

GENERAL

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
1	<p>Repeal</p> <p>1. All the previous standing orders of the Legislative Council, relating to public business, are hereby repealed.</p>		no requirement to include in Standing Orders.
2	<p>Saving Clause</p> <p>2. These standing orders shall in no way restrict or prejudice the method in which the Council may exercise and uphold its powers, privileges, and immunities.</p>	<p>Standing Orders</p> <p>1. (1) These Standing Orders are adopted pursuant to and for the purposes prescribed in section 34 of the <i>Constitution Act 1889</i>.</p> <p>(2) The definitions of terms used in these Standing Orders are contained in Schedule 3.</p> <p>(3) These Standing Orders shall in no way restrict or prejudice the method in which the Council may exercise and uphold its powers, privileges and immunities.</p>	<p>new SO drafted to provide description of statutory source and purpose of SO's as defined in s34 of the CA 1889</p> <p>includes retention of 'Saving Clause' (current SO 2).</p>
3	<p>Interpretation</p> <p>3. In these standing orders the words and phrases following shall have the meanings hereby respectively assigned to them, viz:</p> <p>“Assembly.” means the Legislative Assembly of Western Australia.</p> <p>“Bell” or “Bells.” means an electric bell or electronic bell sound unit operated from the Table of the House, or a hand bell rung by an officer or attendant detailed for that duty by the Clerk.</p> <p>“Chairman.” includes the term ‘Chairwoman’, ‘Chairperson’, or ‘Chair’.</p> <p>“Clerk.” means the Clerk of the Legislative Council or the Deputy Clerk or the Deputy Clerk (Committees) when performing his duties.</p> <p>“Council.” means the Legislative Council of Western Australia or the Council sitting as a House in contradistinction to sitting in Committee.</p> <p>“Elect.” means after nominations have been taken a ballot shall be held, if necessary, to decide who shall be elected.</p> <p>“Elected.” shall have a corresponding meaning.</p> <p>“Leave of Absence.” means leave granted pursuant to SO's. 58 to 60.</p> <p>“Leave of the Council.” means leave granted by the Council without a dissentient voice.</p> <p>“Minister.” means a Minister of the Crown.</p> <p>“Minutes.” means the Minutes of Proceedings of the Legislative Council.</p> <p>“Strangers.” means all persons other than Members of the Council and the Officers thereof.</p> <p>“Subject matter of Bill.” means the provisions of the Bill as printed, read a second time, and referred to the Committee.</p>		transferred to Schedule 3 (see new SO 1).
4		<p>Temporary Orders</p> <p>2. The Council may adopt Temporary Orders, for a specified period, which shall prevail over the Standing Orders during that period.</p>	new SO reflecting current practice

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5	<p style="text-align: center;">Chapter XXXIII</p> <p style="text-align: center;"><i>SUSPENSION OF STANDING ORDERS</i></p> <p>Motion for, without notice</p> <p>433. A standing order of the Council may be suspended on motion duly made without notice, provided that such motion be agreed to by an absolute majority of the whole of the number of Members.</p>	<p>Suspension of Orders</p> <p>3. Any Standing or Temporary Order may be suspended at any time -</p> <p style="margin-left: 40px;">(a) on motion with notice; or</p> <p style="margin-left: 40px;">(b) on motion without notice provided that the motion has the concurrence of an absolute majority of the Council.</p>	replaces current SOs 433, 434 and 435
6	<p>Motion for, with notice</p> <p>434. When a motion for the suspension of any standing order appears on the Notice Paper, such motion may be agreed to by a majority of Members present.</p>		see new SO 3
7	<p>Limitation of suspension</p> <p>435. The suspension of standing orders shall be limited in its operation to the particular purpose for which such suspension has been sought.</p>		not required - see new SO 3
8	<p>Order maintained by President</p> <p>74. Order shall be maintained in the Council by the President.</p>	<p>Authority of the President</p> <p>4. (1) Order shall be maintained in the Council by the President.</p> <p style="margin-left: 40px;">(2) In all cases that are not provided for in these Standing Orders or by Temporary or other Orders, the President shall determine a matter with reference to the custom and practice of the House, and may refer to parliamentary practice in other relevant jurisdictions.</p>	<p>current SO 74, expanded to include matters not prescribed by Orders</p> <p>provides for President's role as primary 'custodian' of the custom and practice of the House.</p>

SITTING AND ADJOURNMENT OF THE COUNCIL

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9	<p style="text-align: center;">Chapter VIII</p> <p style="text-align: center;"><i>SITTING AND ADJOURNMENT OF THE COUNCIL</i></p> <p>Days and times of meeting</p> <p>61. (a) Unless otherwise ordered, the Council shall meet for the despatch of business in each week at 3.30 pm on Tuesday, 4.00 pm on Wednesday and 11.00 am on Thursday. Unless previously adjourned, the House shall continue to sit on Tuesday and Wednesday until 10.00 pm and 5.00 pm on Thursday.</p> <p>(b) Where the House is sitting at 10.00 pm or 5.00 pm, as the case may be, the President, unless the House has otherwise ordered, shall interrupt the business then proceeding and any debate then in progress shall be deemed to be adjourned. The business interrupted, and any debate so adjourned, shall be set down for resumption on the next day of sitting.</p> <p>(c) If the House be in Committee at 9.55 pm or 4.55 pm the Chairman, unless the House has otherwise ordered, shall interrupt the business then proceeding and, without putting any question to the Committee, report progress on any matter referred to that Committee, and no progress on any matter referred to that Committee but not reached at the time of such interruption, and move for leave to sit again.</p> <p>(d) Upon the interruption of business as so provided, no further business shall be transacted except:</p> <p style="padding-left: 20px;">(i) the receipt of Messages and, in the case of a Bill received from the Assembly, the moving of its second reading by the Minister or Member in charge;</p> <p style="padding-left: 20px;">(ii) a motion to adjourn the Council to a date or time or both that is different from that already ordered, and upon the conclusion thereof, or if there is no such business, a Minister shall move the adjournment of the House.</p>	<p style="text-align: center;">SITTING AND ADJOURNMENT OF THE COUNCIL</p> <p>Days and Times of Meeting</p> <p>5. (1) Unless otherwise ordered and subject to Standing Order 6, the Council shall meet for business on the days and at the times as follows -</p> <p style="padding-left: 40px;">Tuesday 3.00 pm Wednesday 2.00 pm Thursday 10.00 am</p> <p>(2) Unless otherwise ordered by the President, the proceedings of the House shall be suspended on the days and at the times as follows -</p> <p style="padding-left: 40px;">Tuesday 6.00 pm to 7.30 pm Wednesday 4.15 pm to 4.30 pm and 6.00 pm to 7.30 pm Thursday 1.00 pm to 2.00 pm and 4.15 pm to 4.30 pm</p> <p>(3) Unless sooner adjourned or following business taken under (5), the Council stands adjourned at the following times -</p> <p style="padding-left: 40px;">Tuesday 10.25 pm Wednesday 10.25 pm Thursday 6.00 pm</p> <p>(4) The Council may be adjourned earlier than the time specified in (3) by a Minister moving that Members' Statements be now taken.</p> <p>(5) At the conclusion of Members' Statements, no further business shall be transacted by the Council, except -</p> <p style="padding-left: 20px;">(a) the receipt of Messages and, in the case of a Bill received from the Assembly, the moving of its second reading by the Minister or Member in charge; and</p> <p style="padding-left: 20px;">(b) a motion for the Council to adjourn until a date and/or time different than provided for by (1).</p>	<p>as per the current Temporary Orders</p> <p>also incorporates current SO 71</p>

SITTING AND ADJOURNMENT OF THE COUNCIL

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
10		<p>Annual Sitting Schedule</p> <p>6. (1) Prior to the conclusion of sittings each calendar year (except for the year prior to a scheduled general election), the Leader of the House shall table a schedule of dates for sittings of the Council for the forthcoming calendar year.</p> <p>(2) The schedule of sittings tabled under (1) shall only be varied by motion supported by an absolute majority of the Council, unless the Council adjourns until a date and time to be fixed by the President.</p>	new SO to provide for an annual sitting schedule, giving a greater degree of certainty to Members regarding sittings. The schedule can be varied either by motion without notice supported by an absolute majority, or by the House adjourning to a date and time to be fixed by the President.
11	<p>Minister may move adjournment at any time</p> <p>71. The adjournment of the Council may be moved at any time by or on behalf of a Minister.</p>		see new SO 5
12	<p>Bells rung</p> <p>62. The Bells shall be rung for 5 minutes prior to the time appointed on each day for the meeting of the Council.</p>	<p>Bells Rung</p> <p>7. The Bells shall be rung for 5 minutes prior to the time appointed on each day for the meeting of the Council.</p>	no change
13	<p>Opening of sitting</p> <p>63. The President shall take the Chair and read prayers at the time appointed on every day fixed for the meeting of the Council. But if, at the expiration of 10 minutes, and the bells having been again rung for 2 minutes, there be not present a quorum of at least one-third of the whole number of Members, exclusive of the President, the President shall adjourn the Council until the next sitting day, the names of the Members present being entered in the Minutes.</p>	<p>Opening of Sitting and Initial Quorum</p> <p>8. (1) The President shall take the Chair at the time appointed on every day fixed for the meeting of the Council.</p> <p>(2) If a quorum is not present at that time, the bells shall be rung for a further maximum period of 10 minutes, during which time the doors of the Chamber shall remain unlocked and no Member shall leave the Chamber.</p> <p>(3) If a quorum is formed, the House shall commence its business.</p> <p>(4) If a quorum is not present at the conclusion of the ringing of the bells under (2), the President shall adjourn the Council until the next sitting day, and the names of the Members present shall be recorded in the Minutes.</p>	reading of prayers transferred to new SO 14 arrangements for initial quorum modelled on the Senate practice [footnote to be inserted in Standing Orders to specify statutory provision regarding quorum]
14	<p>Members cannot leave before a House is formed</p> <p>64. A Member having entered the Council Chamber after the time appointed for the meeting of the Council shall not be permitted to withdraw prior to a Council being formed.</p>		see new SO 8

SITTING AND ADJOURNMENT OF THE COUNCIL

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
15	<p>Adjournment for want of quorum on notice taken by Member</p> <p>67. If any Member shall take notice, or if the Chairman of Committees shall report to the President, that a quorum be not present, the bells shall be rung for 2 minutes. The President shall then count the House, and if no quorum be present he shall forthwith adjourn the Council until the next sitting day.</p>	<p>Absence of Quorum during Proceedings of the House</p> <p>9. (1) A Member may advise the President of the absence of a quorum in the House at any time other than during a division.</p> <p>(2) If the President confirms that a quorum is not present -</p> <p>(a) the bells shall be rung, during which time the doors of the Chamber shall remain unlocked;</p> <p>(b) the President shall count the House and when a quorum is formed business shall resume;</p> <p>(c) no members shall leave the Chamber while the bells are ringing; and</p> <p>(d) if there is no quorum within two minutes of the bells commencing, the President shall adjourn the Council until the next sitting day, and the names of the Members present shall be recorded in the Minutes.</p>	no substantial change
16	<p>Want of quorum to be reported by Chairman</p> <p>294. If notice is taken of the absence of a quorum in Committee, the Chairman shall count the Committee, and if, after the bells have been rung for 2 minutes, a quorum be not formed, or if it appears upon a division that a quorum is not present, he shall leave the Chair of the Committee and the President shall resume the Chair. No decision shall be considered to have been arrived at in any division where a quorum has been reported as not present.</p>	<p>Absence of Quorum during Proceedings of the Committee of the Whole House</p> <p>10. (1) A Member may advise the Chair of Committees of the absence of a quorum in the Committee of the Whole House at any time other than during a division.</p> <p>(2) If the Chair of Committees confirms that a quorum is not present -</p> <p>(a) the bells shall be rung, during which time the doors of the Chamber shall remain unlocked;</p> <p>(b) the Chair of Committees shall count the Committee of the Whole House and when a quorum is formed business shall resume;</p> <p>(c) no members shall leave the Chamber while the bells are ringing; and</p> <p>(d) if there is no quorum within two minutes of the bells commencing, the Chair of Committees shall interrupt proceedings and report to the President.</p>	no substantial change
17	<p>When attention called to no quorum, all Members to remain</p> <p>68. When the attention of the President or the Chairman of Committees has been called to the fact that there is not a quorum present, no Member shall leave the Chamber until the Council has been counted by the President.</p>		see new SOs 9 and 10
18	<p>Doors unlocked and bells rung when Council is counted</p> <p>69. The doors of the Council shall be unlocked whenever the President is engaged in counting the Council and the bells shall be rung as for a division.</p>		see new SOs 9 and 10

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19	<p>Adjournment for want of quorum on division</p> <p>65. If it shall appear on the report of the Tellers on a division that a quorum is not present, the President shall adjourn the Council until the next sitting day, and no decision of the Council shall be considered to have been arrived at by such division.</p>	<p>Absence of Quorum during a Division</p> <p>11. (1) If the Tellers' report on a division during proceedings of the House shows there is not a quorum of Members present, the President shall declare the division invalid, adjourn the Council until the next sitting day and the names of the Members present shall be recorded in the Minutes.</p> <p>(2) If the Tellers' report on a division during proceedings of the Committee of the Whole House shows there is not a quorum of Members present, the Chair of Committees shall declare the division invalid and report to the President.</p>	no substantial change
20	<p>Adjournment for want of quorum on division in Committee</p> <p>66. When the President shall be informed by the Chairman of Committees, in consequence of a report by the Tellers on a division of a Committee, that a quorum is not present, the bells shall be rung for 2 minutes. The President shall then count the House, and if no quorum be then present he shall forthwith adjourn the Council until the next sitting day. Provided, that when the Council is counted after the report of the Chairman of Committees and a quorum be then present, the President shall forthwith leave the Chair and the Committee shall resume.</p>	<p>Report from Chair of Committees - Lack of Quorum</p> <p>12. If the Chair of Committees reports to the President under Standing Order 10 or 11 that a quorum is not present in the Committee of the Whole House, the President shall act in accordance with Standing Order 9(2).</p>	no substantial change
21	<p>Council counted by President</p> <p>295. If a quorum be present when the Council is counted by the President, the proceedings of the Committee shall be resumed where they were interrupted.</p>		see new SOs 9(2) and 12
22	<p>When proceedings interrupted by want of quorum</p> <p>296. If the proceedings of a Committee be interrupted by want of a quorum followed by an adjournment of the Council, the Council may order the resumption of such Committee on a future day on motion after notice, and the proceedings shall then be resumed at the point where they were so interrupted.</p>		see new SOs 9(2) and 12
23	<p>Except in certain cases, Council adjourns by its own resolution</p> <p>70. Except in the cases mentioned in SO's. 63, 65, 66 and 67 (each relating to the absence of quorum), the Council shall only be adjourned by its own resolution.</p>		deleted - not required
24	<p>Effect of lack of quorum</p> <p>115. If a debate be interrupted by want of a quorum, or by any adjournment of the Council, such debate may, on motion after notice, be resumed at the point where it was so interrupted.</p>	<p>Effect of Lack of Quorum</p> <p>13. Any business which is interrupted by the absence of a quorum shall be set down on the Notice Paper for the next sitting day for resumption at the point where it was interrupted.</p>	no substantial change

ORDER OF BUSINESS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
25	<p style="text-align: center;">Chapter X</p> <p style="text-align: center;"><i>ROUTINE OF BUSINESS</i></p> <p>Routine of business</p> <p>125. The Council, unless otherwise ordered, shall proceed each day with its ordinary business in the following routine:</p> <ul style="list-style-type: none"> (a) presentation of petitions; (aa) statements by Ministers or Parliamentary Secretaries. A statement is to impart factual information and not contain remarks or opinions or debateable matter other than debateable matter that is inherent in the content of the statement; (b) presentation of papers for tabling; (c) giving notices of questions; (d) giving notices of motions for leave to introduce Bills; (e) giving notices of motions; (f) questions on notice; (g) asking questions without notice; (h) motions without notice; and (i) motions and orders of the day as set down on the Notice Paper. 	<p style="text-align: center;">ORDER OF BUSINESS</p> <p>Formal Business</p> <p>14. (1) Unless otherwise ordered, the Council shall proceed with formal business each sitting day in the following order -</p> <ul style="list-style-type: none"> (a) prayers; (b) condolence motions; (c) reporting of Governor's messages; (d) presentation of petitions; (e) statements by Ministers and Parliamentary Secretaries; (f) presentation of papers for tabling; (g) giving notices of questions; (h) giving notices of motions to introduce Bills; (i) giving notices of motions to disallow statutory instruments; (j) giving notices of motions; and (k) motions without notice. <p>(2) At the completion of formal business and subject to Standing Order 15, the Council shall proceed to motions and orders of the day as set down on the Business Program.</p>	<p>no substantial change</p> <p>definition of Ministerial statements transferred to new SO 102 row 196</p>
26		<p>Weekly Business</p> <p>15. The following business shall be taken each sitting week.</p> <ul style="list-style-type: none"> (1) Questions without Notice Questions without notice shall be taken at 4.30pm each day for a period of approximately 30 minutes. (2) Motions on Notice After the conclusion of formal business each Wednesday, motions on notice shall be taken for a period of 120 minutes. (3) Consideration of Committee Reports After the conclusion of motions on notice under (2) each Wednesday, consideration of Committee reports shall be taken for a period of 60 minutes. (4) Non-Government Business After the conclusion of formal business each Thursday, Non-Government Business shall be taken for a period of 80 minutes. (5) Members' Statements Members' statements shall be taken 40 minutes prior to the adjournment of the Council on Tuesday, Wednesday and Thursday. 	<p>reflects current Temporary Orders, except consideration of Ministerial Statements deleted - see also new SO 109 row 203</p>

ORDER OF BUSINESS

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27		<p>Precedence of Business</p> <p>16. When under Standing or Temporary Orders the time has arrived for other business to commence, the President shall interrupt and adjourn the matter under consideration.</p>	<p>reflects current practice</p> <p>includes current SOs 154 and 197</p>
28	<p>Orders of the Day</p> <p>127. Ministers may arrange the sequence of the orders of the day on the Notice Paper as they think fit. The mover of any order of the day may move after notice that such order of the day shall be changed to another position on the Notice Paper.</p>	<p>Business Program</p> <p>17. (1) A Business Program shall be prepared for each sitting day, detailing the business proposed by the Leader of the House to be considered during that sitting of the Council, subject to Standing and Temporary Orders.</p> <p>(2) The Leader of the House may arrange the sequence of orders of the day on the Business Program.</p> <p>(3) A Minister or Parliamentary Secretary may move without notice that the sequence of orders of the day on the Business Program be varied, or other items of business on the Notice Paper be added to the Business Program. Any such motion shall be resolved without amendment or debate.</p> <p>(4) A Member may move without notice that any matter listed on the Business Program under the Member's name be postponed to a later sitting of the Council. Any such motion shall be resolved without amendment or debate.</p> <p>(5) A Member may move without notice that an order of the day or a notice of motion listed on the Notice Paper in the Member's name be made order of the day No. 1 or motion No. 1 on the Business Program for the next sitting of the Council. Any such motion shall be resolved without amendment or debate.</p>	<p>combines current SOs 127 and 128, along with current practice</p>
29	<p>Postponement of business</p> <p>128. Any Member may move without notice that any notice of motion standing in his name, or any order of the day of which he is in charge on the paper for that day, shall be a notice of motion or order of the day for some subsequent day. No amendment or debate shall be allowed on any such motion; but the Council may proceed to division thereon as in other cases.</p>		<p>see new SO 17</p>
30	<p>Order in disposing of</p> <p>196. The orders of the day shall be disposed of in the order in which they stand upon the Notice Paper, unless the Council shall otherwise order.</p>	<p>Order of the Notice Paper</p> <p>18. (1) All notices of motion and orders of the day shall be placed on the Notice Paper in the order they were given or made.</p> <p>(2) Any notices of motion or orders of the day not called on or not disposed of at the conclusion of a sitting day shall be set down on the Notice Paper as business for the next sitting day.</p>	<p>no substantial change</p> <p>includes current SOs 154 and 197</p>

