8/1974, p. 674.

<sup>58</sup> If apology is requested and refused, member named: 10/10/1907, p. 86.

If withdrawal is requested and refused, member named: 23/11/1972, p. 5734; 9/9/1975, p. 2629.



**Interrupted business**

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

## **Matters not open to debate or amendment**

**100.** The following matters are not open to debate or amendment —

S.O.s

- 24 Adjournment of the Assembly.
- 41 Withdrawal of strangers.
- 43 Suspension of member.
- 66 Presentation of petition.
- 82 Answering of questions seeking information.
- 97 Motion “That a member be further heard”.
- 102 Extension of time of speech.
- 103 Adjournment of debate or leave granted to member to continue their speech.
- 106 “That the question be now put”.
- 148 Personal explanation.
- 149 Brief ministerial statement.
- 166 First reading of a bill from Governor or Council.
- 182 *Pro forma* amendments.

## **Time limits on speeches**

**101.** A member may speak for the specified period on the following subjects —

### **Address in Reply and Premier’s Statement (S.O. 8 and 8A)**

- Premier or one member deputed..... unspecified
- Leader of the Opposition or one member deputed ..... unspecified
- Any other member ..... \*20 minutes
- On any amendment, each member ..... 20 minutes

(Note: \* If the member so requests during or immediately upon expiry of a speech, the time for the speech will be extended by a further 10 minutes.)

## Motions

Mover .....	60 minutes
Premier or one member deputed..... †	60 minutes
Leader of the Opposition or one member deputed <sup>59</sup> .....	#60 minutes
Any other member .....	*20 minutes
On any amendment, each member .....	20 minutes
Mover in reply .....	45 minutes

† If not a Government motion

# If not an Opposition motion

\* If the member speaking so requests during or immediately upon the expiry of a speech, the time for the speech will be extended by a further 10 minutes. This does not preclude a further extension under Standing Order 102.

## Estimates Committee, adoption of report (S.O. 234)

Debate on any question and any amendment .....1 hour in total

## Grievance debate (S.O. 146)

Each member including a Minister or a member deputed to

Reply .....7 minutes

## Matter of public interest (S.O. 145)

Government members .....30 minutes in total

Opposition members.....30 minutes in total

Other members .....5 minutes in total

## Members' statements (S.O. 147)

Member .....90 seconds

Maximum of 6 members.

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<sup>59</sup> Prior to the 1987 amendments to the S.O.s, the first member to speak in opposition to a substantive motion was the only member, other than the mover, who was unlimited: 5/5/1982, p.1433.

**Ministerial statement (S.O. 150)**

Minister .....	20 minutes
Leader of the Opposition or one member deputed .....	15 minutes
Leader of a party with at least 5 members in Opposition or one member deputed .....	5 minutes

**Brief ministerial statement (S.O. 149)**

Minister .....	3 minutes
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**Presentation of Standing or Select Committee reports (S.O. 279)**

Chairman .....	20 minutes
Committee members.....	10 minutes
Other members, by leave.....	10 minutes

**“That the bill be considered an urgent bill” (S.O. 168)**

Each member.....	5 minutes
Debate.....	20 minutes in total

**Referral of bill to Legislation Committee (S.O. 183)**

Each member.....	5 minutes
Debate.....	20 minutes in total

**Legislation Committee, adoption of report (S.O. 191)**

Debate on any question and any amendment 1 hour in total

**BILLS****Principal appropriation bill**

Second reading —

Mover .....	unspecified
Leader of the Opposition or one member deputed .....	unspecified
Any other member.....	*20 minutes
Mover in reply .....	45 minutes

(Note: \* If the member so requests during or immediately upon expiry of a speech, the time for the speech will be extended by a further 10 minutes.)

Third reading —

Mover and each member ..... 15 minutes

Mover in reply ..... 15 minutes

### **Other bills**

Second reading —

Mover ..... 60 minutes

Premier or one member deputed..... †60 minutes

Leader of the Opposition or one member deputed ..... #60 minutes

Any other member ..... \*20 minutes

Mover in reply ..... 45 minutes

† If not a Government bill

# If not an Opposition bill

\* If the member speaking so requests during or immediately upon the expiry of a speech, the time for the speech will be extended by a further 10 minutes. This does not preclude a further extension under Standing Order 102.

Third reading —

Mover and each member ..... 30 minutes

Mover in reply ..... 30 minutes

### **BILLS AND MOTIONS CONSIDERED IN DETAIL**

All members — unlimited periods not exceeding 5 minutes each.

### **Extension of time**

**102.** By a motion without amendment or debate, a member may be allowed to continue a speech on a bill or a motion but not other matters for a further period not exceeding 15 minutes.<sup>60</sup>

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<sup>60</sup> An amendment is a motion for the purposes of S.O. 102: 11/6/2003, V. and P., p. 603.

## **Adjournment of debate**

**103.** Debate may be adjourned —

- (1) On motion, without debate; or
- (2) By leave being given without a dissentient voice to the member then speaking to continue remarks either at a later hour of the same day or on another day.<sup>61</sup>

## **Member adjourning debate entitled to be heard first**

**104.** The member upon whose motion any debate is adjourned will be entitled to be heard first on the resumption of debate. A member who is granted leave to continue remarks and who does not continue immediately on resumption of the debate cannot speak again during that debate.

## **Mover of motion for adjourning debate may afterwards address the Assembly**

**105.** If a motion for the adjournment of the debate is negatived, the mover does not lose the right to speak in the debate.

## **Closure**

**106.** 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. The motion will be put immediately and without debate and if carried, the Assembly will vote immediately on the question before it. If the motion is negatived, debate is resumed.<sup>62</sup>

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<sup>61</sup> Debate is adjourned if member is granted leave to continue his remarks at another time: 13/10/1948, p. 1631; 16/8/1960, pp. 404 and 443; 10/8/1961, pp. 212–213.

Irregular adjournment motion (“until Leader of Opposition is present”) not allowed: 8/11/1962, p. 2540.

Leave to continue remarks not granted: 23/8/1949, p. 1390; 25/8/1949, p. 1496; 17/8/1960, p. 543.

<sup>62</sup> No reply is available to mover of main question: 11/1/1911, pp. 2893–2894.

Closure motion agreed to on voices: 8/11/1955, pp. 1631–1632; 15/9/1959, p. 1597; 28/11/1978, p. 5698; 3/4/1979, p. 157.

## **No member to speak after question put**

**107.** A member may not speak to any question after the question has been put by the Speaker and the voices in the affirmative and negative have been given.

## **Restrictions on further motions**

**108.** If any of the motions —

- (1) “That the Assembly do now adjourn”;
- (2) “That the debate be adjourned”;
- (3) “That the question be now put”,

are negated, the same motion cannot be moved again within fifteen minutes.

## **Matter of privilege**

**109.** A member may at any time raise a matter of privilege which will, until disposed of, suspend consideration and decision of every other question. The Speaker may —

- (1) Determine the matter;
- (2) Defer the matter and either continue or adjourn the business under consideration; or
- (3) If the Speaker considers that there is some substance in the matter and it has been raised at the earliest opportunity, give priority to a motion without notice.<sup>63</sup>

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<sup>63</sup> Inaccurate or offensive statements in the press are raised as a matter of privilege: 8/3/1892, p. 768; 23/5/1900, p. 58; 18/1/1911, p. 3093; 19/1/1911, p. 3161; 10/9/1925, p. 821; 30/9/1925, p. 1095; 2/6/1931, p. 3197; 8/9/1948, p. 908; 28/7/1959, p. 485; 7/11/1963, p. 2531; 13/11/1963, p. 2740; 8/9/1964, p. 780; 4/11/1970, p. 1826; 5/11/1970, p. 1902.

It is for the House to take action in a matter of privilege: 29/8/1957, p. 1132; 20/4/1972, p. 865; 4/5/1978, p. 1463.

Notice of a motion not necessary on a question of privilege: 23/5/1900, p. 64; 13/10/1982, p. 3743.

House insists on its right to decline to give member leave to attend court while House was in Session: 9/10/1948, p. 2210.

Member summoned by court to produce documents used in the House and member's claim of privilege was upheld by the House: 19/10/1948, pp. 1735–1736; 26/10/1948, p. 1870.

Members summoned while House is sitting to appear before Royal Commission is a contempt of the House: 11/6/1991, V. and P., p. 119.

An allegation that a member might be physically prevented from carrying out his duties could be a matter of privilege: 16/10/1980, p. 2321.

Offering to fight a member could be a matter of privilege: 7/11/1985, p. 3954.

## **Point of order**

**110.** A member may at any time raise a point of order which will, until disposed of, suspend the consideration and decision of every other question. The Speaker may defer the decision and may adjourn the business under consideration.<sup>64</sup>

## **Standing while speaking to a point of order during division**

**111.** During a division a member will stand when speaking to a point of order.

## **Dissent from Speaker's ruling**

**112.** A motion of dissent from a Speaker's ruling —

- (1) Must be moved immediately after the ruling; and
- (2) Takes priority until determined or otherwise dealt with by the Assembly.

## **Quarrels not permitted**

**113.** The Speaker and the Assembly will interfere to prevent the prosecution of any quarrel between members arising out of debates or proceedings in the Assembly.

## **Responses from persons adversely referred to in the Assembly**

**114.** (1) Where a submission is made in writing to the Speaker by a person or corporation who has been referred to in the Assembly by name, or in such a way 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

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Threatening a member in respect of statements in the House could be a matter of privilege: 7/11/1985, p. 3954.

Code of Conduct for Members of the Legislative Assembly: 28/8/2003, V. and P., p. 776.

<sup>64</sup> It is not in order to seek a ruling from the Speaker by way of a question: 28/11/1978, pp. 5569–5770; 2/9/1980, p. 838.

It is not competent for the Speaker to rule as to the legality of bills; a court must make such a decision: 11/10/1932, pp. 1071–1073; 9/11/1948, p. 2224.

Proper place for Speaker's ruling is in the House: 29/10/1936, p. 1475–1476.



been unreasonably invaded, by reason of that reference to the person or corporation; and

- (b) requesting that the person be able to incorporate an appropriate response in *Hansard*,

and the Speaker 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 Speaker will refer the submission to that 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 will be reported to the Assembly.
- (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 Assembly to that person or corporation.
- (4) In considering a submission under this Standing Order, the committee will meet in private session.
- (5) The committee will 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 Assembly.
- (6) In considering a submission under this Standing Order and reporting to the Assembly the committee will not consider or judge the truth of any statements made in the Assembly or the submission.
- (7) In its report to the Assembly 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 committee or the Assembly 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 will not make any other recommendations.

- (8) A document presented to the Assembly under paragraph (5) or (7) —
  - (a) in the case of a response by a person or corporation who made a submission, will be succinct and strictly relevant to the questions in issue and will not contain anything offensive in character; and
  - (b) will 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.
- (9) A corporation making a submission under this Standing Order is required to make it under its common seal.

## CHAPTER 14

### MOTIONS, QUESTIONS AND VOTES

#### **No motion without previous notice**

**115.** No member will move a motion unless notice was given at a previous sitting of the Assembly and entered on the Notice Paper. Prior notice is not needed to move — <sup>65</sup>

- (1) Dissent from Speaker's ruling (S.O. 112);
- (2) Closure (S.O. 106);
- (3) That any resolution of the Assembly be communicated by message to the Council;
- (4) Condolence motions (S.O. 117);
- (5) Motion of privilege suddenly arising (S.O. 109);
- (6) Motion of a laudatory, valedictory, congratulatory or thanks nature (S.O. 117);
- (7) Ancillary motions relating to committee membership (S.O. 249);
- (8) Printing of committee reports (S.O. 279);
- (9) Adoption of Procedure and Privileges Committee reports referring to persons adversely referred to in the Assembly (S.O. 114);
- (10) Adjournment of the Assembly (S.O. 24);
- (11) Adjournment of debate (S.O. 103);
- (12) Address in Reply (S.O. 6);<sup>66</sup>
- (13) Privilege Bill (S.O. 5(6));
- (14) Discharge of order of the day (S.O. 144);
- (15) Variation to the order of business (S.O. 58);
- (16) Suspension of Standing or Temporary Orders (S.O. 3);

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<sup>65</sup> Bill introduced although notice had been inadvertently left out of the Notice Paper: 1/10/1980, p. 1792.

<sup>66</sup> Address in Reply moved without notice at special sitting to mark 150th anniversary of the Council: 8/2/1982, p. 6617.

- (17) Division of a complicated question (S.O. 123);
- (18) Pecuniary interest of member voting in division (S.O. 128);
- (19) Ancillary motions relating to tabling of papers (S.O. 159);
- (20) Bill declared urgent (S.O. 168);
- (21) Referral of bill to a committee (S.O. 171);
- (22) Referral to Legislation Committee (S.O. 171, 183); or
- (23) Time for consideration of committee report on a bill (S.O. 172).

### **Motions not called on**

**116.** Motions on the Notice Paper which have not been called on by the time the Assembly adjourns will be set down on the Notice Paper for the next sitting day.

### **Precedence of motions**

**117.** At any other time after prayers precedence will be given to any of the following —

- (1) Dissent from Speaker's ruling (S.O. 112);
- (2) Closure (S.O. 106);
- (3) Condolence motions (S.O. 117);
- (4) Motion of privilege suddenly arising (S.O. 109); or
- (5) Motions of a valedictory, laudatory, congratulatory or thanks nature.

### **No seconding**

**118.** No motion, except for Standing Orders 6 and 9, needs to be seconded.

### **Restriction on withdrawal of motions**

**119.** A motion is in possession of the Assembly once it has been moved and cannot then be withdrawn unless leave is given without a dissentient voice.

### **Motions withdrawn, again moved**

**120.** A motion that has been withdrawn by leave without a dissentient voice may be moved again.

### **Speaker proposes question**

**121.** After a motion has been moved, the Speaker will propose to the Assembly the question to be voted on in regard to the motion.

### **Request for question to be stated**

**122.** A member may require the question or the text of a motion before the Assembly to be stated by the Speaker at any time during the debate provided it does not interrupt a member speaking.

### **Division of a complicated question**

**123.** The Assembly may order that a complicated question be divided.<sup>67</sup>

### **Question put**

**124.** The Speaker will put the question when no further member is seeking the call.

### **Question determined by the voices**

**125.** A question being put will be resolved in the affirmative or negative by the majority of voices “Aye” or “No” upon which the Speaker will declare an opinion whether the “Ayes” or “Noes” have it, which opinion will be confirmed by the Speaker unless a division is called for immediately.

### **Same question not to be put**

**126.** A question will not be proposed which is the same as any question which has been resolved in the affirmative or negative during the same year commencing 1 January.<sup>68</sup>

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<sup>67</sup> Complicated question is divided: 11/11/1982, p. 5166; 7/5/1992, V. and P., p. 78; 17/3/1998, V. and P., p. 545.

<sup>68</sup> Question ruled to be the same as one previously decided and therefore disorderly: 15/1/1904, p. 3211; 11/12/1923, p. 1962; 26/11/1941, p. 2175; 26/9/1951, p. 916; 22/9/1959, p. 1793; 29/9/1959, p. 1809; 14/9/1960, p. 1153; 18/8/1960, p. 571; 16/9/1981, pp. 3686–3687.

Question ruled as not being substantially the same: 30/9/1949, pp. 2799–2800; 28/10/1959, p. 2547; 23/8/1960, p. 639; 8/4/1998, V. and P., p. 609.

A bill which has been withdrawn by leave may be again introduced without infringing the “same question” rule: 1/11/1894, p. 1236; 3/12/1912, p. 4105.

It is in order to re-insert a previously deleted clause when a bill is re-committed: 24/11/1953, p. 1970; 12/11/1959, pp. 3117–3118.

A bill which becomes an Act can be amended in the same session: 30/9/1959, p. 1876; 17/10/1979, p. 3717. (See also Section 44 of the *Interpretation Act 1984*.)

## **Rescission**

**127.** A vote of the Assembly may be rescinded.<sup>69</sup>

## **Pecuniary interest**

- 128.** (1) No member will be entitled to vote in any division upon a question in which that member has a pecuniary interest.
- (2) The vote of a member may not be challenged except on a motion moved immediately after the division is completed, and the vote of a member determined to be so interested will be disallowed.

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If a bill is defeated, another bill may be introduced dealing with the same subject provided it is in modified form and not substantially the same as the first bill: 11/12/1912, p. 4476; 13/12/1912, pp. 4706–4708; 25/11/1915, pp. 2854–2855.

Motion for a Select Committee was ruled out of order as containing the same subject as was previously before the House: 1/11/1944, p. 1480; 16/9/1981, p. 3689.

A second continuance bill on the same subject was ruled in order: 23/6/1949, p. 196; 26/7/1949, pp. 700–701.

<sup>69</sup> Rescission of a vote: 22/6/1949, V. and P., p. 343; 5/11/1958, p. 1974.

Rescission of a vote and thereby restoring a bill to the Notice Paper: 5/11/1958, p. 1976; 22/9/1983, p. 2373.

Annulment of vote where a mistake has occurred: 19/11/1957, p. 3233; 3/8/1954, p. 824.

S.O. 127, to the extent necessary, overrides S.O. 126: 22/9/1983, p. 2401.

## CHAPTER 15

### AMENDMENTS

#### Forms of amendment

**129.** After a question has been proposed by the Speaker, it may be amended, unless otherwise provided for in these Standing Orders, by —

- (a) deleting words;
- (b) deleting words in order to substitute other words; or
- (c) inserting or adding words,

but an amendment may not be a direct negative.<sup>70</sup>

#### Amendments to be written and signed

**130.** Amendments must be in writing and signed by the mover.

#### Form of question

**131.** (1) When an amendment is to delete words, the Speaker will put the question, “That the words to be deleted, be deleted”.<sup>71</sup>

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<sup>70</sup> Amendment which is of the same effect as one previously disposed of cannot be accepted: 18/11/1910, p. 1614–1616.

Amendment which is not commonsense or is frivolous cannot be accepted: 27/8/1912, p. 1309.

Speaker suggests changes to badly worded amendment: 27/7/1971, p. 269.

Amendment admissible where there is a distinction between its terms and those of the original motion: 10/2/1915, p. 1434.

No notice of an amendment is necessary: 10/2/1915, p. 1417.

It is not necessary to provide copies of an amendment to members generally: 14/4/1981, p. 912.

Amendment admissible if proposing an alternative proposition either in whole or in part: 10/2/1915, p. 1417.

Speaker does not decide on whether or not an amendment is unconstitutional: 20/12/1932, p. 2672.

An amendment may not contain reflections on a member: 11/8/1938, p. 106.

A member cannot amend his own motion except by leave: 22/8/1894, p. 296; 9/11/1904, p. 1136; 28/5/1931, p. 3170; 2/12/1971, p. 726.

The Clerk may be directed to make grammatical corrections to an amendment: 22/8/1985, p. 310.

<sup>71</sup> Amendment to an amendment not allowed where intention is to delete all words proposed to be inserted — the proposed words would have to be defeated first: 30/11/1976, p. 4778.

- (2) When an amendment is to insert or add words, the Speaker will put the question, “That the words to be inserted (or “added”) be “inserted” or “added”.
- (3) When an amendment is to delete words and substitute other words, the Speaker will put the question, “That the words to be deleted, be deleted”, which if resolved in the negative will dispose of the amendment, but if agreed to, another question will be put, “That the words to be inserted (or “added”) be “inserted” or “added”.<sup>72</sup>

### **No amendment to words already agreed to**

**132.** No amendment will be proposed — <sup>73</sup>

- (a) in any part of a question if a later part either has been amended, or has had an amendment moved to it, unless the proposed amendment has been withdrawn by leave of the Assembly without a dissentient voice; or
- (b) to any words which the Assembly has resolved will stand part of a question except to add other words to it.

### **Proposed amendment withdrawn**

**133.** A proposed amendment may be withdrawn by leave of the Assembly without a dissentient voice.

### **Amendment to amendment**

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

### **Question, as amended, put**

**135.** When amendments have been made, the original question, as amended, will be proposed.<sup>74</sup>

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<sup>72</sup> When moving to strike out words it is not essential to disclose words to be inserted in lieu: 9/7/1957, p. 41.

Speaker may direct that an amendment may be moved only in such a manner that it does not unreasonably reduce the possibility for other amendments: 6/9/1978, p. 2824.

In Committee (consideration in detail) the Chairman (Speaker) recommends a course of action which avoids one member being precluded from moving an amendment by the manner in which another amendment is moved: 28/8/1979, p. 2234.

<sup>73</sup> An amendment may not deal with words already agreed to: 2/10/1901, p. 1275; 16/11/1944, p. 1801; 30/8/1967, p. 674; 10/9/1980, p. 1260.



**Amendments proposed but not made**

**136.** When amendments have been proposed but not agreed to, the original question will again be proposed.

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<sup>74</sup> Speaker may refuse to put amended motion if it does not make sense: 24/10/1934, p. 947.

## CHAPTER 16

### DIVISIONS

#### Calling a division

- 137.** (1) A member may call for a division after the Speaker has announced an opinion on the voices as to whether the “Ayes” or “Noes” have it, but not after the Speaker confirms that opinion to the Assembly.
- (2) A member who calls for a division will not leave the House and will vote with those who, in the opinion of the Speaker, were in the minority.<sup>75</sup>
- (3) Where the Speaker forms the view that an absolute majority may be required, the Speaker will advise the House accordingly and require a division of the Assembly.

#### Member may cancel call for division

**138.** If a member accidentally calls for a division, the call for a division may be cancelled if the member brings it to the attention of the Speaker prior to the completion of the ringing of the bells. The division will then be called off by the Speaker who will again announce an opinion on the voices.

#### Procedure for division

- 139.** When a division has been called for — <sup>76</sup>
- (1) Strangers will withdraw from the Chamber.
- (2) The Speaker will order the division bells to be rung for two minutes.
- (3) Where possible, members will sit in the seats allotted to members.

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<sup>75</sup> Members other than member calling for division, may vote with either side irrespective of their vote on the voices: 19/10/1904, p. 843. (Ruling to the contrary: 21/8/1924, p. 486.)

A point of order on the call for the division is decided by the person occupying the Chair at that time: 31/10/1933, p. 1565; 27/10/1942, p. 1028.

<sup>76</sup> A point of order is not entertained after the Tellers have been appointed: 6/11/1963, p. 2509; 12/5/1981, p. 1967.

- (4) After the two minutes have expired, the Speaker will order the doors to be locked and no member will enter or leave the Assembly until after the division.
- (5) The Speaker will state the question and direct the “Ayes” to pass to the right of the Chair and the “Noes” to the left.<sup>77</sup>
- (6) The Speaker will appoint at least one Teller for each side.<sup>78</sup>
- (7) No member will cross from one side to the other after the Speaker has appointed the Tellers.
- (8) After counting the votes the Tellers will sign their respective list, and the Speaker will declare the result of the division.<sup>79</sup>

### **Error in tally**

**140.** If there is confusion or error in the numbers reported, unless they can be corrected, the Speaker will conduct another division.