ORDER OF BUSINESS

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31	<p>Lapsed motions</p> <p>154. If, at the adjournment of the Council, any motions on the Notice Paper have not been called on, such motions shall be set down on the Notice Paper for the next sitting day.</p>		see new SO 18
32	<p>Lapsed orders of the day</p> <p>197. If, at the adjournment of the Council, any orders of the day on the Notice Paper have not been called on, such orders of the day shall be set down on the Notice Paper as business for the next sitting day.</p>		see new SO 18
33	<p>Arrangement of business</p> <p>125A. (1) In this order “Committee” means a meeting of the Leader of the House with the Leader of the Opposition and such other Members as the Leader of the House may invite.</p> <p>(2) The Committee shall meet at a time and place fixed by the Leader of the House.</p> <p>(3) The Committee is to discuss with the Leader of the House:</p> <p>(a) the content, order, and routine of business for each sitting day in the following week;</p> <p>(b) a day or days by which each or any of the remaining stages of a Bill might be completed;</p> <p>(c) the referral of a Bill or other matter to a specified committee and, if desired, a date on which that committee report on the Bill or other matter;</p> <p>(d) such things, consistent with the rules and orders of the House, as will facilitate the orderly conduct of business.</p> <p>(4) Nothing in this order affects the operation of SO’s 127 and 129.</p>		current SO 125A, which provides for the Business Management Committee, is not supported - it is proposed to delete this SO
34	<p>Motion in reference to business of Council</p> <p>129. Any motion connected with the conduct of the business of the Council may be moved by a Minister at any time without notice.</p>	<p>Motion related to Conduct of Council Business</p> <p>19. Any motion connected with the conduct of the business of the Council may be moved by a Minister or Parliamentary Secretary at any time without notice.</p>	no change

ORDER OF BUSINESS

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35	<p>When Council to proceed to orders of the day</p> <p>195. (1) If not sooner reached the orders of the day are to be called —</p> <p style="padding-left: 20px;">(a) at the expiration of 1 hour from the time appointed for the Council to sit on that day if there is no debate in progress at that time; or</p> <p style="padding-left: 20px;">(b) at the expiration of 1 hour from the time at which any debate commenced or resumed on motions listed for consideration, or an urgency motion under SO 72.</p> <p>(2) In subclause (1)(b) —</p> <p style="padding-left: 20px;">(a) a debate then in progress is interrupted without need to put any question and may be resumed at any subsequent sitting;</p> <p style="padding-left: 20px;">(b) the period of 1 hour is cumulative and is to be calculated without regard to the number of questions considered and dealt with during that time.</p>		not required if new SOs (reflecting current Temporary Orders) are adopted
36	<p>Presentation of papers and reports of select and standing committees</p> <p>126. Papers, returns, and reports of select and standing committees may be presented by Members in their places at any time when other business is not before the Council.</p>	<p>Presentation of Papers and Committee Reports</p> <p>20. (1) The President, a Minister or a Parliamentary Secretary may present a paper in the course of related business or at any time when other business is not before the Council.</p> <p style="padding-left: 20px;">(2) Other Members, by leave, may present a paper in the course of related business.</p> <p style="padding-left: 20px;">(3) A Committee Chair, or other Member nominated by a Committee for this purpose, may present a Committee report at any time when other business is not before the Council.</p>	no substantial change reflects current practice

TIME LIMITS

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37	<p>Time limits on speeches</p> <p>73. (a) A Member may not speak in the House for more than 45 minutes, and in a Committee of the whole for more than 10 minutes each time, on any motion, amendment, or amendment to such amendment: Provided that on a motion to adjourn the Council, no Member shall speak for more than 10 minutes and the whole debate shall not exceed 40 minutes</p> <p>(b) Subclause (a) shall not apply to:</p> <p style="padding-left: 20px;">(i) the Minister or Member in charge of the business comprising the subject matter of the debate or to the Leader of the Opposition, or the Leader of the National Party of Australia, or to any Member speaking on behalf of the said Leaders;</p> <p style="padding-left: 20px;">(ii) any Member when speaking in the address in reply debate or on any motion moved under SO 49(c); or</p> <p style="padding-left: 20px;">(iii) any Bill that the Council may not amend, and for the purposes of paragraph (i), no time limit shall be imposed, and in the case of paragraph (ii) and (iii) each Member may speak for not more than 60 minutes.</p> <p>(c) By leave, a Member's time may be extended by 15 minutes, but no extension shall be sought or granted in a Committee of the whole House or on a motion to adjourn the House.</p>	<p>Time Limits on Speeches</p> <p>21. Unless otherwise provided, a Member may speak for the specified period on the following business:</p> <p>Bills (Second and Third Reading)</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">Mover</td> <td style="text-align: right;">unlimited</td> </tr> <tr> <td style="padding-left: 20px;">Lead Member (Government or Opposition)</td> <td style="text-align: right;">unlimited</td> </tr> <tr> <td style="padding-left: 20px;">Party Leader or Member deputed</td> <td style="text-align: right;">unlimited</td> </tr> <tr> <td style="padding-left: 20px;">Other Members</td> <td style="text-align: right;">45 minutes</td> </tr> <tr> <td style="padding-left: 20px;">Mover in Reply</td> <td style="text-align: right;">unlimited</td> </tr> </table> <p>Committee of the Whole House</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">All Members</td> <td style="text-align: right;">unlimited periods of 10 minutes</td> </tr> </table> <p>Motions</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">All Members</td> <td style="text-align: right;">45 minutes</td> </tr> <tr> <td style="padding-left: 20px;">Mover in Reply</td> <td style="text-align: right;">15 minutes</td> </tr> <tr> <td style="padding-left: 20px;"><i>Amendments to Motions</i></td> <td></td> </tr> <tr> <td style="padding-left: 20px;">All Members</td> <td style="text-align: right;">20 minutes</td> </tr> </table> <p>Non-Government Business Motion</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">Mover</td> <td style="text-align: right;">20 minutes</td> </tr> <tr> <td style="padding-left: 20px;">Responsible Minister or Parliamentary Secretary</td> <td style="text-align: right;">15 minutes</td> </tr> <tr> <td style="padding-left: 20px;">Other Members</td> <td style="text-align: right;">10 minutes</td> </tr> <tr> <td style="padding-left: 20px;">Mover in Reply</td> <td style="text-align: right;">10 minutes</td> </tr> </table> <p>Consideration of Committee Reports</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">All Members</td> <td style="text-align: right;">one period of 10 minutes per report</td> </tr> </table> <p>Members' Statements</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">All Members</td> <td style="text-align: right;">10 minutes</td> </tr> </table> <p>Address-in-Reply, Dissent Motions</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">Mover</td> <td style="text-align: right;">unlimited</td> </tr> <tr> <td style="padding-left: 20px;">Lead Member (Government or Opposition)</td> <td style="text-align: right;">unlimited</td> </tr> <tr> <td style="padding-left: 20px;">Party Leader or Member deputed</td> <td style="text-align: right;">unlimited</td> </tr> <tr> <td style="padding-left: 20px;">Other Members</td> <td style="text-align: right;">60 minutes</td> </tr> <tr> <td style="padding-left: 20px;">Mover in Reply</td> <td style="text-align: right;">unlimited</td> </tr> <tr> <td style="padding-left: 20px;"><i>Amendments to Address-in-Reply</i></td> <td></td> </tr> <tr> <td style="padding-left: 20px;">All Members</td> <td style="text-align: right;">20 minutes</td> </tr> </table> <p>Matter of Privilege (SO 92)</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">Member raising matter</td> <td style="text-align: right;">45 minutes</td> </tr> <tr> <td style="padding-left: 20px;">Other Members</td> <td style="text-align: right;">20 minutes</td> </tr> </table> <p>Statement on Tabling of Committee Report (SO 188)</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">Chair (or nominated Member)</td> <td style="text-align: right;">3 minutes</td> </tr> </table>	Mover	unlimited	Lead Member (Government or Opposition)	unlimited	Party Leader or Member deputed	unlimited	Other Members	45 minutes	Mover in Reply	unlimited	All Members	unlimited periods of 10 minutes	All Members	45 minutes	Mover in Reply	15 minutes	<i>Amendments to Motions</i>		All Members	20 minutes	Mover	20 minutes	Responsible Minister or Parliamentary Secretary	15 minutes	Other Members	10 minutes	Mover in Reply	10 minutes	All Members	one period of 10 minutes per report	All Members	10 minutes	Mover	unlimited	Lead Member (Government or Opposition)	unlimited	Party Leader or Member deputed	unlimited	Other Members	60 minutes	Mover in Reply	unlimited	<i>Amendments to Address-in-Reply</i>		All Members	20 minutes	Member raising matter	45 minutes	Other Members	20 minutes	Chair (or nominated Member)	3 minutes	<p>new SO providing schedule of all speaking times</p>
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TIME LIMITS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES						
38		<p>Variations to Time Limits</p> <p>22. (1) A Member limited to 45 or 60 minutes speaking time may, by leave, be granted an extension of 15 minutes.</p> <p>(2) Subject to order of the Council, the time limits relating to Committee of the Whole House may be applied to other business.</p>	<p>new SO 22(1) reflects current SO 73(c)</p> <p>new SO 22(2) reflects current practice</p>						
39		<p>Maximum Time Limits for Certain Business Items</p> <p>23. (1) Unless otherwise ordered, the following maximum total debate time limits shall apply per item of business for the following categories -</p> <table style="margin-left: 40px; border: none;"> <tr> <td style="padding-right: 20px;">(a) motions on notice (SO 15(2))</td> <td style="text-align: right;">240 minutes</td> </tr> <tr> <td style="padding-right: 20px;">(b) consideration of Committee reports (SO 15(3))</td> <td style="text-align: right;">60 minutes</td> </tr> <tr> <td style="padding-right: 20px;">(c) Non-Government Business motion (SO 15(4))</td> <td style="text-align: right;">80 minutes</td> </tr> </table> <p>(2) At the completion of the maximum total debate time prescribed for a motion on notice, the question for any amendments moved and the principal question (as amended) shall be put without further debate.</p>	(a) motions on notice (SO 15(2))	240 minutes	(b) consideration of Committee reports (SO 15(3))	60 minutes	(c) Non-Government Business motion (SO 15(4))	80 minutes	<p>as per current Temporary Orders</p>
(a) motions on notice (SO 15(2))	240 minutes								
(b) consideration of Committee reports (SO 15(3))	60 minutes								
(c) Non-Government Business motion (SO 15(4))	80 minutes								

CONDUCT OF MEMBERS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
	Chapter IX <i>CONDUCT OF MEMBERS AND RULES OF DEBATE</i>		
40	<p>When President rises</p> <p>75. Whenever the President rises during a debate, any Member then speaking or offering to speak shall sit down, and the Council shall be silent so that the President may be heard without interruption.</p>	<p>When President Rises or Speaks</p> <p>24. Whenever the President rises, puts a question, or delivers a statement or ruling, any Member then speaking shall be seated, and other Members and officers present in the Council shall remain stationary and be silent.</p>	no substantial change - includes current SO 76
41	<p>When question being put</p> <p>76. When the President is putting a question no Member shall walk out of or across the Chamber.</p>		see new SO 24
42	<p>Member to make obeisance to Chair</p> <p>77. Every Member shall make obeisance to the Chair on entering or leaving the Chamber.</p>	<p>Obeisance to the Chair</p> <p>25. Every Member and officer shall make obeisance to the Chair on entering or leaving the Council.</p>	no change
43	<p>Passing before the Chair</p> <p>78. No Member shall pass between the Chair and any Member who is speaking, nor between the Chair and the Table.</p>	<p>Passing Before the Chair</p> <p>26. No Member or officer shall pass between the Chair and any Member who is speaking, nor between the Chair and the Table.</p>	no change
44	<p>Seats reserved for Ministers</p> <p>52. The front seats nearest to the right hand of the President shall be reserved for the Ministers.</p>	<p>Allocation of Seating</p> <p>27. The President shall determine the allocation of seats to be occupied by Members, with the front seats nearest to the right hand of the President being reserved for Ministers.</p>	includes current SOs 52 and 54
45	<p>Seat of retiring Minister</p> <p>53. <i>Repealed May 23 2001.</i></p>		
46	<p>Question as to seats</p> <p>54. Any question with regard to the seats to be occupied by Members shall be determined by the President.</p>		see new SO 27

CONDUCT OF MEMBERS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
47	<p>Members' right to retain seats</p> <p>55. <i>Repealed May 23 2001.</i></p>		
48	<p>Members to take their places</p> <p>79. Every Member when he comes into the Chamber shall take his place, and shall not at any time stand in any of the passages or gangways.</p>		not required
49	<p style="text-align: center;">Chapter VII</p> <p style="text-align: center;"><i>ABSENCE OF MEMBERS</i></p> <p>Result of absence without leave</p> <p>56. If a Member fails to attend the Council for one entire session without the permission of the Council (such permission being entered in the Minutes) his seat thereupon becomes vacant.</p>		<p>not required in SOs, as this is a statutory provision (s38(g) of the <i>Constitution Acts Amendment Act 1899</i>)</p> <p>[inserted as a footnote attached to new SO 28 in the new SOs]</p>
50	<p>Result of absence for more than 6 consecutive sittings without leave</p> <p>57. A Member who is absent for more than 6 consecutive sittings of the Council without leave duly granted shall be deemed guilty of contempt, and may be dealt with under SO. 122.</p>	<p>Member Absent more than 6 Consecutive Sitting Days</p> <p>28. A Member who is absent for more than 6 consecutive sittings of the Council without leave of the Council shall be deemed guilty of contempt, and may be dealt with under Standing Order 34.</p>	no change
51	<p>Leave of absence, how granted</p> <p>58. Leave of absence may be given by the Council to any Member, on motion after notice, stating the cause and period of absence, and such motion shall have priority over other motions.</p>	<p>Leave of Absence</p> <p>29. (1) Leave of absence may be given by the Council to any Member, on motion without notice, stating the period and cause of absence.</p> <p>(2) A Member shall be excused from service in the Council or on any Committee so long as the Member has leave of absence.</p> <p>(3) Any Member having leave of absence shall forfeit the same by their attendance in the Council or at a meeting of a Committee before the expiration of such leave.</p>	<p>non-requirement for notice reflects current practice</p> <p>includes absence from committee service, and forfeiture of leave if Member attends a committee meeting</p> <p>includes current SOs 59 and 60</p>
52	<p>Excuse from service</p> <p>59. A Member shall be excused from service in the Council or on any committee so long as he has leave of absence.</p>		see new SO 29

CONDUCT OF MEMBERS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
53	<p>Forfeited by attendance</p> <p>60. Any Member having leave of absence shall forfeit the same by attending the service of the Council before the expiration of such leave.</p>		see new SO 29
54	<p>Offences reported by President</p> <p>116. If any Member:</p> <ul style="list-style-type: none"> (a) persistently and wilfully obstructs the business of the Council; (b) is guilty of disorderly conduct; (c) uses objectionable words, and refuses to withdraw such words; (d) persistently and wilfully refuses to conform to the standing orders, or any one or more of them; (e) persistently and wilfully disregards the authority of the Chair, the President may report to the Council that such Member has committed an offence. 	<p>Member Reported for Disorderly Conduct</p> <p>30. (1) If any Member -</p> <ul style="list-style-type: none"> (a) persistently and wilfully obstructs the business of the Council; (b) is guilty of disorderly conduct; (c) uses objectionable words, and refuses to withdraw such words; (d) persistently and wilfully refuses to conform to any Standing Order; or (e) persistently and wilfully disregards the authority of the Chair, <p>the President may report to the Council that the Member has committed an offence.</p> <p>(2) If any of the above offences is committed by a Member in Committee of the Whole House, the Chair of Committees may suspend the proceedings and report the matter to the President.</p>	no substantial change includes current SO 117
55	<p>Offences in Committee</p> <p>117. If any of the abovenamed offences has been committed by a Member in a Committee of the whole, the Chairman may suspend the proceedings of the Committee and report to the President that an offence has been committed by such Member.</p>		see new SO 30(2)
56	<p>Proceedings on report of offence</p> <p>118. When any Member has been reported as having committed an offence, he shall be called upon to stand up in his place and make any explanation or apology he may think fit, and afterwards a motion may be moved, "<i>That such Member be suspended from the sitting of the Council</i>". No amendment, adjournment, or debate shall be allowed on such motion, which shall be immediately put by the President.</p>	<p>Procedure on Report of Offence</p> <p>31. (1) If a Member has been reported under Standing Order 30, the Member shall be called upon to stand in the Member's place and make an explanation or apology.</p> <p>(2) Following the Member's explanation or apology under (1), a motion may be moved "That the Member be suspended from the service of the Council."</p> <p>(3) A question moved under (2) shall be resolved without amendment, debate or adjournment.</p>	no substantial change

CONDUCT OF MEMBERS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
57	<p>Suspension, duration of</p> <p>119. If any Member be suspended, his suspension on the first occasion shall be for the remainder of that day's sitting; on the second occasion for one week; and on the third or any subsequent occasion for 14 days, such suspensions occurring within the same session.</p>	<p>Duration of Suspension</p> <p>32. (1) If a Member is suspended -</p> <p style="padding-left: 20px;">(a) for the first time within a year commencing 1 January, the suspension shall be for one sitting day;</p> <p style="padding-left: 20px;">(b) for a second time within that year, the suspension shall be for four sitting days; and</p> <p style="padding-left: 20px;">(c) on any subsequent occasion within that year, the suspension shall be for 13 sitting days.</p> <p>(2) The uncompleted portion of the sitting day during which the Member was suspended shall count as one sitting day.</p>	<p>no substantial change - amendments to reflect modern practice of a session going for the life of a Parliament.</p>
58	<p>Effect of suspension</p> <p>120. When a Member has been suspended, he shall not be permitted to enter the Chamber during the period of his suspension. If he does so enter the Chamber during such suspension, the President shall order the Usher of the Black Rod to remove him.</p>	<p>Effect of Suspension</p> <p>33. A Member who has been suspended from the service of the Council -</p> <p style="padding-left: 20px;">(a) shall be excluded from the Chamber and all its galleries;</p> <p style="padding-left: 20px;">(b) may not attend or participate in a meeting of a Council Committee or Joint Committee; and</p> <p style="padding-left: 20px;">(c) cannot have a -</p> <p style="padding-left: 40px;">(i) notice of motion given;</p> <p style="padding-left: 40px;">(ii) motion moved;</p> <p style="padding-left: 40px;">(iii) question asked; or</p> <p style="padding-left: 40px;">(iv) petition presented,</p> <p style="padding-left: 20px;">on the Member's behalf,</p> <p style="padding-left: 40px;">for the duration of the period of suspension.</p>	<p>expanded to include suspension from Committee service, and prohibition of a range of procedures being initiated or undertaken on the suspended Member's behalf</p>
59	<p>Quarrels between Members</p> <p>121. The Council shall interfere to prevent the prosecution of any quarrel between Members arising out of debates or proceedings of the Council or of any committee thereof.</p>		<p>not required</p>

CONDUCT OF MEMBERS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
60	<p>Members ordered to attend, and arrest of</p> <p>122. If any Member shall wilfully disobey any order of the Council, or is guilty of contempt by infringing the terms of SO. 57, he may be ordered to attend in his place, or, if he is under suspension, at the Bar, to answer for his conduct; and unless his explanation be deemed satisfactory the Council may direct the Usher of the Black Rod to take such Member into custody.</p>	<p>Member Ordered to Attend</p> <p>34. (1) If any Member wilfully disobeys any order of the Council, or is guilty of contempt by infringing the terms of Standing Order 28, the Member may be ordered to attend in their place or, if under suspension, at the Bar, to answer for their conduct.</p> <p>(2) Unless the Member's explanation is deemed satisfactory by the Council, the Member may be found to be in contempt of the Council.</p>	no substantial change

GENERAL RULES OF DEBATE

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
61	<p>Members speak, etc</p> <p>80. Every Member desiring to speak shall rise, and address himself to the President, and may if he think fit advance thence to the Clerk's table to continue his address.</p>	<p>Members Seeking the Call</p> <p>35. (1) A Member who wishes to speak -</p> <ul style="list-style-type: none"> (a) shall stand and seek the call; (b) when called by the President, shall speak from the Member's place or, when in charge of a Bill during Committee of the Whole House, may speak from the Table; (c) shall address the President; and (d) if unable to stand because of injury, illness or disability, may seek the call and speak while seated. <p>(2) When 2 or more Members stand and seek the call, the President shall determine which Member shall speak.</p> <p>(3) A Member seeking to raise a point of order during a division may do so while standing in another Member's place.</p>	<p>no substantial change, other than circumstance where 2 or more Members seek the call. In this event, the President should determine which Member shall speak, rather than rely on a 'first in - first served' procedure.</p> <p>includes current SOs 81 and 82, and current SO 215 row 151</p>
62	<p>Indulgence to Members unable to stand</p> <p>81. By the special indulgence of the Council, a Member, unable conveniently to stand by reason of sickness or infirmity, will be permitted to speak sitting.</p>		see new SO 35
63	<p>President calls on Member to speak</p> <p>82. When 2 or more Members rise together to speak, the President shall call upon the Member who, in his opinion, first rose in his place.</p>		see new SO 35
64	<p>Speech not to be read; Exceptions</p> <p>83. Except when introducing a Bill or by leave of the President, no Member shall read his speech.</p>	<p>Reading of Speeches</p> <p>36. Except when introducing a Bill or by leave of the President, a Member shall not read a speech.</p>	no change