### **Speaker’s casting vote**

**141.** In the event of an equality of votes, the Speaker may give a casting vote.

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<sup>77</sup> A member who is incapacitated from crossing the Chamber may indicate his vote from his seat: 16/9/1964, p. 973; 24/9/1964, p. 1194; 15/10/1964, p. 1614.

<sup>78</sup> Where a Teller declines to act, the Speaker may count those voting: 11/1/1911, pp. 2946 and 2973; 12/5/1981, p. 1967.

Appointment of more than one Teller when Speaker considers it necessary: 5/8/1980, p. 47; 28/11/1980, p. 4368.

<sup>79</sup> Business resumes after a division when, in the opinion of the Chair, sufficient members are in their places: 31/10/1974, p. 2886.

## CHAPTER 17

### ORDERS OF THE DAY

#### Order of the day defined

**142.** An order of the day is a bill or other matter which the Assembly has ordered to be taken into consideration on a particular day.

#### Orders of the day to be read

**143.** The Clerk will read the order of the day without any question being put when each order comes before the Assembly.

#### Order discharged

**144.** When an order of the day has been read the Assembly may order that it be discharged. The subject of a discharged order may be reintroduced.<sup>80</sup>

#### Order of the day lapses

- 144A.** (1) If an order of the day on the Notice Paper has not been debated for more than twelve calendar months it will be removed from the Notice Paper and on the next sitting day the Speaker will announce its removal from the Notice Paper.
- (2) A bill removed from the Notice Paper under this Standing Order may be restored by motion to the point it reached prior to its removal.

#### Matter of public interest

- 145.** (1) Consideration of a matter of public interest will be taken in the order determined by Standing Order 58, and only one matter may be discussed in any sitting week.
- (2) A member proposing to the Speaker that a matter of public interest be submitted to the Assembly for discussion will

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<sup>80</sup> Discharge of order of the day: 5/10/1966, p. 1100; 20/9/1977, p. 1503; 31/10/1979, p. 4204; 4/8/1981, p. 2367.

present to the Speaker by 12 noon on the day a written statement of the matter proposed to be discussed.

- (3) If the Speaker determines it is in order, the Speaker will read it to the Assembly. The proposed discussion must be supported by at least five members, including the proposer, rising in their places. The Speaker will then call upon the member proposing the matter to speak.
- (4) If more than one matter is presented for the same day, priority will be given to the matter which, in the Speaker's opinion, is the most urgent and important, and no other proposed matter will be read to the Assembly on that day.<sup>81</sup>
- (5) A member may move a motion under this Standing Order notwithstanding that no notice has been given other than in accordance with paragraph (2).<sup>82</sup>
- (6) Debate will not extend for more than one hour and five minutes in total.

## **Grievances**

**146.** At a time determined by the Speaker on each Thursday when the Address in Reply no longer has priority, the Speaker will call for grievances. Four members may speak on grievances and no member may speak more than once. A Minister or a member deputed will have the right to reply to each of the grievances.<sup>83</sup>

## **Members' statements**

**147.** Once in each sitting week, at a time decided by the Speaker, the Speaker will call for statements by Members, and up to six members, other than a Minister, may make a statement not exceeding 90 seconds each.

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<sup>81</sup> Method used to determine priority when two or more MPIs are presented to the Speaker: 28/5/1992, p. 2890.

<sup>82</sup> MPIs cannot be moved by anyone other than the person who has submitted it to the Speaker: 22/10/1992, p. 5856.

<sup>83</sup> If Minister does not reply during that particular debate, he may not reply at a later grievance debate: 27/8/1968, p. 667.

## **Personal explanation**

**148.** When there is no business before the Chair and with the consent of the Speaker, a member may explain a matter of a personal nature. A personal explanation will not be debated.<sup>84</sup>

## **Brief ministerial statements**

**149.** A Minister may make a statement, not exceeding three minutes, before the House proceeds to business on the Notice Paper and no debate shall take place on the statement.

## **Ministerial statement**

- 150.** (1) By leave of the Assembly without a dissentient voice and so as not to interrupt any other business, a Minister may make a statement for a maximum of 20 minutes.
- (2) A reply may be made immediately following the Ministerial statement or at some other time that day by —
- (a) the Leader of the Opposition, or a member deputed, for a maximum of 15 minutes; and
  - (b) the Leader of a party with at least five members in Opposition, or a member deputed, for a maximum of five minutes.

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<sup>84</sup> Member is entitled to make a personal explanation to correct any misimpression, but may not make a reply or raise a new matter: 10/8/1926, p. 168; 25/10/1944, p. 1333; 25/10/1956, p. 1642.

A personal explanation should be given when a particular matter arises and not afterwards: 18/8/1898, p. 1059; 11/7/1901, p. 372. (Later practice is to allow explanation to be made at commencement of the day's business: 7/8/1968, p. 268; 17/5/1973, p. 1917.)

Member must confine himself to the matter of his personal explanation: 17/7/1906, p. 467.

## CHAPTER 18

### PAPERS AND RECORDS

#### Tabled papers

- 151.** (1) Papers, including records in any form, may be laid upon the Table of the House by the Speaker, or a Minister, and in the case of reports from committees, by the Chairman or a member authorised by the committee.<sup>85</sup>
- (2) Papers may be presented in the Assembly or may instead be delivered to the Clerk who will read each sitting day, a list of papers so delivered.

#### Orders for papers and records

**152.** Papers and records in any form may be ordered to be produced to the Assembly and the Clerk will communicate the order accordingly.

#### Papers from Governor

**153.** (1) When the royal prerogative is concerned in any paper or record required by the Assembly, an address will be presented to the Governor requesting that the paper be laid before the Assembly.

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<sup>85</sup> It is a question of privilege if papers ordered by the House are incomplete: 19/10/1904, p. 829.

Notice required for motion for private member to table papers: 1/10/1912, p. 2077. (See also opinion that such a motion is not in order: 23/9/1970, pp. 923–924.)

Motion for tabling papers relating to *sub judice* matter not in order: 13/2/1918, p. 386.

Court judgements not usually tabled: 7/10/1969, p. 1279. (Tabling of judgement of Court of Disputed Returns: 8/11/1977, p. 3151.)

Private letters and papers need not be tabled: 26/7/1905, p. 409; 31/8/1932, p. 301; 22/9/1932, pp. 775 and 778; 13/8/1974, pp. 536–537.

Documents quoted in debate by private members are not tabled. They may be placed on the Table for the information of members but are not formally tabled papers: 23/9/1970, pp. 923–924; 13/8/1974, p. 508; 21/9/1977, p. 1588.

Speaker may refuse to allow certain objects to be placed on the Table for information of members: 6/11/1979, p. 4378.

Speaker has authority to withhold papers from public: 24/8/1967, p. 591; 28/8/1974, p. 964.

Withdrawal of tabled document and replacement: 10/10/1973, p. 3846; motion 16/10/1973, p. 3984; (by leave) 3/5/1978, p. 1277; 22/3/1984, p. 6473.

- (2) A motion for the production of correspondence addressed to the Governor or emanating from the Governor will be in the form of an address.<sup>86</sup>

### **Papers are public and may be inspected and copied**

**154.** All papers tabled in the Assembly will be considered public unless otherwise ordered by the Speaker. Papers may be inspected at the offices of the Assembly and copies of or extracts from the papers may be made where the form of the record makes that practical.<sup>87</sup>

### **Publication of papers**

**155.** A list of papers which have been tabled will be published in the Votes and Proceedings.

### **Alteration of papers**

**156.** Tabled papers and documents will only be altered or added to with the approval of the Speaker who will then inform the Assembly.

### **Tabling of documents cited in debate**

**157.** A Minister who has quoted from an official document will table that document if requested by any other member either during, or immediately after the conclusion of the remarks which include the quotation.<sup>88</sup>

**158.** (This standing order intentionally left blank.)

### **Printing of papers**

**159.** Immediately following 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 day.

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<sup>86</sup> Motion for tabling papers held by Governor: 25/10/1972, p. 4384.

<sup>87</sup> Speaker has authority to withhold papers from public: 24/8/1967, p. 591; 28/8/1974, p. 964.

<sup>88</sup> An "official document" does not include a Cabinet document: 17/4/2002, p. 9672.



## CHAPTER 19

### THE SOVEREIGN AND THE GOVERNOR

#### Messages

**160.** A message from the Governor will be reported by the Speaker and the Assembly may consider it forthwith or order that its consideration be made an order of the day for a future day.

#### Address to Sovereign or Governor

**161.** An address to the Sovereign will be forwarded to the Governor for presentation. An address to the Governor will be presented by the Speaker.

## CHAPTER 20

### BILLS

#### BILLS INITIATED IN ASSEMBLY

##### Initiation of bill

- 162.** (1) Every bill (unless sent from the Council) will be initiated by the member presenting a copy of the bill to the Clerk, and moving, “That the bill be now read a first time”.<sup>89</sup>
- (2) Every bill will be accompanied by an explanatory memorandum.<sup>90</sup>

##### Clauses to come within title

**163.** No clause will be included in any bill that does not come within its title. If any clause is altered after the bill is introduced the title will be altered accordingly.

##### Irregular bill to be withdrawn

**164.** Every bill not prepared according to the Standing Orders of the Assembly, will be ordered to be withdrawn.

##### Title only read

**165.** On every order for the reading of a bill, the title only will be read.

##### First reading of some bills without debate

**166.** When any bill is brought from the Governor or Council, the first reading will be decided without debate.

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<sup>89</sup> Bill introduced although notice had been inadvertently left out of the Notice Paper: 1/10/1980, p. 1792.

<sup>90</sup> Financial bills — see Section 46 of the *Constitution Acts Amendment Act 1899*.

## SECOND READING

### Second reading moved immediately

**167.** After the first reading, provided printed copies of the bill are available, the second reading may be moved immediately.<sup>91</sup>

### Second reading debate adjournment

**168.** (1) After a member has moved, “That this bill be now read a second time” and had an opportunity to speak to the motion, the debate will be adjourned. If the bill has originated in the Legislative Assembly, the debate will not be resumed until at least the same day three calendar weeks later.

(2) If the Assembly agrees to a motion without notice by or on behalf of the member with carriage of the bill “That the bill be considered an urgent bill”, the second reading can proceed forthwith. Debate on that motion will not exceed 20 minutes and no member may speak on it for more than five minutes.<sup>92</sup>

### Cognate debate

**169.** Where two or more bills are complementary to each other the debate on the second reading on all bills may, by leave of the Assembly without a dissentient voice, take place on the bill declared by the Minister or member in charge to be the principal bill. The question for the second reading of the remaining complementary bills will be put without further debate in each case.

### Reasoned amendments to second reading

**170.** Amendments may be moved to the motion for a second reading if they are strictly relevant to the bill, or the question may be negatived.<sup>93</sup>

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<sup>91</sup> If the motion “That the second reading be made an order of the day for the next sitting of the House” is defeated, the bill is lost: 14/12/1932, p. 2442.

<sup>92</sup> Debate should be on general principles of the bill. It is not in order to discuss clauses: 28/8/1924, p. 551; 11/11/1930, p. 1670; 30/10/1968, p. 2343.

Debate must be confined to the subject matter of the bill: 15/1/1904, p. 3204; 28/5/1931, p. 3159; 12/10/1972, p. 4004.

<sup>93</sup> Certain amendments may be moved to second reading question to defeat bill: 3/12/1903, p. 2472; 5/11/1963, p. 2381; 9/11/1978, p. 4775.

## Referral to committee

- 171.** (1) At any time after the second reading and before the third reading stage has been moved, a motion without notice “That this bill be referred to a standing (or select) committee” may be moved or the bill may be referred without notice to a legislation committee.
- (2) No motion referring a bill to a committee may be moved after a motion for the third reading of a bill has been moved.

## Bill reported by a standing or select committee

**172.** When a bill has been referred to a standing or select committee and reported, a time will be fixed on a motion without notice by the member in charge of the bill for the consideration in detail of the bill as reported.<sup>94</sup>

**173.** (Deleted V. and P., p. 130, 17 October 2002.)

## CONSIDERATION IN DETAIL

### Consideration in detail

- 174.** After the second reading the Assembly will forthwith consider the bill in detail unless —
- (a) the bill has been referred to a committee;
  - (b) the bill has had amendments considered *pro forma*; or
  - (c) the Assembly grants leave without a dissentient voice to proceed forthwith to the third reading of the bill.

### Order in considering bill

- 175.** (1) The following order will be observed in considering a bill in detail —

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“Reasoned amendment”: 15/10/1947, p. 1263; 8/5/1996, V. and P., p. 102; 9/4/1997, V. and P., p. 82; 13/10/1999, V. and P., p. 160.

There is no provision at the second reading for the bill to be laid aside: 10/12/1948, p. 3474; 5/11/1963, pp. 2381 and 2394.

Motion to refer bill to Select Committee may not be in general terms, but should refer specifically to the bill: 15/8/1978, p. 2274; 14/8/1979, p. 1815.

<sup>94</sup> If the House declines to deal with the Committee's report on a bill, the bill is lost: 17/12/1937, p. 2876.

- (a) clauses as printed and new clauses, in their numerical order;
- (b) schedules as printed and new schedules, in their numerical order;
- (c) postponed clauses (not having been specially postponed until after certain other clauses);
- (d) preamble;
- (e) long title,

and a question will be proposed for each, “That it stand as printed”.

- (2) If a clause is amended, the question will be put, “That the clause, as amended, be agreed to”.

### **Clauses and amendments moved *en bloc***

**176.** Any number of —

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

may be put as one question if leave of the Assembly is given without a dissentient voice.

### **Admissible amendments**

**177.** (1) Any amendment may be moved during consideration in detail and to any part of a bill, provided it is within the subject matter of the bill or pursuant to a motion on notice to extend the scope of the bill.

- (2) If any amendment made does not come within the title of the bill, the title will be amended, on motion.<sup>95</sup>

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<sup>95</sup> There is no limit to the number of amendments any member may move to a clause in Committee: 28/8/1979, p. 2234.

The Chairman recommends a course of action which avoids one member being precluded from moving an amendment by the manner in which another amendment is moved: 28/8/1979, p. 2235.

Short title of bill —

Debate on clause 1 to be confined to the short title: 29/5/1984, p. 8635; 2/6/1999, V. and P., p. 634;

Short title cannot be altered except in accordance with the bill: 11/1/1911, p. 2898;

Short title amended: 11/10/1979, pp. 3542 and 3546.

Short title is corrected: 14/11/1974, p. 3148; 29/4/1981, p. 1292.

If the schedule to a bill is a signed agreement, the schedule cannot be amended: 14/10/1952, p. 1319; 21/10/1952, p. 1453; 2/10/1968, p. 1406;

## Withdrawal of amendment

**178.** An amendment may be withdrawn by leave of the Assembly given without a dissentient voice.

## Relevancy of debate

**179.** Debate will be confined to the clause or amendment before the Assembly and no general debate will take place on any clause.

## Clause may be postponed

**180.** A clause, or a clause which has been amended, may be postponed.<sup>96</sup>

## Reconsideration

**181.** A clause which has been passed or negatived may only be dealt with again on reconsideration of the bill in detail.<sup>97</sup>

- but clauses of the bill may be amended: 2/10/1968, p. 1406;
- errors may be corrected: 21/10/1952, p. 1453; 11/11/1970, p. 2079; 10/9/1974, p. 1326;
- House may direct a specific procedure in Committee: 7/10/1969, p. 1317;
- question on schedule may be divided: 14/11/1972, p. 5142; 2/5/1979, p. 995.

It is desirable, but not necessary, that amendments be placed on the Notice Paper: 26/8/1902, p. 717; 10/11/1904, p. 1173; 20/9/1960, p. 1227.

Amendments which have been proposed may, by leave, be withdrawn: 16/1/1902, p. 2310; 9/10/1947, p. 1131.

Amendment not in order if it is substantially the same as one previously defeated: 21/12/1932, p. 2760;

- or if it is a direct negative to one previously accepted: 29/11/1934, p. 1671;
- or if it attempts to delete words which the Committee has already decided shall not be deleted: 10/9/1980, p. 1260;
- or if it is not relevant to the subject matter of the bill: 9/9/1925, pp. 797–798; 14/11/1944, p. 1705; 13/12/1951, p. 1619; 6/12/1956, p. 3062; 11/10/1977, p. 2025; 26/10/1977, p. 2697; 28/9/1982, pp. 3233–3234;
- or if it involves appropriation of revenue and is introduced by a private member: 7/10/1924, p. 1179; 26/10/1944, p. 1386; 11/12/1945, p. 2694; (precedents where amendments were ruled to be in order on the grounds that the appropriations were recommended in a Message expressed in general terms: 24/8/1948, p. 571; 5/12/1950, p. 2551; 24/10/1950, p. 1393; 5/11/1969, p. 2190; 9/11/1982, p. 4870);
- or if it proposes to delete a clause (the member should vote against the clause): 18/10/1906, p. 2387;

though the deleting of a clause may render the remainder of the bill to be of no effect, it is still in order. The clause could be re-inserted upon recommitment: 12/11/1959, pp. 3091–3092.

Title corrected by direction of the Chairman: 14/11/1974, p. 3148.

Proposed amendments must be relevant to the subject matter of the bill: 2/5/1972, p. 1145.

<sup>96</sup> Postponement of a partly considered clause: 10/9/1981, p. 3534.

### ***Pro forma* amendments**

- 182.** (1) A bill may have specified amendments made to it *pro forma* only if the amendments proposed to be made are printed on the Notice Paper. A motion for *pro forma* amendment will be in the form “That the amendments (specified) be made”, and will be put without amendment or debate.
- (2) If the *pro forma* motion is negatived, the bill may proceed in the usual way. If the *pro forma* motion is agreed to, a subsequent day shall be fixed for consideration of the bill in detail and the bill in the meantime will be reprinted in the amended form.

## LEGISLATION COMMITTEES

### **Referral**

**183.** At any time after the second reading and before the third reading stage the Assembly may, on motion by the Leader of the House or a member on his behalf, resolve that a bill or a series of related bills be referred to a legislation committee which may consist of between five and 11 members, excluding the person chairing the committee. Debate on that motion will not exceed 20 minutes in total and no member may speak on it for more than five minutes.

### **Membership**

**184.** The Leader of the Opposition or a member on his behalf will nominate up to five non-Government members to serve on the committee and the Leader of the House or a member on his behalf will nominate members, including the responsible Minister or Parliamentary Secretary, to complete the membership of the

<sup>97</sup> Amendments to clause already passed can only be made upon recommittal (reconsideration): 13/2/1902, p. 3003; 23/11/1910, p. 1726.

Clauses which have been deleted may be re-inserted upon recommittal (reconsideration): 18/9/1924, p. 874; 24/11/1953, p. 1972; 12/11/1959, p. 3118.

Bill may be recommitted (reconsidered) as often as the House thinks fit: 18/9/1924, p. 874.

Recommittal (reconsideration) order can specify certain clauses or new clauses for consideration: 28/9/1899, p. 1477.

Where recommittal (reconsideration) is without limitation, the whole bill is open for amendment, including new clauses: 28/9/1899, p. 1477.

committee. The interests of independent members will be taken into account by the Leader of the House and the Leader of the Opposition when making nominations to the committee.

### **Quorum**

**184A.** The quorum of a legislation committee will be —

- (a) three members; or
- (b) such higher number as is one third of the committee's membership but if that is not a whole number, the next highest whole number.

### **Voting and proxies**

**185.** Each committee member will have a deliberative vote only. A committee member may nominate another member as a proxy for speaking and voting in the committee, but any such change will not take effect until notified in writing to the Clerk to the Committee and the proxy will be cancelled immediately upon the committee member resuming a seat at the committee. The Leader of the House and the Leader of the Opposition may each nominate another member of the House who may appoint a proxy by written notification to the Clerk to the Committee.

### **Other members may participate**

**186.** Members of the Assembly who are not members of the committee may participate in the proceedings of the committee, but will not vote, move any motion, or be counted for the purpose of a quorum.

### **Advisers**

**187.** Advisers who are present at a legislation committee to assist Ministers will not directly answer questions or otherwise address the committee except with the approval of and in the presence of a Minister or Parliamentary Secretary.

### **Procedure**

**188.** Meetings of a legislation committee will be open to the public. A legislation committee will consider the bill in the way specified by Standing Orders 175 to 182, during which time the member or



Minister with carriage of the bill or a Minister or Parliamentary Secretary acting on behalf of the Minister will be present. Any amendments that have been published on the Notice Paper, or if the Assembly is not sitting have been given in writing to the Clerk to the Committee, will be considered by the committee if those amendments are published or given to the Clerk to the Committee as the case may be prior to consideration in detail stage of the clause of the bill to which the amendments relate.

### **Chairing, sitting and reporting**

**189.** Each legislation committee will be chaired by the Deputy Speaker or an Acting Speaker and has power to sit during the sittings and adjournment of the Assembly and to report from time to time.

### **Report time**

**190.** Unless a specific reporting time is determined by the Assembly, a legislation committee will finally report to the Assembly no later than the first sitting day that occurs after three weeks following the appointment of the committee. The committee report will be presented in the Assembly by the Deputy Speaker or an Acting Speaker.

### **Adoption of report**

- 191.** (1) On presentation of the report, its adoption may be moved, or the bill as reported may be committed to consideration in detail stage, or the report may be adopted and the bill be committed to consideration in detail stage for consideration of certain parts or clauses only. Debate on any question and any amendment thereto will not exceed one hour in total, but that will not preclude an amendment being moved and the question being put thereon.
- (2) If the report from the legislation committee is adopted unconditionally, the same procedure will apply as if it were a report from the consideration in detail stage.

### **Quorum or division in Assembly**

**192.** If a quorum or division is called for in the Assembly while the legislation committee is sitting, the committee meeting will be suspended until the quorum or division has concluded and members have had an opportunity to return to the committee.

### **Voting**

**193.** Voting in a division will be taken by a show of hands of those committee members present when a question is put and Tellers will not be appointed.

### **Rules to apply**

**194.** For matters not specified in these Standing Orders the rules relating to consideration of a bill in detail will be used so far as they can be applied.

### **Certification**

- 195.** (1) The Speaker will initial substantive amendments made in consideration in detail stage.
- (2) The Clerk will sign each bill at the conclusion of the consideration in detail stage to certify that it is correct.