GENERAL RULES OF DEBATE

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
65	<p>Right of Speech in Council and Committee</p> <p>84. Every Member may speak once on</p> <ul style="list-style-type: none"> (a) any question before the Council; (b) any amendment thereon; (c) in reply, if he is entitled to reply, but not otherwise. <p>In Committee, Members may speak more than once.</p>	<p>Member's Right of Speech</p> <p>37. (1) A Member may speak once -</p> <ul style="list-style-type: none"> (a) on any question before the Council; (b) on any amendment thereon; or (c) in reply (if entitled under Standing Order 39). <p>(2) A Member may speak more than once -</p> <ul style="list-style-type: none"> (a) in Committee of the Whole House; or (b) in explanation in accordance with Standing Order 38. 	<p>no substantial change to wording, but practice has developed contrary to the wording of the current SO [see Report]</p> <p>includes current SO 88</p>
66	<p>After formally seconding motion or amendment Member may speak again</p> <p>86. It shall be competent for a Member, when he seconds a motion or amendment or moves an order of the day, without speaking to it, to address the Council on the subject of such motion, amendment, or order of the day at any subsequent period of the debate.</p>		<p>not required - seconding removed</p>
67	<p>Member may be heard a second time to explain</p> <p>87. A Member who has spoken to a question may again be heard to explain himself in regard to some material part of his speech which has been misquoted or misunderstood, but shall not introduce any new matter, or interrupt any Member in possession of the Chair, and no debatable matter shall be brought forward or debate arise upon such explanation.</p>	<p>Member may Speak a Second Time to Explain</p> <p>38. A Member who has spoken to a question may speak again to explain some material part of the Member's speech which has been misquoted or misunderstood, but shall not introduce any new or debatable matter.</p>	<p>no substantial change</p>
68	<p>Member who has spoken to a question may not move or second an amendment thereon</p> <p>88. A Member who has spoken to a question may not move an amendment, or second an amendment, thereon; but may speak to an amendment when such amendment has been proposed from the Chair.</p>		<p>see new SO 37</p>
69	<p>Right of reply in certain cases</p> <p>89. A reply shall be allowed to a Member who has made a substantive motion to the Council, or moved any reading of a Bill, but not to a Member who has moved an amendment or the previous question.</p>	<p>Reply by Mover</p> <p>39. (1) A Member who has moved a substantive motion or the second or third reading of a Bill may reply to that motion.</p> <p>(2) A Member who has moved an amendment does not have a right of reply to the amendment.</p> <p>(3) The reply of a Member closes the debate.</p>	<p>no substantial change - includes current SO 90</p>

GENERAL RULES OF DEBATE

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
70	<p>Reply closes debate</p> <p>90. In all cases the reply of the mover of the original question shall close the debate.</p>		see new SO 39
71	<p>Debates of same session not to be alluded to</p> <p>91. No Member shall allude to any debate or proceedings of the same session unless such allusion be relevant to the matter under discussion.</p>		not required
72	<p>Extracts referring to debates</p> <p>92. No Member shall read extracts from newspapers or other documents, except <i>Hansard</i>, referring to debates in the Council during the same session.</p>		not required - does not reflect current practice
73	<p>Reflections on vote of Council</p> <p>93. No Member shall reflect upon any vote of the Council except for the purpose of moving that such vote be rescinded.</p>	<p>Reflections on Vote of Council</p> <p>40. A Member shall not reflect upon any vote of the Council except for the purpose of moving that such vote be rescinded.</p>	no substantial change
74	<p>Allusion to debates in the Assembly</p> <p>94. No Member shall allude to any debate of the current session in the Assembly, or to any measure impending therein.</p>	<p>Allusion to Debate in the Assembly</p> <p>41. A Member shall not allude to any debate of the current calendar year in the Assembly, or to any measure impending therein.</p>	no substantial change
75		<p>Reference to Other Members</p> <p>42. A Member shall only refer to other Members by their title of office or their name.</p>	new SO - reflects current practice
76	<p>Offensive words against Members</p> <p>97. No Member shall use offensive or unbecoming words in reference to any Member of either House, and all imputations of improper motives and personal reflections on Members shall be considered highly disorderly, and when any Member objects to words used, the presiding officer shall if he considers the words to be objectionable or unparliamentary, order them to be withdrawn forthwith.</p>	<p>Offensive Words</p> <p>43. A Member shall not use offensive words in debate, including offensive words against either House of Parliament, any Member of either House, the Sovereign, the Governor or a judicial officer.</p>	<p>new SO needs to be read in conjunction with new SO 44 and 45</p> <p>in effect, new SOs reflect current SOs and custom and practice</p>

GENERAL RULES OF DEBATE

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
77	<p>Offensive words against either House or any statute</p> <p>96. No Member shall use offensive words against either House of Parliament, or against any statute.</p>		see new SO 43
78	<p>Use of Queen's or Governor's name</p> <p>95. No Member shall use the name of Her Majesty or of her representative in this State disrespectfully in debate, nor for the purpose of influencing the Council in its deliberations.</p>		see new SO 43 - expanded to include judicial officers and Members
79		<p>Imputations and Personal Reflections</p> <p>44. All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.</p>	new SO - reflects current practice
80	<p>Objection to be taken forthwith</p> <p>103. Every such objection shall be taken at the time when such words are used, and shall not be afterwards entertained.</p>	<p>Unparliamentary Language</p> <p>45. (1) For the purposes of these Standing Orders, "unparliamentary language" is any language that falls within Standing Orders 43 and 44.</p> <p>(2) A Member may object to the President that the words used by another Member constitute unparliamentary language, so long as the objection is taken immediately after the words have been used.</p> <p>(3) If the President determines that the words used by a Member constitute unparliamentary language, whether or not an objection has been raised by another Member, the President shall direct the Member to withdraw those words and may require an apology.</p> <p>(4) Any withdrawal or apology made by a Member must be made without explanation or qualification.</p>	new SO that is applied in conjunction with new SOs 43 and 44, and reflects current practice
81	<p>Debates confined to question</p> <p>98. No Member shall digress from the subject matter of any question under discussion; nor anticipate the discussion of any subject which appears on the Notice Paper.</p>	<p>Relevance</p> <p>46. A Member's speech must be relevant to the matter under discussion, and shall not anticipate any other matter which is listed on the Notice Paper.</p>	no substantial change

GENERAL RULES OF DEBATE

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
82	<p>Irrelevancy in debate</p> <p>100. The President or the Chairman of Committees may call the attention of the Council or the Committee, as the case may be, to continued irrelevance or tedious repetition on the part of any Member, and may direct such Member to discontinue his speech: Provided that such Member shall have the right to require that the question whether he be further heard be put, and thereupon such question shall be put without debate.</p>	<p>Irrelevant or Repetitious Debate</p> <p>47. (1) A Member who persists in making irrelevant or repetitive arguments may be ordered by the President to discontinue the speech.</p> <p>(2) A Member ordered to discontinue may require that the question "That the Member be further heard." be put, which shall be put without debate or amendment.</p>	no substantial change
83	<p>Question may be required to be read</p> <p>99. Each Member may of right require the question to be read for his information at any time during the debate, but not so as to interrupt a Member speaking.</p>	<p>President to Read Question</p> <p>48. (1) Before the President puts any question, the question shall be read to the Council.</p> <p>(2) A Member may require that the President read the question before the Council at any time during debate when no other Member is speaking.</p>	no substantial change - reflects current practice
84	<p>Interruption not allowed</p> <p>101. No Member shall interrupt another Member whilst speaking, unless to:</p> <p>(a) request that his words be taken down;</p> <p>(b) call attention to a point of order or privilege suddenly arising; or</p> <p>(c) call attention to the want of a quorum.</p>	<p>Interruptions to Debate</p> <p>49. (1) A Member may not interrupt another Member speaking, unless to call attention to -</p> <p>(a) a point of order or matter of privilege; or</p> <p>(b) the absence of a quorum.</p> <p>(2) Upon a point of order or matter of privilege being raised, the Member with the call shall sit down.</p>	no substantial change - includes current SO 107
85	<p>Member resumes seat when question of order raised</p> <p>107. Upon a question of order being raised, the Member called to order shall resume his seat.</p>		see new SO 49
86	<p>Words objected to</p> <p>102. When any Member objects to words used in debate, and, after stating them, desires them to be taken down, the President shall direct them to be taken down by the Clerk accordingly.</p>		not required - does not reflect current practice
87	<p>Speaking to order or privilege</p> <p>104. <i>Repealed by Resolution of the House, October 19 2000.</i></p>		

GENERAL RULES OF DEBATE

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
88	<p>Precedence to question of order or privilege</p> <p>105. <i>Repealed by Resolution of the House, October 19 2000.</i></p>		
89	<p>Complaints against newspapers</p> <p>106. <i>Repealed by Resolution of the House, October 19 2000.</i></p>		
90	<p>Objecting to ruling of President</p> <p>108. If any objection be taken to the ruling or decision of the President, such objection shall be taken at once, and motion made, which, shall be proposed to the Council.</p>	<p>Dissent to Ruling of President</p> <p>50. A motion to dissent from a President's ruling -</p> <p style="margin-left: 40px;">(a) must be moved immediately after the ruling; and</p> <p style="margin-left: 40px;">(b) takes priority until it is determined by the Council.</p>	reflects current SO and practice
91		<p>Sub judice Matters</p> <p>51. Subject always to the right of the Council to debate any matter it deems appropriate, a matter before any court of record may not be referred to in any motion, debate or question (other than in relation to bills or ministerial decisions) if it appears to the President that there is a real and substantial danger of prejudice to the adjudication of the case.</p>	new SO reflecting current practice
92	<p>Motions not open to debate</p> <p>109. Motions and questions under the following standing orders are not open to debate, and shall be moved without argument or opinion offered, and shall be forthwith put by the President from the Chair, and the vote taken -</p> <p>85 Personal explanation.</p> <p>100 Whether Member be further heard when directed by President to discontinue speech due to irrelevancy or tedious repetition.</p> <p>110 That the Council question be now put.</p> <p>112 That this debate be now adjourned.</p> <p>118 Suspension of Member.</p> <p>128 Postponement of business.</p> <p>188-193 Previous question.</p> <p>229 First reading.</p> <p>241 Reporting progress when consideration not concluded.</p> <p>299 That the Chairman do now leave the Chair.</p> <p>336 Presentation of report of standing committee.</p> <p>369 Presentation of report of select committee.</p> <p>416 Withdrawal of strangers.</p>	<p>Matters Not Open to Debate or Amendment</p> <p>52. The following matters are not open to debate or amendment -</p> <p style="margin-left: 40px;">SO 5(4) Members' Statements be now taken</p> <p style="margin-left: 40px;">SO 17(3) to (5) Business Program - Variation of Business</p> <p style="margin-left: 40px;">SO 22(2) Time Limits for Committee of the Whole House applied to Other Business</p> <p style="margin-left: 40px;">SO 31(2) Suspension of Member</p> <p style="margin-left: 40px;">SO 47(2) That the Member be further heard</p> <p style="margin-left: 40px;">SO 53 Closure Motion</p> <p style="margin-left: 40px;">SO 54 Adjournment of Debate</p> <p style="margin-left: 40px;">SO 101(4) Presentation of a Petition</p> <p style="margin-left: 40px;">SO 102 Statements by Ministers and Parliamentary Secretaries</p> <p style="margin-left: 40px;">SO 111 Personal Explanation</p> <p style="margin-left: 40px;">SO 117(2)(b) Report Progress - Committee of the Whole House</p> <p style="margin-left: 40px;">SO 123 First Reading</p> <p style="margin-left: 40px;">SO 136 Adoption of Report on Bill from Committee of the Whole House</p> <p style="margin-left: 40px;">SO 188 Chair's Statement on Tabling of Report</p>	no substantial change

GENERAL RULES OF DEBATE

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
93	<p>Closure Motion</p> <p>110. (a) Any Member may move to close debate on the question before the House or in a Committee of the whole by moving, but not so as to interrupt a Member speaking, That the question be now put.</p> <p>(b) Where the motion is carried with not less than 10 affirmative votes, any question that had been proposed (the “original question”), as well as any question that relates to, or involves consideration of, or has bearing on, the original question, shall be put without further amendment or debate.</p> <p>(c) The Chair, in its discretion, may decline to put the motion. A decision under this paragraph is final and not subject to dissent, debate or comment.</p> <p>(d) If the motion is lost, the debate shall be resumed where it was interrupted.</p>	<p>Closure Motion</p> <p>53. (1) The motion “That the question be now put.” may be moved by any Member who has not spoken in a debate, but not so as to interrupt a Member speaking.</p> <p>(2) The motion shall be put immediately and without debate, and must be carried by an absolute majority.</p> <p>(3) If the motion is carried, the Council shall vote immediately on the question before it.</p> <p>(4) If the motion is resolved in the negative, debate is resumed.</p>	<p>amended form of current SO 110</p> <p>removes ‘guillotine’ (10 affirmative votes provision); installs absolute majority requirement; removes capacity for President to decline to put motion and related incapacity to dissent from President’s ruling</p>
94	<p>No Member to speak after question put</p> <p>111. No Member may speak on any question after the same has been put by the President and the voices have been given in the affirmative and negative thereon.</p>		<p>not required</p>
95	<p>Adjournment of debate</p> <p>112. A debate may be adjourned either to a later hour of the same day or to any other day.</p>	<p>Adjournment of Debate</p> <p>54. A debate may be adjourned either to a later hour of the same day or to another day.</p>	<p>no substantial change</p>
96	<p>Pre-audience to Member moving</p> <p>113. The Member upon whose motion any debate shall be adjourned by the Council shall be entitled to pre-audience on the resumption of the debate.</p>	<p>Member Adjourning Debate - Entitlements</p> <p>55. (1) The Member upon whose motion any debate is adjourned shall be entitled to be heard first on the resumption of debate.</p> <p>(2) If a motion for the adjournment of the debate is resolved in the negative, the mover does not lose the right to speak in the debate.</p>	<p>no substantial change - includes current SO 114</p>
97	<p>If negatived, mover may speak afterwards</p> <p>114. In the event of a motion for the adjournment of the debate upon any question being negatived, the Member moving the motion for such adjournment may address the Council at any time during such debate.</p>		<p>see new SO 55</p>

GENERAL RULES OF DEBATE

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
98	<p>Absence of mover</p> <p>198. An order of the day, in the absence of the Member in charge thereof, may, at the request of such Member, be moved or postponed by any other Member.</p>	<p>Absence of Member</p> <p>56. A Member may -</p> <ul style="list-style-type: none"> (a) move or move to postpone an Order of the Day; (b) give a notice of motion; (c) move a motion; (d) ask a question without notice; or (e) present a petition, <p>on behalf of and with the approval of an absent Member.</p>	<p>no substantial change - includes current SOs 144 and 157, and inserts questions without notice and petitions</p> <p>does not apply to Members suspended under new SO 31 (see also new SO 33)</p>
99	<p>Notice for absent Member</p> <p>144. A Member, on being duly requested, may give notice for any other Member not then present by putting the name of such Member on the notice of motion in addition to his own.</p>		see new SO 56
100	<p>Member moving for another</p> <p>157. A Member on being requested by the Member who has given notice may move the motion of which notice has been given.</p>		see new SO 56
101	<p style="text-align: center;">Chapter XVII</p> <p style="text-align: center;"><i>ORDERS OF THE DAY</i></p> <p>Definition</p> <p>194. An order of the day is a Bill or other matter which the Council has ordered to be taken into consideration on a particular day.</p>		transferred to definitions - Schedule 3
102	<p>Discharge of</p> <p>199. An order of the day may be discharged although it has been debated.</p>	<p>Discharge of Order of the Day</p> <p>57. An Order of the Day may be discharged by motion without notice moved at any stage when the Council is considering the matter.</p>	no substantial change - specifies capacity to reintroduce discharged orders

GENERAL RULES OF DEBATE

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
103	<p>Documents quoted from by Minister</p> <p>47. A document relating to public affairs quoted from by a Minister, unless stated to be of a confidential nature, or such as should more properly be obtained by Address, may be called for and made a public document.</p>	<p>Documents Quoted in Debate</p> <p>58. (1) A Member must identify any document quoted from by the Member in debate, including an uncorrected version of <i>Hansard</i>.</p> <p>(2) At the conclusion of a speech in which a Member has quoted from a document, the document shall be tabled upon the request of any other Member, unless the Member states the document is a confidential document.</p>	<p>amended form of current SOs 47 and 48 - provides same arrangement for all Members</p> <p>return of document under current SO 48(b) deleted - not current practice</p>
104	<p>Documents quoted from by Member</p> <p>48. (a) A document quoted from by a Member not a Minister shall,</p> <p style="padding-left: 20px;">(i) at the time such quotation is made be identified; and</p> <p style="padding-left: 20px;">(ii) on request from any Member, immediately upon the conclusion of the speech of the Member who has quoted therefrom, be tabled.</p> <p>(b) Documents tabled by a Member in accordance with this standing order shall be returned to that Member after the expiration of 72 hours.</p>		<p>see new SO 58</p>

NOTICES OF MOTION

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
105	<p style="text-align: center;">Chapter XIII</p> <p style="text-align: center;"><i>NOTICES OF MOTIONS</i></p> <p>How given</p> <p>141. Notice of motion shall be given by the Member stating its terms to the Council and delivering at the Table a copy of such notice fairly written, signed by himself, and showing the day he proposes to move such motion.</p>	<p>Giving Notice of Motion</p> <p>59. (1) A notice of motion shall be given by the Member reading it aloud and delivering a signed copy to the Clerk.</p> <p>(2) A Member, other than a Minister or Parliamentary Secretary, shall not give more than -</p> <p style="padding-left: 20px;">(a) one notice of motion consecutively if another Member has any notice of motion to give; and</p> <p style="padding-left: 20px;">(b) two notices of motion per sitting day.</p> <p>(3) Paragraph (2) does not apply to a notice of motion given under Standing Order 66.</p>	<p>includes current SO 149</p> <p>installs a limit on the number of notices of motion per day (excluding disallowance motions)</p>
106	<p>Giving more than one notice</p> <p>149. A Member, other than a Minister, may not give 2 notices of motion consecutively, if another Member has any notice to give.</p>		<p>see new SO 59</p>
107	<p>Order of notices on Notice Paper</p> <p>143. The notices shall be entered by the Clerk on the Notice Paper in the order in which they were delivered at the Table.</p> <p>Provided that a notice of a motion for the disallowance of a regulation has precedence of other notices to be given on that day, and for this purpose "regulation" includes any statutory instrument made subject to disallowance by a written law.</p>		<p>see new SO 18 row 30 and new SO 66 row 116</p>
108	<p>Containing irrelevant matter to be divided</p> <p>142. If a notice of motion is given which contains matters not relevant to each other, the President may instruct the Clerk to divide such notice into 2 or more notices.</p>	<p>Irregular Notice of Motion</p> <p>60. The President may order that a notice of motion containing -</p> <p style="padding-left: 20px;">(a) unparliamentary language or which offends against any Standing Order be amended or withdrawn; or</p> <p style="padding-left: 20px;">(b) more than one matter be divided.</p>	<p>no substantial change - includes current SO 148</p>
109	<p>Unbecoming notices amended</p> <p>148. Any notice containing unbecoming expressions, or which offends against any standing order of the Council, shall be amended by the President before it appears upon the Notice Paper.</p>		<p>see new SO 60</p>

NOTICES OF MOTION

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
110	<p>Alteration or withdrawal, by leave, of notice</p> <p>146. After a notice of motion has been given, the terms thereof may not be materially altered. A Member may deliver at the Table an amended notice on any day prior to that on which he intends to proceed with such motion. By leave of the Council a Member may withdraw any notice of motion standing in his name when it is called on by the President.</p>	<p>Amendment to Notice of Motion</p> <p>61. A notice of motion may be amended -</p> <p style="margin-left: 40px;">(a) on any day prior to the motion being moved, by the Member reading the amended notice of motion aloud at the usual time for giving notices of motion and delivering a signed copy to the Clerk; or</p> <p style="margin-left: 40px;">(b) at the time the notice of motion is called upon, by leave of the Council to move the motion in an amended form.</p>	<p>no substantial change - see also new SO 62</p> <p>provides capacity for Member to amend a notice of motion when it is called upon by leave</p>
111	<p>Postponement of</p> <p>145. A Member desiring to change the day for which he has given notice of motion may give notice to move such on any day subsequent to that first named, but not earlier.</p>	<p>Postponement or Withdrawal of Notice of Motion</p> <p>62. At the time for giving notices of motion or when the notice of motion is called upon, a Member may withdraw or move to postpone a notice of motion given by the Member.</p>	<p>incorporates current SOs 145 and 146</p> <p>provision in current SO 146 for withdrawal by leave removed [<i>see Report</i>]</p>
112	<p>No notice after business commenced</p> <p>147. No notice of motion shall be given after the Council shall have proceeded to the business of the day, as set down on the Notice Paper, unless by leave of the Council.</p>	<p>Late Notice of Motion</p> <p>63. No notice of motion shall be given other than at the time for giving notices of motion (Standing Order 14), unless by leave of the Council.</p>	<p>no substantial change</p>
113	<p>Notice not effective on day on which it is given</p> <p>150. No notice or contingent notice shall have effect for the day on which it is given.</p>		<p>not required</p>