## **THIRD READING**

### **Day fixed for third reading**

- 196.** (1) When a bill has been agreed to at the consideration in detail stage, the Speaker will notify the Assembly and a future day will be fixed, on motion, for the third reading. If no amendment has been made and leave of the Assembly without a dissentient voice is granted the question “That the bill be read a third time” may be moved forthwith.<sup>98</sup>
- (2) If a bill originating in the Assembly has been amended it will be reprinted before the Clerk certifies that the bill is in accordance

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<sup>98</sup> Objection to the granting of leave to proceed forthwith to the third reading stage must be voiced so that it is heard by the Speaker: 15/11/1979, p. 4807.

with the bill as amended during the consideration in detail stage.<sup>99</sup>

### **Reconsideration in detail**

**197.** On the order of the day for the third reading or further consideration in detail being read, the bill may be reconsidered in detail in whole or part. If reconsideration is for certain amendments only, no other part of the bill will be open to consideration, and if agreed to with amendments, a future day will be appointed for the third reading and in the meantime the bill will be again printed as amended.

### **Question for third reading**

**198.** On the order of the day being read for the third reading of a bill, on motion being made, the question will be proposed “That the bill be read a third time”.<sup>100</sup>

### **Bill passed**

**199.** When the bill is read a third time, it is passed.

### **Certificate of bill having passed**

**200.** When a bill originated in the Assembly is passed, the Clerk will certify on the bill, “That the bill originated in the Assembly and, having been passed today, is now ready for presentation to the Council for its concurrence”.

### **Certificate on bill for altering Constitution**

**201.** When the second and third readings of a bill are required by the *Constitution Act 1889* to be passed with the concurrence of an absolute majority of the whole number of the members of the Assembly, and are so passed, the Clerk will certify that fact on the bill accordingly.

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<sup>99</sup> Suspension of Standing Orders dispenses with necessity for clean print: 4/12/1947, p. 2475; 9/12/1947, p. 2554.

<sup>100</sup> Third reading debate is restricted to the content of the bill and is not as wide as the debate on the second reading: 1/10/1947, p. 1009; 17/9/1968, p. 1133; 28/4/1982, p. 147. (This includes Supply Bill: 17/4/1985, p. 2218.)

### **Formal amendments and clerical errors**

- 202.** (1) Clerical and typographical errors may be corrected and amendments of a formal nature may be made in any part of the bill by the Clerk.<sup>101</sup>
- (2) The short title and citation will be amended by the Clerk to reflect the calendar year in which the bill completes its passage through both Houses.

### **Certificate on money bills**

**203.** Whenever any bill for which purpose appropriations are recommended to the Assembly by the Governor, as provided in section 46 of the *Constitution Acts Amendment Act 1899* is passed by the Assembly, the Clerk will certify that fact on the bill accordingly.

### **Bill sent to Council**

**204.** After a bill has passed and has been certified by the Clerk, it will be sent with a message presenting it for the concurrence of the Council.

## **BILLS ORIGINATING IN THE ASSEMBLY AND AMENDED BY THE COUNCIL**

### **Amendments from Council**

**205.** When a Bill is returned from the Council with amendments, the message will be read, and a future day will be fixed for its consideration in detail unless leave is given without a dissentient voice to consider the message on the day it is received.

### **How dealt with**

- 206.** The amendments made by the Council will be —
- (a) agreed to either with or without amendments;
  - (b) disagreed to; or
  - (c) laid aside.

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<sup>101</sup> Typographical error corrected following Council Message: 16/4/1970, p. 3276.

## **Further proceeding after consideration of Council amendments**

**207.** In the event of the Assembly —

- (a) agreeing to the amendments it will acquaint the Council accordingly;
- (b) amending the Council's amendments, the bill will be returned to the Council with a schedule of the amendments desiring the concurrence of the Council therein; or
- (c) disagreeing with the amendments —
  - (i) the bill may be laid aside; or
  - (ii) the bill may again be sent to the Council desiring its reconsideration.

## **Form of schedule of amendments to Council amendments**

**208.** When amendments have been made by the Assembly on the amendments of the Council, a schedule of such amendments will be prepared, containing reference to each amendment of the Council which has been amended by the Assembly; and this schedule will accompany the bill, and be certified by the Clerk.

## **Assembly's amendments disagreed to or further amended**

**209.** If the Council returns the bill with the Assembly's amendments on the Council's original amendments —

- (a) disagreed to and insists on its original amendments; or
- (b) agreed to subject to further amendments,

the message will be read and a day fixed for its consideration.

## **Council insisting on further amendments**

**210.** On consideration of a message as received under Standing Order 209 the Assembly may —

- (a) in the case of the Council insisting on its amendments —
  - (i) agree to them;
  - (ii) lay the bill aside; or
  - (iii) request a conference;
- (b) in the case of the Council seeking further amendments —

- (i) agree to them;
- (ii) amend the further amendments; or
- (iii) lay the bill aside.

In all cases, the Assembly will acquaint the Council accordingly.

## **BILLS ORIGINATING IN THE COUNCIL**

### **Council bills**

**211.** A bill coming to the Assembly from the Council will to the necessary extent, be proceeded with as if it were a bill originating in the Assembly, but may, with leave of the Assembly without a dissentient voice, be taken immediately to the second reading stage.

### **Certificate when returned to the Council**

**212.** When any such bill has been passed by the Assembly the Council will be informed that the Assembly —

- (a) agreed to the bill without amendment;
- (b) agreed to the bill subject to the amendments contained in the schedule annexed and their concurrence in such amendments is desired; or
- (c) rejected the bill.

In each case the Clerk will certify on the bill accordingly.

### **Council amendments to Assembly amendments**

**213.** If the Council returns the bills with —

- (a) any of the amendments of the Assembly disagreed to; or
- (b) further amendments made to the Assembly's amendments,

the message will be read and its consideration be made an order of the day for the next sitting of the Assembly.

### **Amendments disagreed to or further amendments**

**214.** On consideration of a message as received under Standing Order 213 the Assembly may —

- (a) in the event of the Council disagreeing to any of the Assembly's amendments the Assembly may —

- (i) insist or not insist on its amendments;
  - (ii) propose new amendments as alternative to its own amendments to which the Council has disagreed; or
  - (iii) lay the bill aside;
- (b) in the event of the Council amending the Assembly's amendments, the Assembly may —
- (i) agree to the amendments;
  - (ii) disagree to the amendments and insist on the Assembly's original amendments;
  - (iii) agree to the amendments with further amendments;  
or
  - (iv) lay the bill aside.

In all cases, the Assembly will acquaint the Council accordingly.

### **Form of schedule of Assembly amendments**

**215.** When any amendments have been made by the Assembly, the Clerk will prepare a schedule of the amendments referring to the page and line of the bill where the words are to be inserted or omitted and describing the amendments proposed and certify the schedule and attach it to the bill.

### **Clerk to certify at every stage of the bill**

**216.** In whatever way the Assembly disposes of a bill returned with amendments by the Council, as previously described, the Clerk will, at every stage, certify on the bill accordingly.

## **AMENDMENTS PROPOSED BY THE GOVERNOR**

### **Amendments proposed by Governor**

**217.** Whenever the Governor will transmit by message to the Assembly any amendment which the Governor desires to be made in any bill presented for the Sovereign's assent, the amendment will

be treated and considered in the same manner as amendments proposed by the Council.<sup>102</sup>

### **Such amendment, if agreed, to be forwarded to the Council**

**218.** When the Assembly has agreed to any amendment proposed by the Governor, such amendment, together with any alterations rendered necessary to be made in the bill in consequence of such amendment, will be forwarded to the Council for its concurrence.

### **Consideration of such amendments received through the Council**

**219.** Amendments by the Governor in bills originated in the Council, which have been agreed to by the Council and forwarded for the concurrence of the Assembly, will be proceeded with in the same manner as amendments made by the Council on the Assembly's amendments on bills first received from the Council.

## **PROROGATION**

### **Bills lapsed due to prorogation**

- 220.** (1) A bill which has lapsed because of a 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) An Assembly bill in the possession of the Assembly, including consideration of Council amendments, may be restored by motion on notice.
- (3) A Council bill in the possession of the Assembly, may be restored by motion on notice after receipt of a message from the Council requesting the same.
- (4) If an Assembly bill is in possession of the Council, a message may be sent to the Council requesting that the bill be restored.
- (5) Any bill restored will be proceeded with as if its passage had not been interrupted by a prorogation.

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<sup>102</sup> Amendments conveyed in a Message from the Governor: 22/12/1911, p. 1547; 4/12/1919, p. 1985.



- (6) If the 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.

## CHAPTER 21

### ESTIMATES COMMITTEES

#### Arrangement of estimates

- 221.** (1) The Estimates for the Consolidated Fund will be listed in the following manner and order —
- (a) as one Part, the Estimates dealing with Parliament;
  - (b) as separate Parts, the Estimates of all departments administered by each individual Minister under portfolios held by the Minister at the time;
  - (c) as separate Divisions within each Part, the Estimates of each department, authority, or section of Government activity administered by the Minister under portfolios held by the Minister at the time.
- (2) Department, agency and authority information in support of the Estimates will be similarly arranged and appropriately indexed.

#### Bills referred to estimates committees

- 222.** (1) After the second reading of the Appropriation bill or bills which provide for the main recurrent and capital appropriations, the consideration in detail stage will be replaced by Estimates Committees A and B.
- (2) The estimates committees will examine the bills and proposed expenditure contained in the Estimates and report on proposed expenditure by the Parliament and government departments and agencies funded from the Consolidated Fund.
- (3) The estimates committees may also examine off-budget public corporations, as determined by the management committee, and ask questions regarding their budgets and operations.

#### Management committee

- 223.** (1) There will be a management committee which will comprise the Leader of the House, one member nominated in

writing to the Speaker by the Premier, and two members similarly nominated by the Leader of the Opposition.

- (2) Before the estimates committees first meet, the Leader of the House will present to the Assembly the report of the management committee, which report will prescribe —
  - (a) which parts of the Estimates are to be considered by each committee;
  - (b) the time allotted for consideration of each part or any division or program of the Estimates and the budgets of those agencies referred to in Standing Order 222 (2) and (3); and
  - (c) following consultation with Assembly members, which off-budget public corporations will attend estimates committees hearings.
- (3) On presentation of the report of the management committee, the Speaker will forthwith propose the question, “That the report be adopted”, and debate may proceed for a maximum period of one hour on that question and any proposed amendments.

### **Estimates committees membership**

**224.** Each estimates committee will consist of —

- (a) a Chairman;
- (b) three members appointed by the Leader of the House and three members appointed by the Leader of the Opposition; and
- (c) the Minister or Parliamentary Secretary responsible in the Assembly for the department, agency or enterprise under consideration, or another Minister acting in that capacity, or when considering the estimate for “Parliament”, the Speaker or the Deputy Speaker.

### **Appointment of members**

**225.** The Leader of the House and the Leader of the Opposition will notify in writing to the Speaker their appointment of members for each part, division or program, specified in the report of the management committee.

## **Replacement of members**

- 226.** A member may be replaced on an estimates committee by —
- (a) the member appointing another member as a replacement;
  - (b) the Leader of the House or the Leader of the Opposition appointing another member as a replacement; or
  - (c) a member deputed by the Leader of the House or the Leader of the Opposition appointing another member as a replacement,

and no change will take effect until notified in writing to the Clerk to the Committee.

## **Chairing of estimates committees**

- 227.** (1) The Chairman of an estimates committee will be the Deputy Speaker or an Acting Speaker.
- (2) Any member of the committee may take the Chair temporarily whenever requested so to do by the Chairman of that committee.

## **Quorum**

**228.** The quorum of an estimates committee will be four, excluding the Chairman, and if at any time a quorum is not present, the Chairman may suspend the proceedings of the committee until a quorum is present.

## **Non-committee members**

**229.** Members of the Assembly who are not members of the committee may participate, at the discretion of the Chairman, in the proceedings of the committee, but will not vote, move any motion, or be counted for the purpose of a quorum.