MOTIONS, QUESTIONS AND VOTES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
114A	<p>Chapter XIV</p> <p><i>MOTIONS AND QUESTIONS</i></p> <p>No motion without previous notice</p> <p>151. No motion unless by leave of the Council, or in pursuance of these standing orders, shall be moved except after notice openly given at a previous sitting of the Council and duly entered on the Notice Paper.</p>	<p>No Motion without Previous Notice</p> <p>64. (1) No Member shall move a motion, other than those motions specified in (2), unless notice of the motion was given at a previous sitting of the Council or leave is granted by the Council.</p> <p>(2) The following motions may be moved without notice -</p> <ul style="list-style-type: none"> SO 3(b) Suspension of Standing or Temporary Orders SO 5(4) Members' Statements be now taken SO 5(5)(b) Special Adjournment SO 6(2) Variation of Annual Sitting Schedule SO 17(3) to (5) Business Program - Variation of Business SO 19 Conduct of Council Business SO 22(2) Time Limits for Committee of the Whole House applied to Other Business SO 29(1) Leave of Absence SO 31(2) Suspension of Member SO 47(2) That the Member be further heard SOs 50, 116(4) Dissent to Ruling of President SO 53 Closure Motion SO 54 Adjournment of Debate SO 57 Discharge of Order of the Day SO 62 Postponement of Notice of Motion SO 67 Motions Concerning Tabled Papers SO 68(1) Motion to Note Budget Papers SO 101(5) That a petition not be received SO 109(4) Reinstatement of Order of the Day - Noting of a Committee Report SO 110 Non-Government Business SO 117(2)(b) Report Progress - Committee of the Whole House SO 118 Motions Pertaining to Resolutions of the Committee of the Whole House SO 124 Second Reading of a Bill SO 125(3) Referral of Uniform Legislation Bill SO 127(1) Referral of Bill to Committee SO 128(c) Motion to Divide or Consolidate Bills SO 130 Postponement of Consideration of Clause SO 135(2)(a) Incorporation of Recommended Committee Amendments into a Bill SO 137(1) Recommittal of a Bill SO 139 Third Reading of a Bill SOs 144(b), 150(b) Consideration of Message containing Amendments to a Bill 	<p>no substantial change - details all motions that can be moved without notice</p>

MOTIONS, QUESTIONS AND VOTES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
117	<p>Motion as to papers</p> <p>49. (1) On any paper being laid before the Council, it shall be in order to move that it -</p> <ul style="list-style-type: none"> (a) be read, and, if necessary, a day appointed for its consideration; (b) be printed; (c) be taken note of in a case where it comprises the "Budget Papers". <p>(2) The order of the day for the resumption of an adjourned debate under subclause (1)(c) has precedence on the third sitting day following that on which the paper was tabled, and precedence on each of the 9 succeeding sitting days, or until the question is resolved, whichever is the sooner.</p> <p>(3) In subclause (2) -</p> <ul style="list-style-type: none"> (a) the precedence given to the order of the day is subject on each sitting day to precedence given by express provision in standing orders to another order of the day; (b) subject only to paragraph (a), the order of the day must be called on each of the sitting days but any debate may be adjourned; (c) where the question remains unresolved at the expiration of the last day on which the order of the day has precedence, the question lapses and the order of the day is discharged. 	<p>Motions Concerning Tabled Papers</p> <p>67. Immediately following the tabling of a paper, a motion may be moved that it be printed or that consideration of the paper be made an order of the day for a future sitting day.</p>	no substantial change to current SO - Budget Papers dealt with in new SO 68
118		<p>Motion to Note Budget Papers</p> <p>68. (1) Upon the tabling of the Budget Papers, a motion that the papers be noted shall be moved.</p> <p>(2) A motion moved under (1) shall -</p> <ul style="list-style-type: none"> (a) have precedence over other orders of the day on - <ul style="list-style-type: none"> (i) the first sitting day of the next sitting week following the day on which the papers were tabled; and (ii) each of the nine succeeding sitting days, unless the question is resolved sooner; and (b) lapse if not resolved at the conclusion of the period under (a)(ii). 	current SO 49, except precedence of debate commences from first sitting day of following sitting week, rather than third sitting day
119	<p>Precedence of motion for condolence or vote of thanks</p> <p>156. Precedence may be given by courtesy to a motion for condolence or for a vote of thanks of the Council.</p>		not required

MOTIONS, QUESTIONS AND VOTES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
120	<p>Member failing to move</p> <p>158. If a Member or some other Member on his behalf fails to rise and move a motion of which he has given notice, it shall be withdrawn from the Notice Paper.</p>	<p>Motion Not Moved</p> <p>69. If a motion is not moved when called upon, it shall be discharged from the Notice Paper.</p>	no substantial change
121	<p>Motion not seconded</p> <p>159. <i>Repealed May 23 2001</i></p> <p>[footnote: The repeals do not affect those proceedings of a ceremonial nature where it is customary that a motion be seconded. [ie Official Opening of Parliament]</p>		
122	<p>When proposed from Chair cannot be withdrawn without leave</p> <p>160. After a motion has been read by the President, it shall be deemed to be in possession of the Council, and cannot be withdrawn without leave of the Council.</p>	<p>Restriction on Withdrawal of Motion</p> <p>70. After a motion has been moved, it shall be deemed to be in the possession of the Council, and can only be withdrawn by leave of the Council.</p>	no substantial change
123	<p>Assembly to be advised when motion fails to pass in Council</p> <p>161. If a motion originating in the Assembly, and requiring the concurrence of the Council, for any reason fails to pass in the Council, the Assembly shall be acquainted accordingly.</p>		not required - see also <i>Communication between the Houses SOs</i>
124	<p>If withdrawn or superseded may be again brought on</p> <p>163. A motion which has been superseded, or, by leave of the Council, withdrawn, may be made again during the same session.</p>	<p>Withdrawn Motion may be Moved Again</p> <p>71. A motion that has been withdrawn may be moved again.</p>	no substantial change
125	<p>Anticipating other motions</p> <p>162. Except as provided by SO's 72, 153, 155 and 156, no motion or amendment shall anticipate an order of the day or another motion of which notice has been given.</p> <p>[author's note: SO128?]</p>	<p>Anticipating Other Business</p> <p>72. Except as provided by Standing Orders 66, 92 and 110, no motion or amendment shall anticipate an order of the day or another motion of which notice has been given.</p>	no substantial change
126	<p>Interruption of motions</p> <p>164. <i>Repealed August 30 2001.</i></p>		

MOTIONS, QUESTIONS AND VOTES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
127	<p>Question proposed by President</p> <p>165. <i>Repealed May 23 2001</i></p> <p>[footnote: The repeals do not affect those proceedings of a ceremonial nature where it is customary that a motion be seconded. [ie Official Opening of Parliament]</p>		
128	<p>Division of complicated question</p> <p>166. The President may order a complicated question to be divided.</p>	<p>Division of Complicated Question</p> <p>73. The President may order a complicated question to be divided.</p>	no change
129	<p>Same question not again proposed</p> <p>170. Subject to SO 227, no question or amendment shall be proposed which is the same in substance as any question or amendment which, during the same session, has been resolved in the affirmative or negative, unless the order, resolution, or vote on such question or amendment has been rescinded.</p> <p><i>This standing order shall not be suspended.</i></p>	<p>Same Question</p> <p>74. (1) A question shall not be proposed which is the same in substance as any question which was resolved during the same year commencing 1 January.</p> <p>(2) Paragraph (1) does not apply to any question for which the vote was rescinded.</p>	<p>no substantial change - minor changes to reflect current practice regarding sessions, and proposed deletion of SO 227 row 240</p> <p>incapacity for SO to be suspended has been removed - House cannot entrench SOs</p>
130	<p>Putting the question</p> <p>167. So soon as the debate upon a question shall be concluded, the President shall put the question to the Council.</p>	<p>Putting the Question</p> <p>75. When the debate upon the question is concluded, the President shall put the question.</p>	no substantial change
131	<p>Determined on the voices</p> <p>168. A question being put shall be resolved in the affirmative or negative by the majority of the voices Aye or No.</p>	<p>Question Determined on the Voices</p> <p>76. (1) A question being put shall be resolved in the affirmative or negative by the majority of voices 'Aye' or 'No', upon which the President shall declare an opinion whether the 'Ayes' or 'Noes' have it.</p> <p>(2) The question shall be resolved in accordance with the President's opinion unless a division is called for immediately.</p>	no substantial change - incorporates current SO 169
132	<p>President states result</p> <p>169. The President shall state whether, in his opinion, the Ayes or the Noes have it; and if his opinion be challenged the question shall be decided by division.</p>		see new SO 76

MOTIONS, QUESTIONS AND VOTES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
133	<p>Question superseded</p> <p>172. A question may be superseded:</p> <ul style="list-style-type: none"> (a) by the adjournment of the Council; (b) on notice being taken and it appearing that a quorum of Members is not present; (c) by a motion "<i>That the orders of the day be now read</i>"; or (d) by the previous question. 		not required
134	<p style="text-align: center;">Chapter XVI</p> <p style="text-align: center;"><i>PREVIOUS QUESTION</i></p> <p>Form of</p> <p>188. The previous question shall be put in the form "<i>That this question be not now put</i>".</p>		not required - redundant practice
135	<p>Result of same being affirmed</p> <p>189. If the Council resolves the previous question in the affirmative, thereby resolving that the original question be not now put, the original question and any amendment thereon before the Council become disposed of, and the Council shall proceed to the next business on the Notice Paper.</p>		not required - redundant practice
136	<p>Result of same being negatived</p> <p>190. If the Council resolves the previous question in the negative, thereby resolving that the original question before the Council "<i>be now put</i>", the question and any amendment thereon shall be put forthwith without debate.</p>		not required - redundant practice
137	<p>When not permissible</p> <p>191. The previous question shall not be moved to an amendment, nor shall an amendment be moved thereto.</p> <p>[footnote: see also SO 286]</p>		not required - redundant practice

MOTIONS, QUESTIONS AND VOTES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
138	<p>Previous question with regard to a series of resolutions</p> <p>192. Whenever the previous question shall be moved upon any question consisting of a series of resolutions which have been brought under discussion or debate as one motion, with the understanding that the question be put on such resolutions <i>seriatim</i>, the decision of the previous question, before putting the question on the first of such resolutions, shall be taken and held to be conclusive, whether in the affirmative or negative, as regards the whole of such resolutions.</p>		not required - redundant practice
139	<p>Previous question supersedes original question and any amendment thereon.</p> <p>193. The previous question temporarily supersedes the original question and any amendment thereon.</p>		not required - redundant practice
140	<p style="text-align: center;">Chapter XVIII</p> <p style="text-align: center;"><i>DIVISIONS</i></p> <p>How called</p> <p>200. Whenever the President states, on putting a question, that the Ayes or the Noes (as the case may be) have it, his decision may be challenged by Members calling "<i>Divide</i>".</p>	<p>Calling a Division</p> <p>77. (1) After the President has declared an opinion on the resolution of a question (Standing Order 76), a Member may challenge that opinion by calling for a division immediately.</p> <p>(2) A Member who calls for a division shall not leave the Council, and shall vote with those Members who, in the opinion of the President, were in the minority.</p> <p>(3) If the President determines that an absolute majority is required, the President shall advise the Council accordingly and conduct a division.</p>	no substantial change - includes current SO 202
141	<p>When division may be called for</p> <p>201. A division cannot be called for unless more than one voice has been given for the Ayes and likewise for Noes.</p>		requirement removed
142	<p>Member calling for not to leave Chamber</p> <p>202. A Member calling for a division shall not leave the Chamber until the division has taken place, and shall vote in accordance with his voice.</p>		see new SO 77
143	<p>Who entitled to vote</p> <p>207. No Member shall be entitled to vote in any division unless present within the Bar when the Tellers have been appointed.</p>		not required - see new SO 78

MOTIONS, QUESTIONS AND VOTES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
144	<p>Division Bell and sand-glass</p> <p>208. Before a division is taken, the Clerk shall ring the division bell and turn a 2 minute sand-glass, kept on the Table for that purpose, and the doors shall not be closed until after the lapse of 2 minutes as indicated by such sand-glass.</p>	<p>Procedure for Division</p> <p>78. When a division has been called for -</p> <ul style="list-style-type: none"> (a) strangers shall withdraw from the Chamber; (b) the President shall order the division bells to be rung for two minutes; (c) after 2 minutes have expired, the President shall order the doors be locked, and no Member shall enter or leave the Council until after the division; (d) the President shall state the question and direct that the Members voting 'aye' pass to the right of the Chair and the Members voting 'no' to the left; (e) all Members present shall vote; (f) the President shall appoint at least one Teller for each side; (g) no Member shall cross from one side to the other after the President has appointed the Tellers; (h) after counting the votes the Tellers shall sign their respective list; and (i) the President shall declare the result of the division. 	<p>incorporates a number of current SOs, for which no substantial change is made</p> <p>includes current SOs 207, 208, 209, 210, 211, 212, 213, 215, 216</p> <p>new SO 78(e) - "Members present" includes Members on the "floor of the Council" (as defined in Schedule 3), which includes behind the President's Chair</p>
145	<p>Doors locked after 2 minutes</p> <p>209. The doors shall be closed after the lapse of 2 minutes, and no Member shall then enter or leave the Chamber until after the division.</p>		see new SO 78
146	<p>When question put Members proceed to right or left</p> <p>210. The President shall state the question to the Council, and direct the Ayes to proceed to the right of the Chair, and the Noes to the left, and shall appoint one Teller for each.</p>		see new SO 78
147	<p>Members present must vote</p> <p>211. Every Member present within the Bar when the Tellers are appointed shall vote except the Chairman of Committees when in the Chair, with whom voting shall be optional.</p>		see new SO 78
148	<p>Members not to move till result declared</p> <p>212. When a division has been called for, Members shall take seats on the side of the Council on which they intend to vote, and shall not move therefrom after Tellers have been appointed until the result of the division has been declared.</p>		see new SO 78

MOTIONS, QUESTIONS AND VOTES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
149	<p>Tellers take names</p> <p>213. The name of every Member shall be taken down by one of the Clerks at the direction of the Teller on either side, who shall sign their respective lists, and the Clerk shall present the same to the President, who shall declare the result to the Council.</p>		see new SO 78
150	<p>If only one Member to the right or left</p> <p>214. In case there should be only one Member on a side on a division, the President, without completing the division, shall forthwith declare the decision of the Council.</p>		not required
151	<p>Members may speak to point of order</p> <p>215. While the Council is dividing, Members may speak, sitting, to a point of order arising out of or during the division.</p>		see new SO 35 row 61
152	<p>Division lists to be recorded</p> <p>216. An entry of the lists of divisions in the Council and in Committee shall be made by the Clerk in the Minutes.</p>		see new SO 78
153	<p>When call may be withdrawn</p> <p>203. At any time before the Tellers are appointed, a call for a division may be withdrawn by leave of the Council, and the division shall not be proceeded with. The decision of the President which was challenged shall then stand.</p>	<p>Division may be Cancelled</p> <p>79. At any time before the Tellers are appointed, a call for a division may be withdrawn by leave of the Council, and the division shall not be proceeded with. The decision of the President which was challenged shall then stand.</p>	no change
154	<p>Casting vote of President</p> <p>204. When the votes are equal, the President shall give a casting vote. He may state his reasons for giving such vote, and they shall be recorded in the Minutes.</p>	<p>President's Casting Vote</p> <p>80. When the votes are equal, the President shall give a casting vote. The President may state the reasons for giving the casting vote, and these reasons shall be recorded in the Minutes.</p>	<p>no substantial change</p> <p>[footnote inserted into the new SOs to indicate the casting vote applies to the President only, not the Deputy President or an Acting Deputy President]</p>

MOTIONS, QUESTIONS AND VOTES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
155	<p>Chairman of Committees' vote</p> <p>205. The Chairman of Committees, when in the Chair, shall in all cases be entitled to a vote, and after the appointment of the Tellers, may state his reasons therefore. When the votes are equal the question shall pass in the negative.</p>	<p>Chair of Committees' Vote</p> <p>81. When in the Chair, the Chair of Committees -</p> <p style="margin-left: 40px;">(a) shall be entitled to a deliberative vote;</p> <p style="margin-left: 40px;">(b) shall exercise this vote from the Chair; and</p> <p style="margin-left: 40px;">(c) may state reasons.</p>	<p>no substantial change</p> <p>includes current SO 206</p>
156	<p>Chairman may vote in his seat</p> <p>206. The Chairman of Committees, when in the Chair, may vote by stating to the Committee whether he votes with the Ayes or the Noes, as the case may be.</p>		<p>see new SO 81</p>
157	<p>In case of confusion or error Council divides again</p> <p>217. In case of error concerning the numbers reported, unless the same can be corrected, the Council shall proceed to another division.</p>	<p>Error in Division</p> <p>82. In the case of confusion or error in the numbers reported, unless the matter can be corrected, the President shall conduct another division.</p>	<p>no substantial change</p>
158	<p>Mistakes may be corrected in Minutes</p> <p>218. If complaints be made to the Council that a division has been inaccurately reported, the President shall cause the Minutes, if incorrect, to be corrected.</p>		<p>see new SO 221 row 455</p>
159	<p>As to divisions in Committee</p> <p>219. Divisions shall be demanded and taken in Committee in the same manner as in the Council.</p>		<p>not required given new SO 114 row 210</p>
160	<p>Rescission of vote</p> <p>171. An order, resolution, or other vote of the Council may be rescinded, but not during the same session, unless 7 days' notice be given and an absolute majority of the whole number of Members vote in favour of its rescission.</p>	<p>Rescission of Vote</p> <p>83. A vote of the Council may be rescinded by motion with notice, provided that seven days notice of the motion is given and the rescission is supported by an absolute majority.</p>	<p>no substantial change - special arrangements for same session rescission removed</p>

AMENDMENTS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
	Chapter XV <i>AMENDMENTS TO MOTIONS AND QUESTIONS</i>		
161	<p>Different forms</p> <p>173. A question having been proposed may be amended by:</p> <ul style="list-style-type: none"> (a) deleting certain words only; (b) inserting or adding certain words; or (c) deleting certain words and inserting or adding other words. 	<p>Forms of Amendment</p> <p>84. After a question has been proposed, it may be amended, unless otherwise prescribed in these Standing Orders, by -</p> <ul style="list-style-type: none"> (a) deleting words; (b) deleting words in order to insert other words; or (c) inserting words. 	no substantial change
162	<p>To be in writing</p> <p>174. An amendment to any motion before the Council must, for purposes of record, be in writing and be signed by the proposer.</p>	<p>Amendment to be Written and Signed</p> <p>85. An amendment shall be in writing and signed by the mover.</p>	no substantial change
163	<p>To be relevant</p> <p>175. Every amendment shall be relevant to the question to which it is proposed to be made.</p>	<p>Amendment to be Relevant and Not a Direct Negative</p> <p>86. An amendment shall -</p> <ul style="list-style-type: none"> (a) be relevant to the question before the Council; and (b) not be a direct negative. 	no substantial change - addition to exclude direct negative (current practice)
164	<p>To be seconded</p> <p>176. An amendment proposed but not seconded shall not be entertained by the Council, nor recorded in the Minutes.</p>		not required - redundant practice
165	<p>Amendment to delete words</p> <p>177. When the proposed amendment is to delete certain words, the President shall put a question, <i>“That the words proposed to be deleted, be deleted”</i>.</p>	<p>Form of Question for Amendments</p> <p>87. (1) When an amendment is to delete words, the President shall put the question - <i>“That the words proposed to be deleted, be deleted.”</i>.</p> <p>(2) When an amendment is to insert words, the President shall put the question - <i>“That the words proposed to be inserted, be inserted.”</i>.</p> <p>(3) When an amendment is to delete words and insert other words, the President shall first put the question - <i>“That the words proposed to be deleted, be deleted.”</i>, which if resolved in the negative shall dispose of the amendment, but if agreed to, the President shall then put the question - <i>“That the words proposed to be inserted, be inserted.”</i>.</p>	new SO incorporating current SOs 177, 178 and 179