## **Ministerial advisers**

- 230.** (1) Advisers who are present at an estimates committee to assist Ministers will not directly answer questions or otherwise address the committee except with the approval of and in the presence of a Minister or Parliamentary Secretary.

- (2) Representatives of off-budget public corporations are treated as Ministerial advisers for the purposes of this Standing Order.

### **Minutes of estimates committees**

**231.** Minutes of each estimates committee will be recorded by the Clerk to the Committee, and will be signed by the Deputy Speaker or an Acting Speaker and the Clerk to the Committee.

### **Procedure in estimates committees**

**232.** In each estimates committee —

- (a) the question will be proposed for each division or part thereof of the Estimates referred to that committee, “That the appropriation be recommended”, and if there is an equality of votes on any such question, the committee will include in its report to the House, its inability to report on that division;
- (b) voting in a division will be taken by a show of hands of those members of the committee, exclusive of the Chairman, present when a question is put and tellers will not be appointed;
- (c) any question of procedure or point of order will be determined by the Chairman of the committee, subject to the ultimate decision of the Speaker; and
- (d) at the conclusion of consideration by Estimates Committee A of the Estimates referred to it or at the expiry of the time allocated to that committee, the question will be put forthwith — “That the clauses, schedules and title of the bill be agreed to”.

### **Presentation of reports**

**233.** Reports of the estimates committees will state which parts of the Estimates have been considered and whether the proposed expenditures are recommended. Failure of an estimates committee to report on any part of the Estimates within the time required by the Assembly will be deemed to be a report recommending the proposed expenditures. The time for presentation of the reports may be as determined by the Assembly.

**Procedure for presentation of reports**

**234.** The reports of the estimates committees will be presented together to the Assembly by the Deputy Speaker and may be considered forthwith, the question being proposed for each, “That the report be adopted”. Debate on that question and any amendment thereto will not exceed one hour in total, but that will not preclude an amendment being moved and the question being put thereon. If the reports of the committees are adopted, the third reading of the bill may be moved forthwith.

## CHAPTER 22

### COMMUNICATION BETWEEN THE COUNCIL AND THE ASSEMBLY

#### **Modes of communication**

**235.** Communication with the Council may be by message, conference or by committees conferring with each other.

#### **Messages to be signed by Speaker**

**236.** Every message from the Assembly to the Council will be in writing, signed by the Speaker.

#### **Messages from the Council**

- 237.** (1) Every message from the Council to the Assembly will be received without delay at the Bar, and if the Assembly is not sitting, by the Clerk and be reported by the Speaker as early as is convenient.
- (2) A message containing a resolution from the Council will be read, and a future day will be fixed for its consideration unless leave is given without a dissentient voice to consider the message on the day it is received.

## **CHAPTER 23**

### **CONFERENCES**

#### **Conferences requested by message**

**238.** Conferences between the Assembly and the Council will be requested by message.

#### **Object for conference and number of managers to be stated**

**239.** In requesting a conference, the message from the Assembly will state —

- (a) the object for the conference; and
- (b) the names of the members proposed to be the managers for the Assembly.

#### **Number of managers**

**240.** At least three managers will be appointed to represent the Assembly in a conference requested by the Assembly.

#### **Managers to equal in number those appointed by the Council**

**241.** The number of managers appointed to represent the Assembly in a conference requested by the Council will be the same number as appointed by the Council.

#### **Managers may be appointed by ballot**

**242.** If a member so requests, the managers for the Assembly will be appointed by ballot, in the same manner as for a committee.

#### **During conference, Assembly suspended**

**243.** During a conference, the Assembly will be suspended.

#### **Restriction on request for conference**

**244.** No conference will be requested by the Assembly on any bill or motion which is in the possession of the Council.



### **House agreeing to conference to name time and place**

**245.** When the Council requests a conference, the time and place for holding the conference will be appointed by the Assembly; and when the Assembly requests a conference, it will agree to its being held at the time and place appointed by the Council, and such agreement will be communicated by message.<sup>103</sup>

### **When conference held and how conducted**

**246.** At conferences, the managers for the Assembly will meet the managers for the Council at the time and place appointed and unless the Assembly otherwise directs, be at liberty to confer freely with them. If agreement cannot be reached on the bill or other matter referred to the conference, the Assembly managers may terminate the conference.

### **Proceedings to be reported in writing, signed by managers**

**247.** When the conference has terminated, the managers for the Assembly immediately will report the results in writing signed by them to the Assembly.<sup>104</sup>

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<sup>103</sup> An alteration to the time of meeting may be requested by Message: 13/10/1948, p. 1619.

<sup>104</sup> Bill can be recommitted (reconsidered in detail) after Conference, but only those matters in the Manager's report may be dealt with: 23/12/1924, p. 2666.

## CHAPTER 24

### STANDING AND SELECT COMMITTEES

#### Number of members

**248.** A committee will consist of five members, unless otherwise ordered by the Assembly.

#### Appointment, discharge and resignation

- 249.** (1) Members will be appointed to and may be discharged from committees by motion on notice. No notice is required of a motion for appointment of members if it immediately follows a motion which has established a committee.<sup>105</sup>
- (2) A member may resign from a committee by writing to the Speaker, and the resignation is effective on receipt by the Speaker.
- (3) When the Assembly is not sitting and a vacancy occurs on a committee, the Speaker may, in consultation with the Leader of the House or Leader of the Opposition as the case may require, appoint a member to fill the vacancy until an appointment can be made or confirmed by the Assembly.<sup>106</sup>
- (4) The Assembly may on motion co-opt any member of the Assembly, not being a Minister, to participate for a specified inquiry, in meetings of a portfolio-related committee or the Public Accounts Committee in relation to portfolio-related matters allocated to it. That member is not a member of the committee and may not vote, move any motion or be counted for the purpose of a quorum, but in relation to that inquiry may ask questions of witnesses and participate in a deliberative meeting.

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<sup>105</sup> It is competent for a motion to be moved to delete a name from those proposed to form the Committee: 11/9/1957, p. 1449.

<sup>106</sup> A petition seeking discharge of a member from a Select Committee was referred to that Select Committee: 13/12/1984, p. 5006.

- (5) When the Assembly is not sitting, the Speaker may appoint a member as a co-opted member until the Assembly can confirm the appointment or otherwise.

### **Speaker to consent**

**250.** The Speaker will not be appointed to a committee without the Speaker's consent.

### **Ministers ineligible**

**251.** No Minister of the Crown will be eligible to be appointed as a member of a committee.

### **Membership of standing committees**

**252.** Each member of a standing committee, while otherwise qualified, will continue as a committee member until the Assembly expires by effluxion of time or is dissolved, or until the member is discharged or resigns from the committee.

### **Ballot**

- 253.** (1) Any member may request a ballot for the election of committee members.
- (2) When a ballot has been requested —
- (a) the bells will be rung as for a division;
  - (b) the Speaker will propose the motion that the committee consist of five members, unless otherwise ordered by the Assembly, to which amendments may be moved;
  - (c) a ballot paper will be given to each member in the Chamber;
  - (d) no nomination is required;
  - (e) each member will write the name of the electorates of those members for whom they wish to vote, not exceeding the number of members to be elected;
  - (f) the votes will be deposited in a ballot box and returned to the Clerks at the Table;
  - (g) the Speaker will nominate scrutineers and the Clerks will count the votes;

- (h) the members who receive the most votes will be declared by the Speaker to be elected;
- (i) if two or more members have an equality of votes for the last place or places on the committee, a second ballot will be held to determine that place or those places;
- (j) only those members who achieved an equality of votes for that place or those places will continue as candidates in the second ballot; and
- (k) further ballots will be conducted as necessary.

### **Pecuniary interest**

**254.** A member will not participate in a committee if the member has a direct pecuniary interest in the matters being investigated by the committee unless the interest has been declared in the Assembly.

### **Terms of reference and report date**

- 255.** (1) Whenever a standing committee receives or determines for itself a fresh or amended terms of reference, the committee will forward them to the Speaker of the Assembly, each standing and select committee of the Assembly and joint committee of the Assembly and Council. The Speaker will announce them to the Assembly at the next opportunity and arrange for them to be placed on the notice boards of the Assembly.
- (2) If no reporting date is specified in —
- (a) a motion for the establishment of a select committee; or
  - (b) terms of reference for a standing committee,
- the committee will report to the Assembly within 12 calendar months from the appointment or the date when the terms of reference is reported to the Assembly.
- (3) (a) The Assembly may vary that date; and
- (b) in relation to terms of reference set by a standing committee and where the Assembly has not set the report date, the standing committee may vary the report date as an amended terms of reference.

### **First meeting**

**256.** The Clerk will call the first meeting of a committee as soon as practicable following its appointment.

### **Election of Chairman**

**257.** At the first meeting of a committee, the election of a Chairman is the first item of business, after which the committee may elect a Deputy Chairman.

### **Deliberative vote only**

**258.** Each member of a committee will have a deliberative vote only.

### **Quorum**

- 259.** (1) A quorum for committees is two to take evidence and three to deliberate and pass resolutions.
- (2) Committee members using a video-conferencing facility will be counted as present for the purpose of a quorum.
- (3) If a quorum is not present within 15 minutes of the time set for a meeting, the members present may retire and the Clerk will enter their names in the minutes.
- (4) If during a committee meeting attention is drawn to the absence of a quorum, the Chairman may suspend the committee until a quorum is present or adjourn the committee to some future time.

### **Subcommittees**

- 260.** (1) A committee may appoint a subcommittee of two or more of its members to inquire into and report to the committee upon any matter which the committee is empowered to examine, but may not take evidence unless the committee so decides in relation to each proposed witness.
- (2) At a meeting of a subcommittee, two members constitute a quorum.
- (3) The Standing Orders apply to a subcommittee in like manner as they apply to a committee.

- (4) A subcommittee will report to the committee as soon as practicable on each matter referred to that subcommittee.

## **Minutes**

- 261.** The minutes of a committee meeting will record —
- (a) members present and apologies received; and
  - (b) the votes and proceedings of the meeting.

## **Time and places of sittings**

**262.** A committee may adjourn from time to time and from place to place and may sit during a suspension or adjournment of the Assembly.

## **Meeting during sittings of the Assembly**

**263.** No committee may sit while the Assembly is sitting unless agreed to by the Assembly on motion.

## **Persons, papers and records**

**264.** A committee has power to send for persons, papers and records.<sup>107</sup>

## **Witnesses**

**265.** If resolved by the committee, the Chairman will authorise the Clerk of the Assembly to summon a witness to be examined by the committee.<sup>108</sup>

## **Member of Parliament as witness**

**266.** If resolved by the committee, the Chairman will write to a member of Parliament requesting the member to attend. If the member refuses to attend the committee will not take any further action, except to report the matter to the Assembly.

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<sup>107</sup> Witness refuses to give evidence: 1/11/1904, p. 944 (also see pp. 1059, 1100, 1167, 1714 and 1725); 30/11/1976, pp. 4752 and 4755.

<sup>108</sup> See Sections 4 and 5 of the *Parliamentary Privileges Act 1891*.

## **Examination of witnesses**

- 267.** (1) The examination of witnesses by a committee will follow the procedural rules determined by the Speaker from time to time.
- (2) Under exceptional circumstances a procedural rule may be varied with the prior approval of the Speaker.<sup>109</sup>
- (3) A video-conferencing facility may be used by a committee to examine a witness.
- (4) A video-conferencing facility will not be used by a committee to take *in camera* evidence.
- (5) If a portfolio-related committee, or the Public Accounts Committee in relation to portfolio-related matters allocated to it, is examining a witness, any member of the Assembly, not being a Minister, may attend and at the discretion of the Chairman, ask questions of the witness. That member is not a member of the committee and may not vote, move any motion, be counted for the purpose of a quorum, or be involved in any deliberative part of the committee meeting.