AMENDMENTS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
166	<p>Amendment to insert or add words</p> <p>178. When the proposed amendment is to insert or add certain words, the President shall put a question, <i>“That the words proposed to be inserted or added, be inserted or added”</i>.</p>		see new SO 87
167	<p>Amendment to delete words and insert or add others</p> <p>179. When the proposed amendment is to delete certain words in order to insert or add other words, the President shall put a question, <i>“That the words proposed to be deleted, be deleted”</i>, which, if resolved in the negative, shall dispose of the amendment; but if in the affirmative, another question shall be put, <i>“That the words proposed to be inserted or added, be inserted or added”</i>.</p>		see new SO 87
168	<p>No amendment to question after a later part amended</p> <p>180. No amendment shall be proposed to any part of a question after a later part has been amended.</p>	<p>No Amendment to Words Already Agreed To</p> <p>88. Except as provided by Standing Order 129, no amendment shall be proposed -</p> <ul style="list-style-type: none"> (a) in any part of a question if a later part has - <ul style="list-style-type: none"> (i) been amended; or (ii) had an amendment moved to it, unless the proposed amendment has been withdrawn by leave; or (b) to any words which the Council has resolved shall stand part of a question except to insert other words. 	new SO incorporating current SOs 180 and 181
169	<p>No amendments to words already agreed to</p> <p>181. No amendment shall be proposed to be made to any words which the Council has resolved shall not be deleted, or which have been inserted in or added to a question, except it be the addition of other words thereto.</p>		see new SO 88
170	<p>Order of moving</p> <p>182. An amendment proposed shall be disposed of before another amendment to the original question is moved.</p>		not required
171	<p>Withdrawal of amendment</p> <p>183. A proposed amendment, by leave of the Council, may be withdrawn.</p>	<p>Withdrawal of Amendment</p> <p>89. A proposed amendment may be withdrawn by leave of the Council.</p>	no substantial change

AMENDMENTS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
172	<p>Amendments to proposed amendment</p> <p>184. Amendments may be proposed to a proposed amendment as if such proposed amendment were an original question.</p>	<p>Amendment to Amendment</p> <p>90. An amendment may be moved to a proposed amendment as if the proposed amendment was the original question.</p>	no substantial change
173	<p>Amendments on question to delete words and insert or add others</p> <p>185. When it is proposed to delete words in the original question in order to insert or add others, no amendment to the words proposed to be inserted or added shall be entertained until the question that the words proposed to be deleted, be deleted, has been determined.</p>		not required - see new SO 87 row 165
174	<p>Questions put as amended</p> <p>186. When amendments have been made, the question shall be put as amended.</p>	<p>Question after Amendment Resolved</p> <p>91. (1) When an amendment has been agreed to, the original question, as amended, shall be proposed. (2) When an amendment has been proposed but resolved in the negative, the original question shall again be proposed.</p>	no substantial change - includes current SO187
175	<p>When amendments proposed but not made</p> <p>187. When amendments have been proposed but not made, the question shall be put as originally proposed.</p>		see new SO 91

PARLIAMENTARY PRIVILEGE

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
176	<p>Procedure for raising matter of privilege</p> <p>155. (1) A Member may raise a matter alleging a breach of privilege at any time without notice whether or not other business is under consideration at the time.</p> <p>(2) The Member raising a matter of privilege under this order -</p> <p>(a) must move for the appointment of a select committee to consider and report on the matter raised; and</p> <p>(b) in speaking to that motion, do no more than state succinctly the facts and circumstances said to constitute or show that a breach of privilege has occurred; and</p> <p>(c) table any relevant document;</p> <p>(d) cannot speak for more than 10 minutes.</p> <p>(3) At the conclusion of the Member's speech the matter is adjourned without question put.</p> <p>(4) At the next sitting, and despite any other rule or order, the order of the day for further consideration of the matter is to be taken immediately after Prayers at which time the President shall rule whether the matter is one affecting the privileges of the House under the <i>Parliamentary Privileges Act 1891</i>.</p> <p>(5) A ruling given under subclause (4) is final.</p> <p>(6) Where the President rules -</p> <p>(a) that no matter of privilege is involved, the order of the day is discharged;</p> <p>(b) that there is a matter of privilege, the order of the day is to be called forthwith and the question must be determined at that day's sitting.</p> <p>(7) Debate under subclause (6)(b) must not exceed 1 hour and no Member may speak for more than 10 minutes.</p> <p>(8) Any committee appointed under this order has power to send for persons, papers, and records.</p> <p>(9) In this order, "document" has the meaning given to that expression in s 5 of the <i>Interpretation Act 1984</i>.</p> <p>(10) This order does not apply to proceedings taken under section 10 of the <i>Parliamentary Privileges Act 1891</i> or to proceedings dealing with a matter of privilege reported from a committee.</p>	<p>Matter of Privilege</p> <p>92. (1) A Member may at any time raise a matter of privilege, which shall, until disposed of, suspend consideration of any other business before the Council.</p> <p>(2) A Member raising a matter of privilege under (1) may table any relevant documents.</p> <p>(3) If the President otherwise becomes aware of a matter of privilege that the President determines is of sufficient substance to warrant consideration by the Council, the President shall advise the Council.</p> <p>(4) The President may -</p> <p>(a) determine the matter and provide a ruling to the Council immediately; or</p> <p>(b) defer the matter and provide a ruling to the Council at the earliest possible opportunity.</p> <p>(5) If the President rules that there is some substance to the matter, the President shall refer the matter to the <i>Procedure and Privileges Committee</i> for inquiry and report to the Council.</p>	<p>simplified version of current SO</p> <p>requirement for establishment of a Select Committee removed - reference under new SO is proposed to the <i>Procedure and Privileges Committee</i></p> <p>includes new provision for President to advise House of a matter of privilege that the President has become aware of by other means than a Member raising the matter in the House</p> <p>time limit included in new SO 21 row 37</p>

PARLIAMENTARY PRIVILEGE

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
177		<p>Contempts of the Council</p> <p>93. (1) Criteria for the Council to take into account when determining whether a contempt has been committed and examples of conduct which may be treated by the Council as a contempt are specified in Schedule 4.</p> <p>(2) The examples provided in Schedule 4 are not intended to be an exhaustive list of all conduct constituting a contempt of the Council, and do not derogate from the Council's power to determine that any particular act constitutes a contempt.</p>	<p>new SO arising from the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament.</p> <p>Senate 'contempt resolution' contained on pps 9 to 12 of the committee's report - modified and transferred to Schedule 4 of new SOs</p>
178		<p>Penalties for Prescribed Contempts</p> <p>94. (1) Any person declared guilty of contempt by the Council for an offence defined by section 8 of the <i>Parliamentary Privileges Act 1891</i> may be fined a penalty of such amount as the Council orders.</p> <p>(2) If a fine imposed under (1) is not paid immediately, the offender may be imprisoned in the custody of the Usher of the Black Rod, in such place within the State as the Council orders, until -</p> <p>(a) the fine is paid; or</p> <p>(b) the expiration of the then existing session or a lesser period as ordered by the Council.</p>	<p>new SO arising from existing statutory provision</p>
179		<p>Usher of the Black Rod</p> <p>95. In all matters of contempt or misconduct, the Usher of the Black Rod shall act on the direction of the President.</p>	<p>new SO to specify role of the Usher in contempt and misconduct matters</p>

PARLIAMENTARY PRIVILEGE

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
180	<p style="text-align: center;">Chapter XXXI</p> <p style="text-align: center;"><i>STRANGERS</i></p> <p>Admittance of</p> <p>415. The President only shall have the privilege of admitting strangers into the portion of the Chamber below the Bar. Members of the Assembly shall have the privilege of admission thereto without orders. The President may admit distinguished strangers to a seat on the floor of the Council Chamber.</p>	<p>Strangers in the Council</p> <p>96. (1) Only the President may admit strangers onto the floor of the Council.</p> <p>(2) When a division is called or as otherwise ordered by the President, strangers shall withdraw.</p>	<p>includes current SO 416 and 417</p> <p>motion for strangers to withdraw not required - Member can raise matter with the President if required, and President can direct withdrawal</p> <p>note definition of “floor of the Council” in Schedule 3</p>
181	<p>Withdrawal of</p> <p>416. If at any sitting of the Council or committee thereof, any Member shall take notice that strangers are present, the President or the Chairman (as the case may be) shall forthwith put the question “<i>That strangers be ordered to withdraw</i>”, which shall be decided without debate: Provided that the President or the Chairman of Committees may, whenever he thinks fit, order the withdrawal of strangers from any part of the Chamber.</p>		<p>see new SO 96</p>
182	<p>Not admitted into any part appropriated for Members</p> <p>417. No Member shall bring any stranger into any part of the Chamber appropriated to Members while the Council or a Committee of the whole is sitting.</p>		<p>see new SO 96</p>

PARLIAMENTARY PRIVILEGE

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
183	<p>Arrest of strangers</p> <p>123. The Usher of the Black Rod, on being directed by the President, shall take into custody any stranger whom he may see, or who may be reported to be, in any part of the Chamber appropriated to Members; and also any stranger who, having been admitted within the precincts of the House, shall misconduct himself, or shall not withdraw when strangers are directed to withdraw, while the Council or any Committee of the whole is sitting; and no person so taken into custody shall be discharged out of custody without the special order of the Council.</p>	<p>Arrest of Strangers</p> <p>97. (1) The President may order the taking into custody of a stranger who -</p> <p style="margin-left: 20px;">(a) is in any part of the Council reserved for Members without the permission of the President; or</p> <p style="margin-left: 20px;">(b) having been admitted to the precincts of the Council -</p> <p style="margin-left: 40px;">(i) misconducts themselves;</p> <p style="margin-left: 40px;">(ii) creates a disturbance;</p> <p style="margin-left: 40px;">(iii) wilfully interrupts the business of the Council; or</p> <p style="margin-left: 40px;">(iv) does not withdraw when strangers are ordered to withdraw.</p> <p>(2) Whenever the President orders that a stranger be taken into custody, the President shall report this to the Council as soon as practicable.</p> <p>(3) A person taken into custody shall only be discharged from custody by order of the President or the Council.</p>	<p>includes current SOs 123 and 124</p> <p>see also new SO 95</p>
184	<p>Arrest to be reported</p> <p>124. When any Member or other person shall have been taken into the custody of the Usher of the Black Rod, such arrest shall be reported to the Council by the President without delay; and the Council shall fix the time for such Member or other person to be dealt with by the Council.</p>		<p>see new SO 97</p>
185	<p style="text-align: center;">Chapter XXXIV</p> <p style="text-align: center;"><i>LAPSED BILLS</i></p> <p>Procedure</p> <p>436. Any Public Bill which lapses by reason of a prorogation before it has reached its final stage may be proceeded with in the next ensuing session at the stage it had reached in the preceding session if a periodical election for the Legislative Council or a general election for the Legislative Assembly has not taken place between such 2 sessions, under the following conditions:</p> <p>(a) If the Bill be in the possession of the House in which it originated, not having been sent to the other House, or, if sent, then returned by Message, it may be proceeded with by resolution of the House in which it is, restoring it to the Notice Paper;</p> <p>(b) If the Bill be in possession of the House in which it did not originate, it may be proceeded with by resolution of the House in which it is, restoring it to the Notice Paper, but such resolution shall not be passed unless a Message has been received from the House in which it originated, requesting that its consideration may be resumed.</p>	<p><i>Prorogation of the Legislative Council</i></p> <p>Bills Lapsed</p> <p>98. (1) A Bill that has lapsed due to prorogation before it has been passed may be proceeded with in the next Session from the point of interruption in the previous Session of the same Parliament.</p> <p>(2) A Council Bill in the possession of the Council, including consideration of Assembly amendments, may be restored by motion on notice.</p> <p>(3) An Assembly Bill in the possession of the Council may be restored by motion on notice, subject to receipt of a Message from the Assembly requesting that action.</p> <p>(4) If a Council Bill is in the possession of the Assembly, a Message may be sent to the Assembly requesting the Bill be restored.</p> <p>(5) Any Bill restored shall be proceeded with as if its consideration had not been interrupted by a prorogation.</p> <p>(6) If a motion for restoration is not agreed to by the House in which the Bill originated, the Bill may be re-introduced as a new Bill.</p>	<p>no substantial change - incorporates current SOs 437 and 438</p>

PARLIAMENTARY PRIVILEGE

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
186	<p>Effect of restoration</p> <p>437. Any Bill so restored to the Notice Paper shall thenceforth be proceeded with in both Houses as if its passage had not been interrupted by a prorogation; and, if finally passed, shall be presented to His Excellency the Governor for Her Majesty's assent.</p>		see new SO 98
187	<p>When restoration negated</p> <p>438. Should the motion for restoration to the Notice Paper be not agreed to by the House in which the Bill originated, the Bill may be introduced and proceeded with as an original Bill.</p>		see new SO 98
188		<p>Tabling of Papers Pursuant to Statute</p> <p>99. Where an Act specifies that a document may be deemed tabled during a period when the Council is not sitting, such period shall include when the Council has been prorogued.</p>	reflects current practice

FORMAL BUSINESS PROCEDURES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
189	<p>Chapter XI</p> <p><i>PETITIONS</i></p> <p>Rules governing petitions</p> <p>133. A petition shall be:</p> <p>(a) (i) drafted by, or at the direction of, the person promoting it, couched in reasonable terms, and addressed to the President and Members of the Council;</p> <p>(ii) in English or accompanied by a certified English translation;</p> <p>(iii) legible, and unamended whether by insertion or deletion or interlineation;</p> <p>(iv) signed by the person or persons promoting it and if such person, or one or more of them, is a corporation, the common seal of the corporation or corporations shall be affixed to the petition.</p> <p>(b) A petition shall state the number of signatories and contain a prayer or formal request at the end.</p> <p>(c) A petition shall not:</p> <p>(i) have any other document attached to it;</p> <p>(ii) quote or refer to a discussion on any question considered by either House in the same session;</p> <p>(iii) bear other than original signatures, or have signatures pasted on or otherwise attached to it or to sheets (if any) bearing additional signatures;</p> <p>(iv) seek a direct grant of money from the Council;</p> <p>(v) contain statements adverse to, or make allegations of improper, corrupt or illegal conduct against, a person whether by name or office;</p> <p>(vi) contain or disclose matter in breach of a secrecy provision of, or order imposed or made under the authority of, a written law;</p> <p>(vii) seek relief or a declaration in circumstances where the matter is justiciable and legal remedies available to the petitioner have not been exhausted.</p>	<p>Form and Contents of Petitions</p> <p>100. (1) A petition shall -</p> <p>(a) be addressed to the President and Members of the Council;</p> <p>(b) state the action or remedy sought from the Council, which must be repeated at the top of every page of the petition;</p> <p>(c) be legible and unamended whether by insertion or deletion or inter-lineation;</p> <p>(d) be couched in reasonable language;</p> <p>(e) be in the English language, or be accompanied by a certified English translation;</p> <p>(f) contain the name, address, and original signature or mark of the petitioners;</p> <p>(g) be signed by the person or persons promoting the petition, who must reside in Western Australia or, if a corporation, have its registered office in Western Australia; and</p> <p>(h) if from a corporation, be made under its common seal.</p> <p>(2) A petition shall not -</p> <p>(a) have any documents attached to it;</p> <p>(b) be presented by a Member who has signed the petition as a petitioner;</p> <p>(c) reflect upon a vote of the Council in the same calendar year;</p> <p>(d) seek a direct grant of public money from the Council;</p> <p>(e) contain statements adverse to, or make allegations of improper, corrupt or illegal conduct against, a person whether by name or office; or</p> <p>(f) contain or disclose a matter in breach of a secrecy provision of, or order imposed or made under the authority of, a written law.</p> <p>(3) The Member presenting the petition shall sign the petition at the top of the front page of the petition.</p> <p>(4) The total number of petitioners shall be stated at the top of the front page of the petition.</p> <p>(5) The petition must be certified to conform with the Standing Orders by the Clerk before it may be presented to the Council.</p>	<p>simplified version of current SO 133</p> <p>includes requirement that promoters of petitions must be residents of Western Australia</p> <p>current SO 133(c)(vii) removed, as requirement is impractical to enforce</p>

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ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
190	<p>Manner of presentation</p> <p>130. A petition is presented by delivery to the Clerk or tabling in the Council, and in either case the Member presenting it shall endorse his name across the petition before presenting it. Where a petition is presented by tabling, the Member presenting it shall confine himself to naming the parties promoting it, stating the number of signatories, its subject matter or a summary thereof. The petition shall then be brought to the Table without any question being put.</p>	<p>Procedure for Lodgement and Presentation of Petitions</p> <p>101. (1) A petition shall be lodged with the Clerk at least one hour prior to the sitting of the Council at which a Member proposes to present the petition, in order that the Clerk may certify that the petition conforms with the Standing Orders.</p> <p>(2) A petition may be presented at the time nominated for presentation of petitions, or by leave at a later stage of proceedings when no question is before the Council.</p> <p>(3) The Member presenting the petition shall -</p> <p style="margin-left: 20px;">(a) read the address of the petition;</p> <p style="margin-left: 20px;">(b) read the text of the petition or a summary of that text; and</p> <p style="margin-left: 20px;">(c) advise the number of signatories to the petition.</p> <p>(4) No debate of the subject matter is allowed upon presentation of a petition, except for the purposes of a motion moved under (5).</p> <p>(5) The Council may order that a petition not be received.</p> <p>(6) Every petition presented shall stand referred to the <i>Environment and Public Affairs Committee</i>.</p>	<p>all petitions to be presented - petitions by delivery removed</p> <p>no substantial change</p> <p>new SO 101(5) is only expected to be used in exceptional circumstances</p>
191	<p>Members to present petitions</p> <p>131. No person other than a Member shall present a petition, and no Member shall present a petition from himself.</p>		<p>see new SO 101</p>
192	<p>Clerk's certificate required</p> <p>132. A petition is not presented or capable of being presented unless the Clerk:</p> <p style="margin-left: 20px;">(a) in a case of presentation by delivery, certifies at the time of delivery; or</p> <p style="margin-left: 20px;">(b) in a case of presentation to be made by tabling, certifies not less than one hour prior to tabling,</p> <p>that the petition complies in all substantive respects with the requirements of this Chapter. The Clerk shall not be concerned to inquire into the factual correctness of any statement or allegation contained in a petition but shall, nonetheless, decline to certify a petition that is submitted contrary to the provisions of SO 134.</p>		<p>see new SO 101</p>

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ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
193	<p>Additional requirements for certain petitions</p> <p>134. (a) Where a petition would, but for the provisions of this Chapter:</p> <p style="padding-left: 20px;">(i) contain statements or allegations of the type described in SO 133 (c) (v);</p> <p style="padding-left: 20px;">(ii) disclose matter in breach of SO 133 (c) (vi),</p> <p>the petition shall be confined to a request for relief and be accompanied by a statement of the facts supporting the request.</p> <p>(b) The statement required under paragraph (a) shall disclose all relevant facts including those adverse to the petitioner and have affixed an affidavit in the form set out in the Schedule to this order.</p> <p>(c) A petition subject to SO 133 (c) (vii) shall be accompanied by a copy of the judgment of the court of first instance and on appeal.</p> <p>(d) The statement required by paragraph (a), the affidavit made under paragraph (b), and the copy of judgment required by paragraph (c) are not to be tabled or presented with a petition but shall be retained by the Clerk pending their transmission to the committee to which the petition is, or stands referred after presentation.</p> <p>(e) A petition that alleges, whether directly or by necessary inference, that a Member of the Legislative Council or another person has, in the course of a proceeding in Parliament in the Legislative Council or in a committee —</p> <p style="padding-left: 20px;">(i) attributed to the petitioner statements or acts that are denied by the petitioner; or</p> <p style="padding-left: 20px;">(ii) misrepresented the scope, purpose, or intent of any statement or act of the petitioner,</p> <p>stands referred to the President on presentation.</p> <p>(f) The President must rule whether a petition referred under paragraph (e) is one —</p> <p style="padding-left: 20px;">(i) that is subject to SO 133(c)(vii); or</p> <p style="padding-left: 20px;">(ii) that raises a matter of privilege;</p> <p style="padding-left: 20px;">(iii) that is not subject to subparagraph (i) or (ii).</p> <p>(g) A petition that is ruled subject to paragraph (f)(i) must not be further considered.</p> <p>(h) A petition that is ruled subject to paragraph (f)(ii) stands referred to the <i>Procedure and Privileges Committee</i> for inquiry and report.</p> <p>(i) A petition that is ruled subject to paragraph (f)(iii) stands referred to the <i>Environmental and Public Affairs Committee</i>.</p> <p>(j) For the purposes of paragraph (h), the <i>Procedure and Privileges Committee</i> has power to send for persons, papers, and records and those powers necessary or incidental to conduct and conclude its inquiry and, unless otherwise ordered, the <i>Procedure and Privileges Committee</i> must report finally to the House not later than 30 days from the day on which the petition was referred.</p>		<p>current SO deleted</p> <p>protection of persons referred to in the Council included under new SO 112 rows 207 and 208</p>