## **Recording of evidence**

**268.** Unless otherwise ordered by the committee, a transcript will be taken of all formal evidence.

## **Consideration of evidence**

**269.** Where a committee ceases to exist before it can report on a matter it has been investigating, the evidence will be available to any like committee appointed in the same or the next Parliament.

## **Deliberations in private**

**270.** Committee deliberations will be conducted in closed session.

## **Disclosure of evidence**

**271.** (1) Unless the Assembly or the committee otherwise orders, evidence will be taken in public and may be published immediately.

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<sup>109</sup> Standing Orders suspended to permit a witness to be supplied with notes of evidence and to question witnesses: 26/10/1939, p. 1508.

- (2) No member of the committee nor any other person will publish or disclose evidence not taken in public including documentary evidence received by the committee unless that evidence has been reported to the Assembly or that disclosure has been authorised, on motion, by the committee.
- (3) A committee may resolve to take evidence in closed session or *in camera*. If evidence has been taken *in camera*, it will not be published or disclosed by the committee unless the witness gives written approval.

## **Report**

**272.** A committee may report upon its deliberations and present its minutes, evidence or other documents from time to time.

## **Draft report**

- 273.** The Chairman will prepare the draft report for consideration by the committee and it will be considered as follows —
- (a) unless previously circulated, the Chairman will read the report;
  - (b) the committee may order it to be circulated and a subsequent day named for its consideration;
  - (c) the report will be considered paragraph by paragraph — the question being proposed “That the paragraph as read stand part of the report”;
  - (d) a member may move amendments to a paragraph at the time it is under consideration;
  - (e) after all paragraphs have been considered, the question will be proposed, “That the report (as amended) be adopted”;
  - (f) the Chairman may add a foreword.

## **Minority report**

**274.** (1) A committee member may add a minority report to the report prior to its tabling if the minority report has been presented to members of the committee at a committee meeting.

(2) A reasonable opportunity for presentation of a minority report will be given by the committee to any member who indicates a wish to do so before the report is formally adopted.



### **Chairman to sign**

**275.** The report will be signed by the Chairman.

### **Report to include statement of expenditure**

**276.** The final or annual report of a committee will include a statement showing the actual (or estimated) costs of the operation of the committee.

### **Direction to Ministers to respond to recommendations**

- 277.** (1) A report may include a direction that a Minister in the Assembly is required within not more than three months, or at the earliest opportunity after that time if the Assembly is adjourned or in recess, to report to the Assembly as to the action, if any, proposed to be taken by the Government with respect to the recommendations of the committee.
- (2) The Clerk will record on the Notice Paper any such direction together with the time limit for the response, and the Speaker will report to the Assembly any non-compliance with this Standing Order.

### **Report tabled**

- 278.** (1) A report will be presented to the Assembly by the Chairman or some other member of the committee appointed for that purpose.
- (2) Unless the committee resolves otherwise, relevant formal evidence taken by the committee will be tabled with the report and it may also be accompanied by minutes of proceedings and other documents.
- (3) If the committee so requests, the Clerk will take such action as is necessary and appropriate to publish the report.
- (4) If for any reason the Assembly is not sitting for a period in excess of two weeks, a report may be forwarded to the Clerk and on receipt by the Clerk it is deemed to be laid upon the Table of the Assembly.
- (5) The Clerk will advise the Assembly of the receipt of any such report at the next sitting of the Assembly.

### **Discussion on presentation of report**

**279.** On presentation of a report under Standing Order 278 (1) or (5), the Chairman may speak for 20 minutes and committee members may speak for 10 minutes each. No other member may speak unless leave of the Assembly is given without a dissentient voice.<sup>110</sup>

### **Committee lists**

**280.** Lists of committee members will be placed on a notice board near the Chamber.

### **Conference with Council committee**

**281.** Each committee will have power to confer with a similar committee of the Council considering similar matters.

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<sup>110</sup> Co-opted members may speak for 10 minutes: 4/12/2003, V. and P., p. 1030.

## CHAPTER 25

### SESSIONAL COMMITTEES

#### **Parliamentary Services Committee**

- 282.** (1) A Parliamentary Services Committee will be appointed at the beginning of each session to advise the Speaker on matters dealing with *Hansard*, Library, Catering and Building Management in the Parliament.
- (2) The committee will have power to meet while the Assembly is not sitting, to adjourn from time to time and to confer with a similar committee of the Council.
- (3) Membership of the committee will consist of the Speaker and five other members as the Assembly appoints.
- (4) Standing Orders 249, 251, 252, 253, 254, 257, 258, 259, 260 and 261 will apply to the committee.

## CHAPTER 26

### STANDING COMMITTEES

#### **General provisions of standing and select committees to apply**

**283.** The general provisions for standing and select committees will apply to each standing committee.

### PROCEDURE AND PRIVILEGES COMMITTEE

**284.** (1) A Procedure and Privileges Committee will be appointed at the beginning of each Parliament to —

- (a) examine and report on the procedures of the Assembly; and
- (b) examine and report on issues of privilege; and
- (c) wherever necessary, confer with a similar committee of the Council.

(2) Membership of the committee will consist of the Speaker and four other members as the Assembly appoints.

(3) Standing Order 278 will apply except that where possible any report of the committee will be presented by the Deputy Speaker.

(4) When consideration of a report from the committee is set down as an order of the day it will be considered using the consideration in detail procedure.

### PUBLIC ACCOUNTS COMMITTEE

#### **Establishment**

**285.** At the commencement of every Parliament the Assembly will appoint a Public Accounts Committee to inquire into and report to the Assembly on any proposal, matter or thing it considers necessary, connected with the receipt and expenditure of public moneys, including moneys allocated under the annual Appropriation bills and Loan Fund.

## **Powers of committee**

**286.** The Committee may —

- (1) Examine the financial affairs and accounts of government agencies of the State which includes any statutory board, commission, authority, committee, or trust established or appointed pursuant to any rule, regulation, by-law, order, order in Council, proclamation, ministerial direction or any other like means.
- (2) Inquire into and report to the Assembly on any question which —
  - (a) it deems necessary to investigate;
  - (b) (Deleted V. and P., p. 225, 18 June 2008);
  - (c) is referred to it by a Minister; or
  - (d) is referred to it by the Auditor General.
- (3) Consider any papers on public expenditure presented to the Assembly and such of the expenditure as it sees fit to examine.
- (4) Consider whether the objectives of public expenditure are being achieved, or may be achieved more economically.
- (5) The Committee will investigate any matter which is referred to it by resolution of the Legislative Assembly.

## **PORTFOLIO-RELATED STANDING COMMITTEES**

### **Appointment and functions**

- 287.** (1) At the commencement of every Parliament the Assembly will appoint three portfolio-related standing committees, namely —
- (a) Community Development and Justice;
  - (b) Education and Health;
  - (c) Economics and Industry.

- (2) The functions of each committee are to review and report to the Assembly on —
- (a) the outcomes and administration of the departments within the committee's portfolio responsibilities;
  - (b) annual reports of government departments laid on the Table of the House;
  - (c) the adequacy of legislation and regulations within its jurisdiction; and
  - (d) any matters referred to it by the Assembly including a bill, motion, petition, vote or expenditure, other financial matter, report or paper.
- (3) At the commencement of each Parliament and as often thereafter as the Speaker considers necessary, the Speaker will determine and table a schedule showing the portfolio responsibilities for each committee. Annual reports of government departments and authorities tabled in the Assembly will stand referred to the relevant committee for any inquiry the committee may make.

## JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION

### **Appointment**

**288.** At the commencement of every Parliament, a Joint Standing Committee on the Corruption and Crime Commission will be appointed by resolution of the Assembly and forwarded to the Council for its concurrence.

### **Functions**

**289.** It is the function of the Joint Standing Committee to —

- (a) monitor and report to Parliament on the exercise of the functions of the Corruption and Crime Commission and the Parliamentary Inspector of the Corruption and Crime Commission;

(b) inquire into, and report to Parliament on the means by which corruption prevention practices may be enhanced within the public sector; and

(c) carry out any other functions conferred on the Committee under the *Corruption, Crime and Misconduct Act 2003*.

### **Membership**

**290.** The Joint Standing Committee will consist of four members, of whom —

- (a) two will be members of the Assembly; and
- (b) two will be members of the Council.

### **Reports**

**291.** A report of the Joint Standing Committee will be presented to the Assembly and the Council by members of the Joint Standing Committee nominated by it for that purpose.

### **Certain Standing Orders to apply**

**292.** Without limiting the effect of anything contained in Standing Orders 288 to 291, the Standing Orders of the Assembly relating to standing and select committees will be followed as far as they can be applied.

**293.** (This standing order intentionally left blank.)

**294.** (Deleted V. and P., p. 1135, 30 March 2004.)

**295.** (Deleted V. and P., p. 1135, 30 March 2004.)

## **JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION**

### **Appointment**

**296.** At the commencement of every Parliament, a Standing Committee on Delegated Legislation will be appointed by the Assembly on receipt of a message from the Council for the appointment of a Joint Standing Committee.

**Certain Standing Orders of the Assembly and Council to apply**

**297.** Except to the extent that they impinge upon the functioning of the Committee, Standing Orders applicable to Committees of the Legislative Council will apply to the Committee's proceedings. Assembly Standing Orders 249, 252, 254, 262, 263 and 264 will also apply to the Assembly members of the Joint Standing Committee.

**298.** (Deleted V. and P., p. 130, 17 October 2002.)

**299.** (Deleted V. and P., p. 130, 17 October 2002.)

**300.** (Deleted V. and P., p. 130, 17 October 2002.)

**301.** (Deleted V. and P., p. 130, 17 October 2002.)

**302.** (Deleted V. and P., p. 130, 17 October 2002.)

**303.** (Deleted V. and P., p. 130, 17 October 2002.)



## **CHAPTER 27**

### **WITNESSES BEFORE THE ASSEMBLY**

#### **Information regarding improper conduct of member**

**304.** If a committee receives information regarding improper conduct of a member of the Assembly, the committee will report the matter to the Assembly and not proceed any further.

#### **Request for Council member or officer to attend**

**305.** If the Assembly or a committee wishes to examine a member or officer of the Council, a message will be sent requesting the Council to grant leave for the member or officer to be examined on the matters stated in the message.<sup>111</sup>

#### **Council request for Assembly member or officer to attend**

**306.** If the Council or one of its committees wishes to examine a member or officer of the Assembly, the Assembly may —

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

#### **Witness in prison**

**307.** If a witness is in prison, the Assembly may order that the Speaker issue a warrant to the keeper of the prison to bring the witness in safe custody to be examined.

#### **Witnesses protected**

**308.** Any witnesses examined by the Assembly or a committee are entitled to the protection of the Assembly in respect of their having given evidence and anything that may be said in their evidence.

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<sup>111</sup> Amendment to motion in order when it requires a Message to be sent to Council seeking leave for a Council Minister to appear before Bar of the Assembly: 20/4/1982, p. 795.  
Council requested to permit its members to attend: 24/9/1929, p. 851; 25/10/1944, p. 1332.

### **Examined at the Bar**

**309.** Unless the Assembly otherwise orders, a witness will be examined by the Assembly or in consideration in detail stage, at the Bar with the Bar kept closed.

### **Questions to witness**

**310.** (1) A witness appearing before the Assembly will be examined by members putting their questions through the Speaker.