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ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
194	<p>(k) A Member —</p> <ul style="list-style-type: none"> (i) who presented the petition; or (ii) whose conduct is, or relates to, the subject matter of the petition, must not sit as a Member of the <i>Procedure and Privileges Committee</i> throughout its inquiry, and in either case a substitution of that Member must be made under SO 326A. Except for this purpose, SO 326 and SO 326A do not apply to the constitution of the <i>Procedure and Privileges Committee</i>. <p>(l) Where the <i>Procedure and Privileges Committee</i> finds that the petition shows that a breach of privilege or a contempt has been committed it may recommend, having regard to any mitigating or aggravating factors, what penalty might be imposed by the House.</p> <p>(m) Where the <i>Environment and Public Affairs Committee</i> sustains the prayer of a petition referred under paragraph (i) it may, having regard to the nature and severity of the harm caused to the petitioner or other person, recommend what action the House or a person might take in order to mitigate the effects or consequences of that harm.</p> <p style="text-align: center;">SCHEDULE AFFIDAVIT FOR PURPOSES OF SO 134 Re the Petition of A B</p> <p>I, X Y, solicitor/counsel for the petitioner A B, make oath and say as follows:</p> <p style="padding-left: 40px;">The statements of fact made by the petitioner in paragraphs . . . of the petition are true to the best of my knowledge, information and belief, and the allegations made are, in my professional opinion, sustainable.</p> <p>Sworn etc.</p>		
195	<p>Petitions to be notified</p> <p>135. As soon as practicable after presentation, the following information shall be printed in the Notice Paper relating to a petition:</p> <ul style="list-style-type: none"> (a) the name of the promoter; (b) the number of signatories; (c) a description of the subject matter; (d) the name of the Member presenting it and the manner of presentation; (e) the date of referral (if any) to a committee, <p>and upon presentation of the committee's report, the same information, together with a summary of the committee's findings and recommendations (if any) shall again be printed in the Notice Paper.</p>		not required

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ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
196		<p>Statements by Ministers and Parliamentary Secretaries</p> <p>102. (1) A Minister or Parliamentary Secretary may make a statement at the time specified under Standing Order 14, or by leave when no other business is before the Council.</p> <p>(2) A statement must impart factual information relating to public affairs, and must not contain debateable matter other than matter that is inherent in the content of the statement.</p>	new SO containing expanded text from current SO 125

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ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
197	<p>Chapter XII</p> <p><i>QUESTIONS SEEKING INFORMATION</i></p> <p>Questions to Ministers and Members</p> <p>136. Questions may be put to:</p> <p>(a) a Minister relating to public affairs with which he is connected, to proceedings in the Council, or to any matter of administration for which he is responsible;</p> <p>(b) a Member except the President relating to any Bill, motion, or other public matter connected with the business of the Council of which the Member has charge.</p>	<p>Questions to Ministers and Members</p> <p>103. Questions may be asked of -</p> <p>(a) a Minister or Parliamentary Secretary relating to public affairs with which the Minister or Parliamentary Secretary is connected, to proceedings in the Council, or to any matter of administration for which the Minister or Parliamentary Secretary is responsible; or</p> <p>(b) a Member, except the President, relating to any Bill, motion or other public matter connected with the business of the Council of which the Member has charge.</p>	<p>no substantial change - new SO includes Parliamentary Secretaries</p>
198	<p>Rules governing questions</p> <p>140. (a) Questions shall be concise and not contain:</p> <p>(i) statement of facts and names of persons if they are predominantly descriptive and their omission does not affect the sense or render the question unintelligible;</p> <p>(ii) (1) arguments;</p> <p>(2) inferences;</p> <p>(3) imputations;</p> <p>(4) unnecessary epithets;</p> <p>(5) ironical expressions;</p> <p>(6) hypothetical matter;</p> <p>(iii) discreditable references to either House or its Members, or any offensive or unparliamentary expression.</p> <p>(b) Questions shall not:</p> <p>(i) seek an expression of opinion or a legal opinion;</p> <p>(ii) quote or refer to speeches made in either House during the same session, or proceedings of a committee not reported to the Council;</p> <p>(iii) refer to a case pending adjudication in a court of law;</p> <p>(iv) anticipate discussion of an order of the day.</p> <p>(c) The President may disallow any question that is the same in substance as one already answered, disallowed or to which an answer has been refused in the same session.</p>	<p>Rules for Questions</p> <p>104. (1) Questions shall -</p> <p>(a) be concise; and</p> <p>(b) not seek an opinion or a legal interpretation or opinion.</p> <p>(2) Any question that infringes upon this Standing Order may be amended, disallowed or withdrawn as ordered by the President.</p>	<p>simplified SO</p> <p>not necessary to repeat a number of matters specifically in regards to questions - e.g. unparliamentary language, anticipation rule, same question rule and <i>sub judice</i> matters, for which general SOs exist and apply to all proceedings</p>
199		<p>Answers to Questions</p> <p>105. An answer shall be concise and relevant.</p>	<p>new SO, incorporating part of current SO 138</p>

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ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
200	<p>Notice of Question</p> <p>137. (a) Except as provided in SO 139, written notice of any question, signed by or on behalf of the Member giving notice, shall be delivered to the Clerk's Office not later than midday on any sitting day;</p> <p>(b) Notice of any question delivered later than the time provided for in (a), but before the time appointed for the House to meet, may be included in that day's notices of questions;</p> <p>(c) Oral notice of any question to which (a) and (b) hereof apply may be given at that day's sitting at the time provided for in SO 125;</p> <p>(d) Notice of a question supplementary to one for which a reply has been provided shall be included in that day's notices of questions if it is delivered to the Clerk within one hour of the time appointed for the House to meet;</p> <p>(e) Except as provided in (d), notice of any question delivered later than the time appointed for the House to sit on that day shall be included in those notices (if any) delivered on the following day; and</p> <p>(f) Each notice shall be published in a Supplementary Notice Paper according to the date of delivery and the order in which it was so delivered:</p> <p style="padding-left: 40px;">Provided that where (b) and (d) hereof apply, it is sufficient compliance with this Standing Order to include such notice in the Supplementary Notice Paper for the day following that on which it was delivered.</p>	<p>Questions on Notice</p> <p>106. (1) Members may lodge written questions on notice, signed by or on behalf of the Member, for any sitting day with the Clerk not later than midday on that day.</p> <p>(2) A question on notice may also be lodged orally by a Member in accordance with Standing Order 14(1)(g).</p> <p>(3) Questions lodged under (1) and (2) shall be published in a Supplementary Notice Paper in the order in which the questions were received by the Clerk.</p>	<p>simplified SO - no substantial change to written QON process</p>
201	<p>Replies</p> <p>138. (a) A reply to any question on notice is given by delivering it in writing to the Clerk's Office.</p> <p>(b) Each reply shall be published in a Supplementary Notice Paper immediately following the question to which it relates.</p> <p>(c) Replies shall be concise, relevant, and free from argument or controversial matter.</p> <p>(d) If a question on the Notice Paper remains unanswered after 9 sitting days, the Minister or Member to whom the question is directed is to state at the conclusion of the period of oral questions on the next sitting day whether an answer will be provided and when that will occur.</p>	<p>Answers to Questions on Notice</p> <p>107. (1) Answers to questions on notice shall be transmitted to the Clerk, who shall arrange for their distribution and publication.</p> <p>(2) When a question on notice remains unanswered after 9 sitting days, the Member to whom the question is directed shall advise the Council, at the conclusion of the period for questions without notice on the next sitting day, the date when an answer is expected to be provided.</p>	<p>no substantial change</p> <p>new SO 107(2) provides that Member must advise the House "when an answer is expected to be provided", rather than "whether an answer will be provided and when that will occur"</p>

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ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
202	<p>Oral questions without notice</p> <p>139. (a) A Member may ask an oral question without notice and the Minister or Member concerned, if it is one that in his opinion should be answered immediately, may thereupon answer the question and, if not, request that it be placed on notice.</p> <p>(b) Unless the House otherwise orders, the President:</p> <p>(i) at 5 pm on Tuesday and Wednesday;</p> <p>(ii) at 4 pm on Thursday; and</p> <p>(iii) on any other day, at such time as may be agreed to by the House,</p> <p>shall interrupt any business then under consideration and call on questions without notice. At the conclusion of questions without notice the House shall resume the business so interrupted.</p> <p>(c) The Leader of the House may terminate oral questions without notice on any sitting day by requesting the President to proceed to the next item of business.</p>	<p>Questions without Notice</p> <p>108. (1) Questions without notice shall be taken each sitting day in accordance with Standing Order 15.</p> <p>(2) Immediately after the period for questions without notice -</p> <p>(a) a Member may give further brief, factual information in relation to a question already answered by that Member;</p> <p>(b) a Member may provide an answer to a question without notice that was not answered previously; and</p> <p>(c) a Minister or Parliamentary Secretary may table documents relating to an answer to a question.</p> <p>(3) The Leader of the House may terminate questions without notice on any sitting day by requesting the President to proceed to the next item of business.</p>	<p>no substantial change - timing for questions without notice contained in new SO 15 row 26</p>
203	<p>Consideration of committee report</p> <p>61A. (1) On any Thursday, orders of the day that are, or which involve, consideration of committee reports, have precedence of other orders of the day for 1 hour from the time at which the House proceeded to orders of the day.</p> <p>(2) Any debate in progress at the time prescribed in paragraph (1) is thereupon adjourned without question put and its resumption set down as an order of the day for the next sitting. The House shall then proceed to the orders of the day in a sequence determined by the Leader of the House.</p> <p>(3) This order -</p> <p>(a) does not apply to a report on a Bill if the next stage of the Bill's passage is an order of the day. (cf SO 336 (b)).</p> <p>(b) is subject to precedence accorded an order of the day by SO 153 or SO 155.</p>	<p>Consideration of Committee Reports</p> <p>109. (1) Consideration of Committee reports presented under Standing Order 187 (except reports pertaining to Bills) shall be listed for noting in Committee of the Whole House as orders of the day on the Notice Paper.</p> <p>(2) Orders of the day under (1) shall be listed in the order in which the reports were presented to the House.</p> <p>(3) Where an order of the day listed under (2) has remained on the Notice Paper for 12 months without being moved, the President shall announce that the order of the day will be removed from the Notice Paper on the next sitting day.</p> <p>(4) A Member may move without notice that an order of the day removed under (3) be reinstated to the Notice Paper.</p> <p>(5) An order of the day reinstated under (4) shall be dealt with before the consideration of other Committee reports.</p>	<p>current Temporary Order arrangements, with the following changes -</p> <p>(a) Ministerial Statements are removed from this category, and will no longer be ordered for consideration in this part of the proceedings;</p> <p>(b) Members may only speak once to each Committee report (new SO 21 row 37); and</p> <p>(c) parts (3) to (5) of new SO provide a 'clean-up' mechanism for Committee reports that have remained on the Notice Paper for 12 months.</p>

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ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
204		<p>Non-Government Business</p> <p>110. (1) Motions without notice and orders of the day that are in the name of non-Government Members may be listed for consideration by the Council during the period prescribed under Standing Order 15(4).</p> <p>(2) For the purposes of this Standing Order, a non-Government Member is a Member that does not support the Government.</p> <p>(3) Business subject to this Standing Order -</p> <p>(a) shall be allocated according to the proportion of representation of political groups of non-Government Members; and</p> <p>(b) is to be provided, together with the text of any motion without notice, to the Clerk by 4.00pm on the Wednesday prior.</p> <p>(4) The weekly rotation schedule under (3)(a) shall be tabled by the President at the commencement of each Parliament, and otherwise as required, and must be adopted by the Council prior to its application.</p> <p>(5) A motion without notice moved under this Standing Order -</p> <p>(a) cannot be amended;</p> <p>(b) cannot be adjourned; and</p> <p>(c) lapses at the conclusion of the debate.</p>	<p>new SO containing provisions included in current Temporary Orders</p> <p>incorporates Matter of Urgency debate (current SO 72)</p> <p>speaking time limits in new SO 21 row 37, with the speaking time for the Responsible Minister or Parliamentary Secretary being allocated to the lead Government speaker only</p>
205	<p>Matter of Urgency</p> <p>72. (1) This order applies to a sitting of the Council on a Tuesday.</p> <p>(2) An urgency motion must be delivered in writing to the President at least 2 hours before the time appointed for the Council to meet on that day. Only 1 motion under this order may be moved on a sitting day and where 2 or more notices are received, the President is to accept the first of them received that is otherwise in order.</p> <p>(3) Standing order 125 is modified to the extent that before calling for motions without notice, the President is to read the terms of the motion received under subclause (2).</p> <p>(4) If 4 or more members then rise in their places to indicate their agreement to the Council debating the motion, the member may move: <i>That the Council consider, as a matter of urgency,</i></p> <p>(5) A debate under this order –</p> <p>(a) cannot exceed 60 minutes, the mover having a maximum of 15 minutes and each subsequent speaker 10 minutes;</p> <p>(b) cannot be adjourned; and</p> <p>(c) no amendment may be offered to the motion.</p> <p>(6) The question lapses at the conclusion of the debate.</p>		<p>see new SO 110 (Matter of Urgency motion replaced by Non-Government Business motion)</p>

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206	<p>Personal explanation</p> <p>85. By the indulgence of the Council, a Member may explain matters of a personal nature, although there be no question before the Council; but such matters may not be debated.</p>	<p>Personal Explanation</p> <p>111. (1) When there is no business before the Council, a Member may, by leave, explain a matter of a personal nature.</p> <p>(2) A personal explanation shall not be debated.</p>	no substantial change
207		<p>Protection of Persons and Corporations Referred to in the Council</p> <p>112. (1) Where a submission is made in writing to the President by a person or corporation who has been referred to in the Council by name, or in such manner as to be readily identified -</p> <p>(a) claiming that the person or corporation has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that the person's privacy has been unreasonably invaded, by reason of that reference to the person or corporation; and</p> <p>(b) requesting that the person or corporation be able to incorporate an appropriate response in <i>Hansard</i>,</p> <p>and the President is satisfied -</p> <p>(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 <i>Procedure and Privileges Committee</i> ("the Committee"); and</p> <p>(d) that it is practicable for the Committee to consider the submission under this Standing Order,</p> <p>the President shall refer the submission to the Committee.</p> <p>(2) The Committee may decide not to consider a submission referred to it under this Standing Order if the Committee considers that the subject of the submission is not sufficiently serious or the submission is frivolous, vexatious or offensive in character, and such a decision shall be reported to the Council.</p> <p>(3) If the Committee decides to consider a submission under this Standing Order, the Committee may confer with the person who made the submission and any Member who referred in the Council to that person or corporation.</p> <p>(4) In considering a submission under this Standing Order, the Committee shall meet in private session.</p> <p>(5) The Committee shall not publish a submission referred to it under this Standing Order or its proceedings in relation to such a submission, but may present minutes of its proceedings and all or part of such submission to the Council.</p>	new SO, replacing current 'petitions for relief' - sourced from Senate practice, amended to include corporations

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ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
208		<p>(6) In considering a submission under this Standing Order and reporting to the Council, the Committee shall not consider or judge the truth of any statements made in the Council or the submission.</p> <p>(7) In its report to the Council on a submission under this Standing Order, the Committee may make either of the following recommendations -</p> <p style="margin-left: 20px;">(a) that no further action be taken by the Council or by the Committee in relation to the submission; or</p> <p style="margin-left: 20px;">(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 <i>Hansard</i>, and shall not make any other recommendations.</p> <p>(8) A document presented to the Council under paragraph (5) or (7) -</p> <p style="margin-left: 20px;">(a) in the case of a response by a person or corporation who made a submission, shall be succinct and strictly relevant to the questions in issue and shall not contain anything offensive in character; and</p> <p style="margin-left: 20px;">(b) shall not contain any matter the publication of which would have the effect of -</p> <p style="margin-left: 40px;">(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</p> <p style="margin-left: 40px;">(ii) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person or corporation.</p> <p>(9) A corporation making a submission under this Standing Order is required to make it under its common seal.</p>	<p>new SO, replacing current 'petitions for relief' - sourced from Senate practice, amended to include corporations</p>

COMMITTEE OF THE WHOLE HOUSE

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
209	<p>Chapter XX</p> <p><i>COMMITTEES OF THE WHOLE COUNCIL</i></p>	<p>Composition</p> <p>113. The composition of the Committee of the Whole House is the same as that of the Council.</p>	
210	<p>Quorum in Committee of the whole</p> <p>278. The quorum in Committee of the whole shall consist of the same number of Members as is requisite to form a quorum of the Council.</p>	<p>Application of Laws and Standing Orders</p> <p>114. Insofar as they can be applied -</p> <ul style="list-style-type: none"> (a) the laws applicable to the operation of the Council shall apply to the Committee of the Whole House; and (b) unless otherwise provided, the Standing Orders applicable to the operation of the Council shall apply to the Committee of the Whole House. 	<p>new SO covering current SOs 219, 278, 282, 283, 284, 287, 288</p>
211	<p>Appointment of Committee</p> <p>279. A Committee of the whole shall be appointed by a resolution "<i>That the Council resolve itself into a Committee of the whole</i>" either immediately or on a future day; and if immediately, then the President shall put the question, "<i>That the President do now leave the Chair</i>", which, being agreed to, he shall leave the Chair accordingly.</p>	<p>Formation</p> <p>115. (1) The Council forms itself into a Committee of the Whole House either -</p> <ul style="list-style-type: none"> (a) for consideration of a Bill in detail; or (b) pursuant to order of the Council. <p>(2) When the Council forms itself into a Committee of the Whole House, the President leaves the Chair and the Chair of Committees presides over proceedings.</p>	<p>no substantial change - current SO as applied in current practice</p> <p>includes current SO 280</p>
212	<p>When order for Committee read</p> <p>280. Whenever an order of the day is read for the Council to resolve itself into a Committee of the whole, the President shall leave the Chair without putting any question, and the Council thereupon shall resolve itself into Committee, unless, after notice given, an instruction thereto is proposed from the Chair.</p>		<p>see new SO 115</p>
213	<p>Committee considers only matters referred</p> <p>282. A Committee shall consider such matters only as shall have been referred to it by the Council.</p>		<p>see new SO 114 - SO regarding relevance sufficient</p>
214	<p>Questions decided by majority</p> <p>283. Except as otherwise provided, every question in Committee shall be decided in the same manner as in the Council itself.</p>		<p>see new SO 114</p>

COMMITTEE OF THE WHOLE HOUSE

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
215	<p>Contradictory motions</p> <p>284. A motion contradictory of a previous decision of the Committee shall not be entertained in the same Committee.</p>		see new SO 114
216	<p>Motions need not be seconded</p> <p>285. <i>Repealed May 23 2001.</i></p> <p>[footnote: The repeals do not affect those proceedings of a ceremonial nature where it is customary that a motion be seconded. [ie Official Opening of Parliament]</p>		
217	<p>No “previous question”</p> <p>286. No motion for the “previous question” shall be made in Committee.</p>		not required - Previous Question SOs deleted
218	<p>Members may speak more than once</p> <p>287. In Committee, Members may speak more than once, but shall confine themselves to the subject matter of the question.</p>		not required - see new SO 21 row 37 and new SO 114
219	<p>Order in debate</p> <p>288. Except as provided by these standing orders, the same rules as to the conduct of Members, or of debate, procedure, or general conduct of business, shall be observed in Committee as in the Council.</p>		see new SO 114
220	<p>Objection to decision of Chairman</p> <p>289. If any objection is taken to a decision of the Chairman of Committees, the objection must be stated at once in writing. The Chairman shall thereupon leave the Chair and the Council shall resume. The matter having been reported to the President, and Members having addressed themselves thereto, the President shall give his ruling or decision, and, if the President’s ruling or decision be not challenged, the proceedings in Committee shall be resumed where they were interrupted.</p>	<p>Objection to Decision of Chair of Committees</p> <p>116. (1) If a Member objects to a decision made by the Chair of Committees, the Member shall state that objection immediately and provide the objection in writing.</p> <p>(2) Upon receipt of a written objection under (1), the Chair of Committees shall leave the Chair, the Council shall resume, and the Chair of Committees shall report the objection to the President.</p> <p>(3) The President may invite Members to address the objection, and shall rule on the matter.</p> <p>(4) A Member may move dissent to the President’s ruling in accordance with Standing Order 50.</p> <p>(5) Once the matter is determined, business shall resume in Committee of the Whole House.</p>	no substantial change includes current SOs 290 to 292

COMMITTEE OF THE WHOLE HOUSE

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
221	<p>Words taken down</p> <p>290. The Chairman shall direct that words objected to be taken down in order that the same may be reported to the Council.</p>		see new SO 116
222	<p>Objection to words only at time when used</p> <p>291. Every such objection shall be taken at the time when such words are used, and shall not afterwards be entertained.</p>		see new SO 116
223	<p>When disorder arises</p> <p>292. If any disorder shall arise in Committee, the President shall resume the Chair.</p>		see new SOs 30 (row 54), 114, 116
224	<p>President resumes Chair</p> <p>293. The President shall resume the Chair whenever a Message is brought from His Excellency the Governor, or when the time is come for holding a Conference, or for doing anything that the Council has ordered to be done at a stated time.</p>		see new SOs 16 (row 27), 114 and 117(2)(a)
225	<p>Want of quorum to be reported by Chairman</p> <p>294. If notice is taken of the absence of a quorum in Committee, the Chairman shall count the Committee, and if, after the bells have been rung for 2 minutes, a quorum be not formed, or if it appears upon a division that a quorum is not present, he shall leave the Chair of the Committee and the President shall resume the Chair. No decision shall be considered to have been arrived at in any division where a quorum has been reported as not present.</p>		see new SO 10 row 16
226	<p>Report and report of progress</p> <p>297. When all matters referred to a committee have been considered, the Chairman shall be directed to report the same to the Council; and when all such matters have not been considered, the Chairman shall report progress and ask leave to sit again.</p>	<p>Report to the Council</p> <p>117. (1) When all matters referred to the Committee of the Whole House have been considered, the Chair of Committees shall report the same to the Council.</p> <p>(2) Prior to the consideration of all matters referred to the Committee of the Whole House, the Chair of Committees shall report progress and seek to sit again when -</p> <p>(a) the time for precedence of other business before the Council has arrived; or</p> <p>(b) a motion to that effect is resolved by the Committee of the Whole House.</p> <p>(3) A motion under (2)(b) may be moved by a Member without notice at any time during proceedings of the Committee of the Whole House.</p>	no substantial change - includes current SO 281, 298, 299

COMMITTEE OF THE WHOLE HOUSE

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
227	<p>When Committee has reported progress</p> <p>281. When any matter has been partly considered in Committee, and the Chairman has been directed to report progress and ask leave to sit again, the Council may order that the Committee shall sit again at a future time.</p>		see new SO 117
228	<p>Motion to report progress</p> <p>298. Motion may be made at any time during the proceedings of a Committee, “<i>That the Chairman do report progress and ask leave to sit again.</i>”.</p>		see new SO 117
229	<p>Motion that the Chairman leave the Chair</p> <p>299. A motion “<i>That the Chairman do now leave the Chair</i>” shall, if carried, supersede the proceedings of a Committee; but the Committee may, on motion after notice, be revived for a future day.</p>		see new SO 117
230	<p>Dilatory motions, limit as to</p> <p>300. <i>Repealed on 12 April 1994.</i></p>		
231	<p>Resolutions of Committee</p> <p>301. Resolutions reported from a Committee may be agreed to or disagreed to by the Council, or agreed to with amendments, recommitted to the Committee, or the further consideration thereof postponed.</p>	<p>Resolutions of the Committee of the Whole House</p> <p>118. (1) All resolutions of the Committee of the Whole House shall be reported to the Council.</p> <p>(2) Resolutions reported under (1) may be agreed to or disagreed to by the Council, or agreed to with amendments, recommitted to the Committee of the Whole House, or postponed for further consideration.</p>	no substantial change - includes current SO 302
232	<p>Resolutions to be reported</p> <p>302. All resolutions of the Committee shall be reported to the Council.</p>		see new SO 118

BILLS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
233	<p>Chapter XIX</p> <p><i>PUBLIC BILLS</i></p> <p>Definition of Public Bill</p> <p>220. Every Bill not initiated under the <i>Standing Rules and Orders relating to Private Bills</i>, or ruled to be a Private Bill, shall be deemed to be a Public Bill.</p>	<p><i>All Bills</i></p> <p>Definitions</p> <p>119. For the purposes of these Standing Orders -</p> <p style="margin-left: 40px;">(a) a “Council Bill” is a Bill originating in the Council; and</p> <p style="margin-left: 40px;">(b) an “Assembly Bill” is a Bill originating in the Assembly.</p>	<p>current SO 220 not required - distinction between Public and Private Bills not applicable to modern practice</p> <p>includes definition of Council and Assembly Bills</p>
234	<p>Introduction and first reading</p> <p>221. (a) Bills originating in the Council may be introduced at any time by motion after notice, but not so as to interrupt any proceeding, by the Minister or Member having charge of it moving “That a Bill for an Act [long title] be introduced and read a first time”.</p> <p style="margin-left: 20px;">(b) Bills originating in the Assembly are introduced by Message.</p> <p style="margin-left: 20px;">(c) Each clause in a Bill must relate to the title as it was given on introduction.</p>	<p>Introduction in the Council</p> <p>120. (1) A Council Bill may be introduced by motion after notice at a time ordered by the Council.</p> <p style="margin-left: 20px;">(2) An Assembly Bill shall be introduced by Message.</p> <p style="margin-left: 20px;">(3) Every Bill shall be accompanied by an explanatory memorandum.</p>	<p>no substantial change, other than requirement for EMs</p>
235	<p>Contents to be mutually relevant</p> <p>222. Such matters as have no proper relation to each other shall not be included in one and the same Bill.</p>	<p>Contents of a Bill</p> <p>121. (1) No clause shall be included in any Bill that does not come within its title.</p> <p style="margin-left: 20px;">(2) If any clause is amended after the Bill is introduced, the title may be altered accordingly.</p> <p style="margin-left: 20px;">(3) Any Bill that the President determines -</p> <p style="margin-left: 40px;">(a) does not conform to the Standing Orders; or</p> <p style="margin-left: 40px;">(b) in the case of a Council Bill, cannot be introduced in the Council in accordance with any constitutional or statutory provision,</p> <p style="margin-left: 20px;">shall be withdrawn by order of the President.</p>	<p>no substantial change to current SOs and practice</p> <p>includes current SO 226</p>
236	<p>Readings required</p> <p>223. (a) Unless otherwise ordered, a Bill shall be given a first, second and third reading and in each case the short title only shall be read.</p> <p style="margin-left: 20px;">(b) A motion for any reading of a Bill does not require seconding.</p>	<p>Readings Required</p> <p>122. (1) A Bill shall be given a first, second and third reading.</p> <p style="margin-left: 20px;">(2) If the question for the first, second or third reading of the Bill is resolved in the negative, the Bill is defeated.</p> <p style="margin-left: 20px;">(3) On every order for the reading of a Bill, the short title shall be read.</p>	<p>no substantial change</p> <p>includes current SO 231 row 246</p> <p>seconding removed from all SOs except nomination for President</p>

BILLS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
237	<p>Temporary laws</p> <p>224. A Bill providing for a temporary law shall state clearly, in a separate clause, the date on which the law is to expire.</p>		not required
238	<p>Two or more Bills dealing with the same subject</p> <p>225. If more than one Bill dealing with the same subject appears on the Notice Paper, the Council may decide that any one or more of them shall be withdrawn or deferred, or that they shall be consolidated.</p>		not required
239	<p>If irregular to be withdrawn, and new Bill may be presented</p> <p>226. Every Bill not prepared pursuant to the order of leave or according to the standing orders of the Council shall be withdrawn, and, when withdrawn, a new Bill may forthwith be presented in lieu thereof under the same order of leave.</p>		see new SO 121
240	<p>Bill may amend or repeal Act of same session</p> <p>227. A Bill may amend or repeal an Act of the same session.</p>		not required
241	<p>First reading</p> <p>229. (a) After introduction, the question for the first reading of a Bill shall be put and decided without amendment or debate except where the Bill is one which the Council may not amend, in which case the question may be debated.</p> <p>(b) Copies of the Bill may be distributed to Members and otherwise published after the first reading.</p>	<p>First Reading</p> <p>123. (1) For each Council Bill, the question “That a Bill for an Act [long title] be introduced and read a first time.” shall be put and decided without amendment or debate.</p> <p>(2) For each Assembly Bill, the question “That the Bill contained in Legislative Assembly Message No. [] be read a first time.” shall be put and decided without amendment or debate.</p> <p>(3) After the first reading, copies of the Bill and explanatory memorandum shall be distributed, and the second reading may be moved immediately or ordered for a later stage of the sitting or the next sitting of the Council.</p>	<p>no substantial change</p> <p>provides no 1R debate on any Bill, reflecting current practice</p>

BILLS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
242	<p>Question for second reading</p> <p>230. After the first reading motion may be made:</p> <p>(a) <i>“That the Bill be now read a second time”</i> and the speech of the Minister or Member in charge given, at the conclusion of which the debate stands adjourned.</p> <p>(b) That the second reading be made an order of the day for the next sitting or for a specified sitting day.</p> <p>(c) <i>Repealed by Resolution of the House November 13 2001.</i></p> <p>(d) <i>Repealed by Resolution of the House November 13 2001.</i></p>	<p>Second Reading</p> <p>124. (1) Following the first reading of the Bill, the Member in charge of the Bill shall move <i>“That the Bill be read a second time.”</i>, and speak to that motion.</p> <p>(2) At the conclusion of the Member’s speech under (1), the debate shall be adjourned, and shall not be resumed until at least -</p> <p>(a) for a Council Bill, 2 calendar weeks later; or</p> <p>(b) for an Assembly Bill, one calendar week later, unless otherwise ordered by the Council.</p>	<p>new SO 124(1): no substantial change</p> <p>new SO 124(2): - provides one week delay in proceeding with 2nd reading debate (current practice) for Assembly Bills and two weeks delay for Council Bills</p>
243	<p>Uniform legislation</p> <p>230A. (1) This order applies to a Bill that —</p> <p>(a) ratifies or gives effect to a bilateral or multilateral intergovernmental agreement to which the Government of the State is a party; or</p> <p>(b) by reason of its subject matter, introduces a uniform scheme or uniform laws throughout the Commonwealth.</p> <p>(2) The second reading stage of a Bill is not to be resumed where SO 230(a) applies, within 30 days of the date of the adjournment (exclusive of that day) or before it has been reported from a committee, whichever is the later.</p> <p>(3) Unless otherwise ordered, a Bill stands referred to the <i>Uniform Legislation and Statutes Review Committee</i> at the conclusion of the second reading speech of the Minister or Member in charge.</p> <p>(4) The <i>Uniform Legislation and Statutes Review Committee</i>, or other committee, receiving a Bill under subclause (3) is to present its final report not later than 30 days of the day of the reference (exclusive of the referral day) or such other period as may be ordered by the House.</p> <p>(5) <i>Repealed by Resolution of the House September 20 2006.</i></p>	<p>Uniform Legislation</p> <p>125. (1) During the second reading speech of a Member in charge of a Bill, the Member shall advise the Council whether or not the Bill is a Uniform Legislation Bill.</p> <p>(2) For the purposes of these Standing Orders, a Uniform Legislation Bill is a Bill that -</p> <p>(a) ratifies or gives effect to a bilateral or multilateral intergovernmental agreement to which the Government of the State is a party; or</p> <p>(b) by reason of its subject matter, introduces a uniform scheme or uniform laws throughout the Commonwealth.</p> <p>(3) The Council may order that a Bill is a Uniform Legislation Bill notwithstanding contrary advice from the Member in charge of the Bill.</p> <p>(4) Any Bill nominated by the Member in charge or ordered by the Council as a Uniform Legislation Bill shall stand referred to the <i>Uniform Legislation and Statutes Review Committee</i> (“the Committee”) at the conclusion of the second reading speech of the Member in charge or immediately following an order of the Council under (3).</p> <p>(5) The Member in charge of a Bill referred to the Committee shall ensure that all documentation required by the Committee is provided to the Committee within three working days after referral under (4).</p> <p>(6) The Committee shall inquire into any Bill referred under (4) in accordance with the Committee’s terms of reference, and present its final report to the Council.</p> <p>(7) A report due under (6) shall be presented to the Council by -</p> <p>(a) not later than 45 days after the Bill was referred to the Committee; or</p> <p>(b) such other date as ordered by the Council.</p> <p>(8) The second reading stage of the Bill shall not be resumed until the Committee has presented its final report to the Council.</p>	<p>[see Report]</p>

BILLS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
244	<p>Cognate debates</p> <p>228. By leave, interrelated Bills may be debated cognately at one or more stages.</p>	<p>Cognate Debate</p> <p>126. (1) Where two or more Bills are complementary to each other, the debate on the second and third reading of the Bills may, by leave, take place on the Bill declared by the Member in charge to be the principal Bill.</p> <p>(2) At the conclusion of a cognate debate -</p> <p>(a) the question for the second or third reading of the principal Bill shall be put; and</p> <p>(b) the question for each other Bill shall be put separately without further debate.</p>	<p>no substantial change</p> <p>reinforces current practice for separate questions on each Bill</p>
245	<p>Inquiry into policy of a Bill</p> <p>230B. Unless otherwise ordered, a standing committee is not to inquire into the policy of a Bill.</p>	<p>Referral to Committee</p> <p>127. (1) At any time after the second reading has been moved and before the third reading has been moved, a motion without notice may be moved to refer the Bill to a Standing or Select Committee.</p> <p>(2) Unless otherwise ordered, if a Bill is referred under (1) after the second reading of the Bill has been agreed, the Committee shall not inquire into the policy of the Bill.</p> <p>(3) A motion to refer a Bill to a Committee may include an instruction to the Committee, including an instruction to divide the Bill into two or more Bills, or to consolidate several Bills into one Bill.</p>	<p>new SO, to provide for referrals in general to committees</p> <p>includes current SO 379 row 393</p>
246	<p>Effect of defeating second reading</p> <p>231. Notwithstanding any custom, usage or rule to the contrary, the Bill is disposed of where the question for the second reading is negated.</p>		<p>see new SO 122(2) row 236</p>
247	<p>Amendments</p> <p>232. An amendment is in order that:</p> <p>(a) does not have the effect of delaying the second reading by making it depend on the happening of a certain event; and</p> <p>(b) confines itself to an expression of opinion on a matter related to the content of the Bill, or its intended administration or application, or is otherwise relevant to the Bill.</p>		<p>not required</p>

BILLS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
248	<p>Committal</p> <p>234. A Bill stands referred to a Committee of the whole after its second reading.</p> <p>[footnote: A Bill may be referred to the Legislation Committee at any stage after the second reading.]</p>	<p>Committal to Committee of the Whole House</p> <p>128. After the question for the second reading has been agreed by the Council, the President shall leave the Chair and the Council shall form a Committee of the Whole House to consider the Bill, unless -</p> <ul style="list-style-type: none"> (a) the consideration by the Committee of the Whole House is ordered for a later stage of the sitting or the next sitting of the Council; (b) the Bill is referred to a Committee; (c) a motion is moved to instruct the Committee of the Whole House to divide the Bill into two or more Bills, or to consolidate several Bills into one Bill; or (d) leave is granted to proceed forthwith to the third reading of the Bill. 	includes current SO 235
249	<p>Formation of Committee</p> <p>235. After the second reading, unless:</p> <ul style="list-style-type: none"> (a) notice of an instruction has been given; or (b) a motion be carried fixing the Committee stage for a future date, <p>the President shall leave the Chair and the Council shall resolve itself into Committee of the whole for the consideration of the Bill.</p>		see new SO 128
250	<p>Procedure in Committee</p> <p>236. (a) Unless the Committee otherwise determines, or grants leave to consider the Bill as a whole, a Bill is considered as follows:</p> <ul style="list-style-type: none"> (i) clauses as printed; (ii) postponed clauses; (iii) new clauses; (iv) schedules as printed and new schedules; (v) preamble (if any); (vi) title. <p>(b) Where a clause is amended, and subject to SO 237(b), consequential amendments may be made to a clause already agreed to.</p> <p>(c) Intervening clauses on which no discussion is sought may be disposed of by putting a question “<i>That clauses ... stand as printed</i>”.</p> <p>(d) Where it is proposed to delete a clause in order to insert a new clause, the question for the adoption of the new clause may be put immediately following that deletion.</p> <p>(e) If a clause is amended, a further question shall be put “<i>That the clause stand as amended</i>” but a clause may be postponed at any time prior to that question being put.</p>	<p>Order for Considering Bill</p> <p>129. (1) Unless the Committee of the Whole House otherwise determines, a Bill shall be considered in Committee of the Whole House in the following order -</p> <ul style="list-style-type: none"> (a) clauses as printed and new clauses proposed, in their numerical order; (b) schedules as printed and new schedules proposed, in their numerical order; (c) postponed clauses (unless specifically postponed until after certain other clauses); (d) preamble (if any); and (e) long title, <p>and a question shall be proposed for each “That the [] stand as printed.”.</p> <p>(2) Consequential amendments may be made to a clause previously agreed to by the Committee of the Whole House.</p> <p>(3) If a clause or schedule is amended, the question shall be proposed “That the [clause/schedule], as amended, be agreed to.”.</p>	<p>no substantial change to current SO and practice, except all new clauses considered in numerical order</p> <p>see also new SOs 88, 130 and 131</p>

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ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
251		<p>Postponement of Clause</p> <p>130. Consideration of a clause, including a clause that has been amended, may be postponed by motion without notice.</p>	new SO - reflects current SO 236
252		<p>Clauses and Amendments Put as One Question</p> <p>131. Any number of -</p> <p style="padding-left: 40px;">(a) clauses or schedules; or</p> <p style="padding-left: 40px;">(b) amendments in any one or more clauses or schedules,</p> <p>may, by leave, be put as one question.</p>	incorporates current SO 236(c)
253	<p>Notices of amendments</p> <p>233. Notices of amendments to a Bill when in Committee may be received at the Table at any time after the second reading has been moved, and may be printed on the Notice Paper.</p>	<p>Proposed Amendments</p> <p>132. Members may submit proposed amendments to a Bill to the Clerk at any time after the first reading of the Bill.</p>	no substantial change
254	<p>Amendments in Committee</p> <p>237. (a) Subject to standing orders, an amendment, otherwise relevant to the subject matter of the Bill, may be made to any part of the Bill.</p> <p>(b) In the same Committee, no new clause or other amendment shall be proposed that is substantially the same as one already negatived or that is inconsistent with a previous decision of the same Committee.</p> <p>(c) Where an amendment is made that falls outside the title, the title shall be amended accordingly and reported specially to the House.</p>	<p>Admissible Amendments</p> <p>133. (1) Any amendment may be moved during consideration in Committee of the Whole House to any part of a Bill, provided the amendment -</p> <p style="padding-left: 40px;">(a) is within the Subject Matter of the Bill;</p> <p style="padding-left: 40px;">(b) is in accordance with section 46 of the <i>Constitution Acts Amendment Act 1899</i>; and</p> <p style="padding-left: 40px;">(c) does not propose to amend a schedule or attachment to a Bill where the schedule or attachment cannot be amended by the Council.</p> <p>(2) If any amendment made does not come within the long title of the Bill, the long title shall be amended accordingly.</p>	<p>no substantial change - same question rule (new SO 74 row 129) applies to all proceedings, therefore not necessary to repeat here</p> <p>includes additional reference to CAAA and non-amendable schedules and attachments</p>
255		<p>Requested Amendments</p> <p>134. If an amendment may only be made by request to the Assembly pursuant to section 46 of the <i>Constitution Acts Amendment Act 1899</i>, the requested amendment shall be proposed and dealt with as any other amendment.</p>	<p>new SO to cover requested amendments</p> <p>includes current SOs 270 to 275 (rows 288 to 293) inclusive</p>

BILLS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
256	<p>Procedure after second reading for a Bill reported from a standing committee with amendment</p> <p>234A. (1) Where amendments to a Bill:</p> <ul style="list-style-type: none"> (a) are recommended by a standing committee; and (b) no other amendments have been published at the time at which the order of the day for the committal of the Bill is called, <p>the Minister or Member in charge of the Bill may there upon move <i>“That the amendments recommended by the Committee be agreed to”</i>. If that motion:</p> <ul style="list-style-type: none"> (c) is agreed to, the amendments are made and the third reading of the Bill is an order of the day for the next sitting; (d) is not agreed to, the Bill is committed according to the order of the day. <p>(2) In a Committee of the whole House on a Bill reported from a standing committee with recommended amendments:</p> <ul style="list-style-type: none"> (a) the Chairman, before putting any question on the Bill shall put the question <i>“That the amendments recommended by the [title] standing committee be read into and deemed part of the Bill”</i>; (b) the question in relation to a clause agreed to by the standing committee without amendment (evidenced by its report) shall be put, clause 1 excepted, without debate unless it is proposed to amend such a clause. <p>(3) If the question in paragraph (2) (a) is agreed to, the relevant clauses are amended accordingly.</p> <p>(4) Nothing in paragraph (2) (b) prevents reference to the provisions of such a clause in the course of debating other clauses where the reference is otherwise relevant.</p>	<p>Amendments Proposed by a Committee</p> <p>135. (1) When a Committee reports a Bill to the Council, the report may include recommended amendments to the Bill.</p> <p>(2) If the Council has not proceeded to consider the Bill in Committee of the Whole House -</p> <ul style="list-style-type: none"> (a) the Member in charge of the Bill may move without notice that all or some of the amendments recommended by a Committee be incorporated into the Bill; and (b) if a motion moved under (2)(a) is agreed to by the Council, the amendments shall be incorporated into a re-printed version of the Bill prior to consideration of the Bill in Committee of the Whole House, unless leave is granted to proceed with consideration of the Bill immediately. <p>(3) If the Council has commenced consideration of the Bill in Committee of the Whole House or the procedure outlined in (2) is not adopted, any amendments recommended by a Committee shall be listed under the Committee’s name in the Supplementary Notice Paper related to the Bill, and shall be put by the Chair of Committees when the Committee of the Whole House is considering the relevant clause or schedule.</p> <p>(4) When required, a Bill shall be recommitted in Committee of the Whole House for the purpose of considering an amendment recommended by a Committee.</p>	simplified version of current SO
257	<p>House not to note committee proceedings until reported</p> <p>238. The proceedings of any select or standing committee or of a Committee of the whole on a Bill shall not be noticed by the Council until they are reported.</p>		not required - see new SO 72 row 125
258	<p>Manner of reading clauses</p> <p>239. In reading the clauses of a Bill it shall be sufficient to read the numbers and marginal notes only, unless otherwise ordered.</p>		not required
259	<p>Relevancy of discussion</p> <p>240. Discussion shall be confined to the clause or amendment before the Committee.</p>		see new SO 46 row 81 and new SO 146 row 274