(2) A witness giving evidence before the Assembly on a bill may be questioned directly by members.

### **Objection to question**

**311.** If any question is objected to or other matters arise, the witness will withdraw while the Assembly considers the matter.

### **Member examined in place**

**312.** A member will be examined in the member's place.

### **Officers not to give evidence without leave**

**313.** No person employed or contracted to assist the Assembly or a committee will give evidence in respect of any proceedings of the Assembly or committee without the leave of the Assembly.

### **Disclosure of the identity of journalists' informants**

**314.** If the Assembly is considering whether to require a journalist to disclose an informant's identity it shall have regard to the public interest of having a free press when it does so.



# JOINT STANDING RULES AND ORDERS OF THE LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY

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Adopted by the Legislative Assembly 2nd February, 1891, approved by the Governor 5th February, 1891, and reprinted with amendments to June, 1985.

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JOINT STANDING RULES AND  
ORDERS  
OF THE  
LEGISLATIVE COUNCIL  
AND LEGISLATIVE ASSEMBLY<sup>1</sup>

1. Deleted V. and P., p.677, 6 May 1998.
2. Deleted V. and P., p.677, 6 May 1998.

BILLS

**Bills fair printed when passed.**

3. 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.

**Bills printed on vellum.**

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

**Bills to be authenticated.**

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

**Bills presented to Governor by Clerk of Parliaments.**

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

**Disposal of Bills.**

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<sup>1</sup> Amendments to Joint Standing Orders were dealt with: 30/9/1969, p. 1083.

7. When 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 Colonial Secretary.

**Title to set forth objects of Bill.**

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

**Numbering of Acts.**

9. 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.

**Clerk of Parliaments.**

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

**In case of absence of Clerk of Parliaments.**

11. In the 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.

**Clerical errors.**

12. 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 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.

**Interpretation.**

**13.** 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.

JOINT STANDING RULES AND  
ORDERS  
OF THE  
LEGISLATIVE COUNCIL  
AND  
LEGISLATIVE ASSEMBLY  
RELATING TO THE

**ELECTION OF A SENATOR TO THE  
FEDERAL PARLIAMENT**

Adopted by the Legislative Assembly,  
22nd July, 1903.

Approved by the Governor,  
25th July, 1903

**1.** Whenever Parliament has been informed by Message from His Excellency the Governor that the place of a Senator for the State of Western Australia has become vacant under Section 15 of the Commonwealth of Australia Constitution Act, a Motion shall be made that the President and Speaker do fix a day and place whereon and whereat the Council and Assembly, sitting and voting together, may choose a person to hold the place of the Senator whose place has become vacant as aforesaid. Such day shall be not more than fourteen days after the date of such Motion.

**2.** The President and Speaker shall, as soon as practicable, inform the Council and Assembly respectively of the date and place so fixed.

**3.** At the date and place so fixed the members of the Council and Assembly shall sit together and proceed to the election of a Senator.

At such sitting the President of the Council, or, in his absence, the Speaker of the Assembly shall preside.

4. On any debate arising, the same shall be conducted according to the Standing Orders and practice of the Legislative Assembly. On all points of order the ruling of the President shall be absolute and final.

5. At such meeting the following regulations shall be observed —

- (a) A member, addressing himself to the President, shall propose a person to hold the vacant place in the Senate, and shall state that such person is willing to act if chosen.
- (b) If only one person be proposed and seconded, the President shall declare: “That \_\_\_\_\_ has been chosen to hold the vacant place in the Senate.”.
- (c) If more than one person be proposed and seconded, the person to hold the vacant place shall be chosen by ballot.
- (d) No person shall be proposed after the President has given directions to proceed with the first ballot.
- (e) When the President has directed the first ballot to proceed, each member present shall be provided with a ballot paper, certified by the Clerks of the two Houses, and shall write thereon the name of one of the persons duly proposed, and shall place the paper in the ballot box.
- (f) The President shall appoint a member of each House to be scrutineers, who, with the Clerks of the Houses, shall ascertain the number of votes for each candidate.
- (g) If any candidate shall have an absolute majority of the votes of the whole number of members voting, the President shall forthwith declare such candidate elected.
- (h) If on the first ballot no candidate shall have received an absolute majority of such votes, a second ballot shall be taken; but the name of the candidate who shall have received the fewest votes at the first ballot shall be excluded.



- (i) Until one of the candidates obtains an absolute majority of such votes, successive ballots shall be taken, and at each ballot the name of the candidate who shall have received the fewest votes at the preceding ballot shall be excluded.
- (j) If on any ballot it shall be necessary to decide between two or more candidates as to which is to be excluded from a subsequent ballot through the number of votes for such candidates being equal, a special ballot shall be taken, and the name of the candidate having the smaller number of votes at such special ballot shall be excluded from the subsequent ballot.
- (k) As soon as any candidate obtains an absolute majority of the votes of the members voting, the President shall declare such candidate to be elected, and shall forthwith sign a certificate addressed to His Excellency the Governor in the following form —

“With reference to Your Excellency's Message to Parliament enclosing copy of a notification from His Excellency the Governor-General or the Honourable the President of the Senate of the Commonwealth as the case may be, that a vacancy had happened in the representation of Western Australia in the Senate of the Commonwealth, I do myself the honour to inform you that at a Joint Sitting of the Houses of Parliament of the State of Western Australia, held at Perth on the . . . day of . . . . . 19. . the members of such Houses sitting and voting together, in pursuance of Section 15 of “The Commonwealth of Australia Constitution Act”, did choose (*name in full, occupation, and address*) to hold the place vacated by \_\_\_\_\_ .”

- (l) The President shall in all cases be entitled to vote.
  - (m) The records of the proceedings and ballot papers shall be retained by the Clerk of the Parliaments of the State of Western Australia, who shall be the custodian thereof.
6. After the Joint Sitting the President of the Council and Speaker of the Legislative Assembly shall inform the Council, and Assembly respectively of the result thereof, and the same shall be recorded.

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## **SPEAKER'S PROCEDURAL RULES**

### COMMITTEE EVIDENCE

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(Standing Order No. 267)

#### **Part 1. Procedures for formal examination of witnesses**

Unless a variation is approved by the Speaker, all committees will observe the following procedures —

##### **Invitation to attend a committee meeting**

1. A witness will be invited to attend a committee meeting to give evidence. A witness will be summonsed to appear (whether or not the witness was previously invited to appear) only where the committee has made a decision that the circumstances warrant the issue of a summons.

##### **Production of relevant documents**

2. Where a committee requires documents relevant to the committee's inquiry, the witness will be invited to produce them, and a summons that documents be produced will be made (whether or not an invitation to produce documents has previously been made) only where the committee has made a decision that the circumstances warrant the issue of a summons.

##### **Procedure for notice of meeting**

3. A witness will be given reasonable notice of a meeting at which the witness is to appear, and will be supplied with a copy of the committee's terms of reference, a statement of the matters expected to be dealt with during the witness' appearance, and an information brochure on evidence procedures. Where the committee considers it appropriate a witness will be supplied with a transcript of relevant evidence already taken.

**Written submissions**

4. Where appropriate, a witness will be given an opportunity to make a submission in writing before appearing to give oral evidence.

**Access to documents by witness**

5. A witness will be given reasonable access to any documents that the witness has produced to a committee.

***In camera* evidence**

6. A witness will be made aware, before giving evidence, that the witness may apply for any or all of the witness' evidence to be heard *in camera*.

**Restriction on publication of *in camera* evidence**

7. Before giving *in camera* evidence a witness will be informed of the restriction on publication of such evidence and the potential for publication in the future.

**Relevance of questions to enquiry**

8. A chairman of a committee will ensure that all questions put to witnesses are relevant to the committee's inquiry. Where a member of a committee requests discussion of a ruling of the chairman on this matter, the committee will deliberate in closed session and determine whether any question which is the subject of the ruling will be permitted.

**Objections to questions**

9. Where a witness objects to answering any question put to the witness, the witness will be invited to state the ground upon which the objection is taken. Unless the committee determines immediately that the question should not be pressed, the committee will then consider in closed session whether it will insist upon an answer to the question, having regard to the relevance of the question to the committee's inquiry and the importance to the inquiry of the information sought by the question. If the committee determines that it requires an answer to the question, the witness will be informed of that determination and will be required to answer the question. Where a witness declines to answer a question

to which a committee has required an answer, the committee may report the facts to the Assembly.

### **Evidence which may reflect adversely on a person or body**

10. Where a committee has reason to believe that evidence about to be given may reflect adversely on a person or body, the committee will give consideration to hearing that evidence in closed session or *in camera*.

### **Written response to adverse evidence**

11. If a person or body requests an opportunity to respond to evidence given in open session which significantly reflects adversely on that person or body, an opportunity will be given to make a written submission and if the committee thinks fit, to have access to the evidence.

### **Procedure for accompanying counsel**

12. A witness may make application to be accompanied by counsel and to consult counsel in the course of a meeting at which the witness appears. If the application is granted, the witness will be given reasonable opportunity to consult counsel during a meeting at which the witness appears. Counsel will not address the committee.

### **Questions relating to matters of policy**

13. An officer of a department of the State or of the Commonwealth will not be asked to give opinions on matters of policy, and will be given reasonable opportunity to refer questions asked of the officer to superior officers or to a Minister.

### **Corrections of errors in transcripts**

14. Reasonable opportunity will be afforded to witnesses to make corrections of errors of transcription in the transcript of their evidence and to put before a committee additional material supplementary to their evidence.

### **Improper influence and threats**

15. Where a committee has any reason to believe that any person may have been improperly influenced in respect of evidence which may be given before the committee, or may have been subjected to

or threatened with any penalty or injury in respect of any evidence given, the committee shall take all reasonable steps to ascertain the facts of the matter. Where the committee considers that the facts disclose that an attempt has been made to improperly influence a person or a person has been subject to or threatened with penalty or injury in respect of evidence which may be or has been given before the committee, the committee will report the facts and its conclusions to the Assembly.

### **Notification of persons adversely referred to in committee inquiries**

16. If significantly adverse references are made against a person in the course of a committee inquiry, a committee will notify that person at the time the committee deems appropriate.

### **Time for persons adversely referred to in committee inquiries to provide a response**

17. The committee will give a person a reasonable opportunity to provide a response.

### **Notification of public proceedings**

18. A person who has been significantly adversely referred to in committee inquiries will be notified of relevant public committee proceedings in good time.

### **Response to draft adverse findings**

19. If a person is the subject of significant adverse findings, a committee will provide a copy of the relevant draft findings and allow a person a reasonable period to respond to those findings.

### **Opportunity to address on proposed penalty**

20. A person will be given an opportunity to address a committee either orally or in writing on any proposed penalty.

**Part 2. Procedures for formal examination of witnesses when using video-conferencing**

Unless a variation is approved by the Speaker, all committees will observe the following procedures when using video-conferencing to examine witnesses —

1. Video-conferencing may be used by a committee to examine a witness.
2. Committees may use video-conferencing only in exceptional circumstances; wherever possible witnesses will continue to personally appear before committees.
3. Audio only conference links will not be used for committee deliberative meetings or hearings.
4. Use of video-conferencing to take closed evidence from witnesses should only proceed once the committee is satisfied the transmission is secure and the closed evidence will not be overheard or recorded by an unauthorised person.
5. Subject to paragraph (4), the use of video-conferencing to take evidence from a witness outside of Western Australia will proceed only after appropriate warnings regarding parliamentary privilege and defamation have been provided in writing by either post, facsimile or email to the witness and the chairman is satisfied the witness has received the written warning and understood its implication for evidence about to be given.

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