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ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
260	<p>Progress</p> <p>241. At any time before consideration of a Bill is completed and when so directed by resolution of a Committee or by operation of any order or rule, the Chairman shall report to the House that progress has been made and seek leave to sit again.</p>		see new SO 117
261	<p>Final report</p> <p>242. When a Committee's consideration of a Bill is completed, the Chairman shall report to the House and state whether or not the Bill has been amended.</p>		see new SO 117
262	<p>Adoption of report</p> <p>244. (a) The report on an unamended Bill may be adopted on presentation. (b) Except by leave, consideration and adoption of the report on any amended Bill shall be made an order of the day for a future sitting and the Bill, incorporating the amendments, shall be printed meantime. (c) Subclauses (a) and (b) apply to the adoption of a report following a recommittal.</p>	<p>Adoption of Report of Committee of the Whole House</p> <p>136. (1) The report on an unamended Bill may be adopted on presentation. (2) Consideration and adoption of a report on an amended Bill shall be made an Order of the Day for a future sitting, unless leave is granted to consider the report on presentation. (3) Upon adoption of a report amending a Council Bill, the Bill shall be reprinted.</p>	no substantial change
263	<p>Recommittal</p> <p>245. (a) A motion to recommit may be moved at any time after presentation of the Committee's report and prior to the question being put for the third reading, and that motion shall supersede any question then before the House in relation to the Bill. (b) A motion for recommittal shall state the reasons. (c) On a recommittal of a Bill the procedure shall be the same as that applied in the original Committee.</p>	<p>Recommittal</p> <p>137. (1) After the presentation of the report of the Committee of the Whole House and prior to the question for the third reading being moved, a Member may move without notice that the Bill be recommitted to the Committee of the Whole House. (2) A motion to recommit a Bill shall restrict reconsideration to certain parts of the Bill or new proposed amendments.</p>	no substantial change
264	<p>Chairman of Committees to certify Bill</p> <p>246. Before any Bill shall be read a third time the Chairman of Committees shall certify in writing that the fair print is in accordance with the Bill as agreed to in Committee and reported; and the President shall announce that the Chairman has so certified.</p>	<p>Chair of Committees' Certification</p> <p>138. Where a Bill has been considered by the Committee of the Whole House, before the Bill shall be read a third time, the Chair of Committees shall certify in writing that "This is a true copy of the Bill as agreed to in Committee of the Whole House and reported.", and the President shall announce that the Chair has so certified.</p>	no substantial change

BILLS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
265	<p>Day fixed for third reading</p> <p>243. When the report is finally adopted a subsequent day shall be fixed on motion for the third reading;</p> <p>Provided that where a Bill passes through the Committee stage without amendment the third reading may immediately be moved and the Bill read a third time.</p>	<p>Third Reading</p> <p>139. When the report has been adopted by the Council -</p> <ul style="list-style-type: none"> (a) if the Bill has not been amended, the Member in charge of the Bill may move the third reading immediately; or (b) if the Bill has been amended, the third reading of the Bill shall be made an order of the day for the next sitting day. 	no substantial change
266		<p>Scope of Third Reading Debate</p> <p>140. The debate on the third reading of a Bill -</p> <ul style="list-style-type: none"> (a) shall be limited to the contents of the Bill as agreed by the Council prior to that stage; and (b) shall not introduce new arguments or otherwise expand the debate. 	new SO to provide guidance to 3R speeches
267	<p>Certificate, etc after third reading</p> <p>247. (a) The Clerk shall endorse Bills originating in and passed by the House to that effect and arrange for their transmission by Message to the Assembly.</p> <p>(b) A Bill originating in the Assembly that fails to pass the Council shall be returned with a Message to that effect.</p> <p>(c) Amendments of a formal nature and typographical or clerical errors in a Bill may be made by the Clerk.</p>	<p>Bill Passed</p> <p>141. (1) When the question for the third reading of a Bill has been agreed to, the Bill is passed.</p> <p>(2) When a Bill has been passed by the Council, the Clerk shall certify that fact on the Bill.</p>	current SO 247(a) see also new SOs 142 and 143
268		<p>Clerical Amendments</p> <p>142. The Clerk may amend a Bill to correct -</p> <ul style="list-style-type: none"> (a) any clerical or typographical error in the Bill; and (b) the short title and citation to reflect the calendar year in which the Bill completed its passage through the Parliament. 	no substantial change - current SO 247(c)
269		<p>Message to the Assembly</p> <p>143. (1) When a Bill has been passed, a Message shall be sent to the Assembly -</p> <ul style="list-style-type: none"> (a) for a Council Bill, forwarding the Bill for the concurrence of the Assembly; or (b) for an Assembly Bill, advising the Assembly of the Bill's passage through the Council and returning the Bill, with a schedule of any amendments made by the Council. <p>(2) When an Assembly Bill is defeated in the Council, a Message shall be sent to the Assembly, advising of the defeat of the Bill and returning the Bill.</p>	new SO reflecting current practice includes current SOs 247(b) and 257

BILLS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
270	<p>Bills coming the first time from the Assembly</p> <p>256. Public Bills coming to the Council the first time from the Assembly shall be proceeded with in all respects as similar Bills presented in pursuance of orders of the Council. Private Bills so coming, if accompanied by printed copies of the reports and proceedings of a select committee of the Assembly to which they have been referred, shall be proceeded with in like manner, unless the Council shall otherwise order.</p>		not required - incorporated into new SOs for <i>All Bills</i>
271	<p>Return to the Assembly</p> <p>257. When any such Bill shall have been passed by the Council with or without amendment, it shall be returned to the Assembly by Message with the Clerk's certificate that "<i>This Bill has been agreed to by the Council without amendment</i>" or "<i>with the amendments indicated by the annexed Schedule</i>", as the case may require, and the concurrence of the Assembly shall be desired to the amendments.</p>		see new SO 143
272	<p>Amendments in Council Bill by Assembly</p> <p>248. When a Bill shall be returned from the Assembly with amendments, the Message with such amendments shall be printed, unless the Council otherwise order, and a time fixed for taking the same into consideration in a Committee of the whole.</p>	<p>Council Bills Amended by the Assembly</p> <p>Message containing Amendments from the Assembly</p> <p>144. When a Council Bill is returned from the Assembly with amendments, the Message shall be read and ordered for consideration in Committee of the Whole House -</p> <ul style="list-style-type: none"> (a) at the next sitting of the Council; or (b) by order of the Council, immediately or at a later stage of the sitting. 	no substantial change
273	<p>How disposed of</p> <p>249. The amendments made by the Assembly may be:</p> <ul style="list-style-type: none"> (a) agreed to with or without amendments; (b) disagreed to; (c) postponed for subsequent consideration; or (d) referred to a Conference, <p>or the Bill may be ordered to be laid aside.</p>	<p>Consideration of Assembly Amendments</p> <p>145. Amendments made by the Assembly may be -</p> <ul style="list-style-type: none"> (a) agreed to with or without amendment; (b) disagreed to, <p>or the Bill may be referred to a Conference or laid aside.</p>	no substantial change - no need to specify postponement
274	<p>Relevancy of amendments</p> <p>250. No amendment shall be proposed to an amendment of the Assembly unless the same be relevant to or consequent upon either the acceptance, amendment, or rejection of the Assembly's amendment.</p>	<p>Relevance of Further Amendments</p> <p>146. No amendment shall be proposed to an amendment of the Assembly unless the amendment is relevant to or consequent upon the Assembly's amendment.</p>	no change

BILLS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
275	<p>Further proceedings after consideration of amendments</p> <p>251. When amendments made by the Assembly shall have been agreed to by the Council without amendments, a Message shall be sent informing the Assembly thereof. If they shall have been agreed to with amendments, the Bill shall be returned with a schedule of such amendments in a Message desiring the concurrence of the Assembly therein. If they shall have been disagreed to, the Bill may be laid aside, or it may be again sent to the Assembly with a Message desiring its reconsideration.</p>	<p>Procedures after Consideration of Assembly Amendments</p> <p>147. If the Council -</p> <ul style="list-style-type: none"> (a) agrees to the Assembly's amendments, it shall inform the Assembly by Message; (b) amends the Assembly's amendments, the Bill shall be returned by Message with a schedule of the Council amendments for the concurrence of the Assembly; or (c) disagrees with the amendments - <ul style="list-style-type: none"> (i) the Bill may be laid aside, in which case the Assembly shall be informed by Message; or (ii) the Bill may again be sent by Message to the Assembly, requesting its reconsideration. 	no substantial change - includes current SO 253
276	<p>Reasons for disagreeing</p> <p>252. In any case when a Bill is returned to the Assembly with any of the amendments made by that House disagreed to, the Message returning such Bill shall contain reasons for the Council not agreeing to the amendments proposed by the Assembly. Such reasons shall be drawn up by a committee of 3 Members to be appointed for that purpose when the Council adopts the report of the Committee of the whole disagreeing to the amendments in question.</p>	<p>Reasons for disagreeing</p> <p>148. In any case when a Bill is returned to the Assembly with any of the amendments made by that House disagreed to, the Message returning such Bill may contain reasons for the Council not agreeing to the amendments proposed by the Assembly. Such reasons shall be drawn up by a committee of 3 Members to be appointed for that purpose when the Council adopts the report of the Committee of the Whole House disagreeing to the amendments in question.</p>	no substantial change
277	<p>Schedule of amendments</p> <p>253. When amendments shall have been made by the Council on the amendments of the Assembly, a schedule of such amendments shall be prepared containing reference to each amendment of the Assembly which has been amended by the Council, and such schedule shall be certified by the Clerk and be returned with the Bill.</p>		not required - requirement for schedule included in new SOs 143 and 147, no need to specify format of schedule

BILLS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
278	<p>Further proceedings</p> <p>254. If the Assembly return the Bill with a Message informing the Council that it:</p> <ul style="list-style-type: none"> (a) insists on its original amendments to which the Council has disagreed; or (b) disagrees to amendments made by the Council on the original amendments made by the Assembly; or (c) agrees with further amendments to amendments made by the Council on the original amendments of the Assembly, <p>the Council may,</p> <p>in case (a);</p> <ul style="list-style-type: none"> (i) agree with or without amendment to the amendments to which it has previously disagreed, and make, if necessary, consequent amendments to the Bill; or (ii) insist on its disagreement to such amendments, <p>in case (b):</p> <ul style="list-style-type: none"> (i) withdraw its own amendments and agree to the amendments of the Assembly; (ii) make further amendments to the Bill consequent upon the rejection of its own amendments; (iii) propose new amendments as alternative to its own amendments to which the Assembly has disagreed; or (iv) insist on its own amendments to which the Assembly has disagreed, <p>and in case (c):</p> <ul style="list-style-type: none"> (i) agree with or without amendment to the further amendments of the Assembly making consequent amendments to the Bill if necessary; or (ii) disagree to the further amendments of the Assembly and insist on its own amendments which the Assembly has amended. <p>In all cases if agreement be not thereby reached, or if the Bill be again returned by the Assembly with any of the requirements of the Council still disagreed to, the Council may request a Conference or order the Bill to be laid aside.</p>	<p>Continued Assembly Disagreement on Amendments</p> <p>149. (1) If the Assembly returns a Council Bill insisting on the original Assembly amendments to which the Council has disagreed, the Council may -</p> <ul style="list-style-type: none"> (a) agree, with or without amendment, to the Assembly amendments to which the Council had previously disagreed, and make any necessary consequential amendments to the Bill; or (b) insist on its disagreement to the Assembly amendments and make any necessary amendments relevant to the rejection of the Assembly amendments. <p>(2) If the Assembly returns a Council Bill disagreeing to Council amendments, the Council may -</p> <ul style="list-style-type: none"> (a) withdraw its amendments and agree to the original Assembly amendments; (b) make further amendments to the Bill consequent upon the rejection of its amendments; (c) make new amendments as alternative to its amendments to which the Assembly disagreed; or (d) insist on its amendments to which the Assembly has disagreed. <p>(3) If the Assembly returns a Council Bill with further amendments to the Bill or to Council amendments, the Council may -</p> <ul style="list-style-type: none"> (a) agree, with or without amendment, to the further Assembly amendments, and make any necessary consequential amendments to the Bill; or (b) disagree to the further Assembly amendments and insist on its own amendments which the Assembly has amended. <p>(4) In the situations described in (1), (2) and (3), the Council may -</p> <ul style="list-style-type: none"> (a) return the Bill to the Assembly; (b) order the Bill to be laid aside; or (c) request a Conference. <p>(5) If the Council returns a Bill to the Assembly, and the Assembly returns the Bill still disagreeing with any of the requirements of the Council, the Council shall act in accordance with (1) to (4).</p>	<p>no substantial change</p> <p>modelled on Commonwealth House of Representative's Standing Orders</p>
279	<p>Message to be sent if and when final agreement reached</p> <p>255. If and when the requirements of the Assembly have been finally determined, a Message shall be sent informing the Assembly thereof.</p>		<p>not required - new SO 147 sufficient</p>

BILLS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
280	<p>When Assembly returns Bill with Council's amendments disagreed to or amended</p> <p>258. If the Assembly shall return such Bill with any of the amendments of the Council disagreed to, or with further amendments made thereon, together with reasons for disagreeing, the Message returning the Bill shall be printed unless the Council otherwise order, and a time fixed for taking the same into consideration in Committee of the whole.</p>	<p><i>Assembly Bills Amended by the Council</i></p> <p>Message Returning Council Amendments</p> <p>150. When an Assembly Bill is amended by the Council, and a Message is returned from the Assembly disagreeing to any of those amendments or proposing further amendments, the Message shall be read and ordered for consideration in Committee of the Whole House -</p> <ul style="list-style-type: none"> (a) at the next sitting of the Council; or (b) by order of the Council, immediately or at a later stage of the sitting. 	no substantial change
281	<p>Further proceedings</p> <p>259. In the case where the Assembly:</p> <ul style="list-style-type: none"> (a) disagrees to amendments made by the Council; or (b) agrees to amendments made by the Council with further amendments thereon, <p>the Council may,</p> <p>in case (a):</p> <ul style="list-style-type: none"> (i) insist or not insist on its amendments; (ii) make further amendments to the Bill consequent on the rejection of its own amendments; (iii) propose new amendments as alternative to its own amendments to which the Assembly has disagreed; (iv) request a Conference; or (v) order the Bill to be laid aside, <p>and in case (b):</p> <ul style="list-style-type: none"> (i) agree to the Assembly's amendments on its own amendments with or without amendment, making consequent amendments to the Bill if necessary; (ii) disagree thereto and insist on its own amendments which the Assembly has amended; (iii) request a Conference; or (iv) order the Bill to be laid aside. <p>A Message shall be sent to the Assembly to such effect as the Council has determined.</p>	<p>Consideration of Assembly Disagreement with Council Amendments</p> <p>151. (1) If the Assembly disagrees to Council amendments to an Assembly Bill, the Council may -</p> <ul style="list-style-type: none"> (a) insist, or not insist, on its amendments; (b) make further amendments to the Bill consequent upon the rejection of its amendments; (c) make new amendments alternative to the amendments to which the Assembly disagreed; or (d) order the Bill to be laid aside; or (e) request a Conference. <p>(2) If the Assembly agrees to Council amendments with further amendments, the Council may -</p> <ul style="list-style-type: none"> (a) agree to the Assembly's amendment, with or without further amendment, making any consequential changes to the Bill; (b) disagree to the Assembly's amendments and insist on its own amendments; (c) order the Bill to be laid aside; or (d) request a Conference. <p>(3) If the Council returns a Bill to the Assembly, and the Assembly returns the Bill still disagreeing with any of the requirements of the Council, the Council shall act in accordance with (1) and (2).</p>	no substantial change

BILLS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
282	<p>Reasons to accompany Message when amendments made by the Assembly on the Council's amendments are disagreed to</p> <p>260. In any case when a Bill is returned to the Assembly with any of the amendments made by the Assembly on the Council's amendments disagreed to, the Message returning such Bill shall also contain written reasons for the Council not agreeing thereto. Such reasons shall be drawn up by a committee of 3 Members to be appointed for that purpose when the Council adopts the report of the Committee of the whole disagreeing to the amendments in question.</p>	<p>Reasons for Disagreement</p> <p>152. In any case when a Bill is returned to the Assembly with any of the amendments made by the Assembly on the Council's amendments disagreed to, the Message returning such Bill may also contain written reasons for the Council not agreeing thereto. Such reasons shall be drawn up by a committee of 3 Members to be appointed for that purpose when the Council adopts the report of the Committee of the Whole House disagreeing to the amendments in question.</p>	no substantial change
283	<p>Form of schedule of Council's amendments on Bill first passed by Assembly</p> <p>261. When amendments are made by the Council to a Bill first passed by the Assembly, a schedule of such amendments shall be prepared containing reference to the page and line of the Bill where words are to be inserted or deleted, and describing the amendments proposed. The schedule shall be certified by the Clerk and shall accompany the Bill.</p>		not required - schedule follows standard practice
284	<p>Form of schedule to Council's amendments on amendments made by Assembly</p> <p>262. When further amendments have been made by the Council on the Assembly's amendments to the Council's original amendments in a Bill first passed by the Assembly, a schedule of such further amendments shall be prepared containing reference to each amendment of the Assembly which has been amended by the Council and describing the further amendment proposed. The schedule shall be certified by the Clerk and shall accompany the Bill.</p>		not required - schedule follows standard practice
285	<p>Clerk to certify at every stage when Council has disposed of Bill</p> <p>263. In whatever way the Council shall dispose of a Bill returned by the Assembly with amendments, or returned by the Assembly after being amended by the Council, the Clerk shall at every stage certify accordingly on the Bill.</p>	<p>Clerk to Certify Stages</p> <p>153. In whatever way the Council shall dispose of a Bill returned by the Assembly with amendments, or returned by the Assembly after being amended by the Council, the Clerk shall at every stage certify accordingly on the Bill.</p>	no change
286	<p>What amendments permissible</p> <p>264. No amendment shall be proposed in any words of a Bill which have been agreed to by both Houses, and which have not been the subject of, or immediately affected by some previous amendment unless such proposed amendment be consequent on an amendment already agreed to or made by the Council.</p>		see new SOs 146 and 149

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ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
287	<p>Bills to be referred to Committee of the whole after Second Reading</p> <p>269. Bills which the Council may not amend shall (unless otherwise ordered), after the second reading has been passed, be referred to a Committee of the whole.</p>		not required
288	<p>Stages at which requests may be made</p> <p>270. Requests to the Assembly may be made at all or any of the following stages of a Bill which the Council may not amend:</p> <ul style="list-style-type: none"> (a) upon the motion for the first reading of any such Bill; (b) in Committee after the second reading has been agreed to; (c) on consideration of any Message from the Assembly in reference to such Bill; or (d) on the third reading of the Bill. 		see new SO 134 row 255
289	<p>Powers of Committee as to requests</p> <p>271. The Committee shall be empowered to recommend the Council to make, press, modify, and generally to deal with requests on the Bill.</p>		see new SO 134 row 255
290	<p>On adoption of report, Message to be sent to Assembly</p> <p>272. Upon any amendment containing a request to the Assembly being made upon the motion for the first reading of any such Bill, or the motion for the third reading thereof, and upon the adoption of any report from the committee, or of any report as amended by the Council recommending requests for amendments, a Message shall be sent to the Assembly requesting that House to make amendments in the Bill in accordance therewith, and returning the Bill.</p>		see new SO 134 row 255
291	<p>Messages from the Assembly in reference to</p> <p>273. All messages from the Assembly in reference to such Bills which do not completely comply with the requests of the Council (as originally made or as modified) shall (unless otherwise ordered) be referred to the Committee.</p>		see new SO 134 row 255

BILLS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
292	<p>If Bill returned with requests not agreed to, etc</p> <p>274. If the Bill is returned to the Council by the Assembly with any request not agreed to, or agreed to with modifications, any of the following motions may be moved in Committee that:</p> <ul style="list-style-type: none"> (a) the request be pressed; (b) the request be not pressed; (c) the modification be agreed to; (d) the modification be not agreed to; (e) some other modification of the original request be made; or (f) the request be not pressed, or agreed to as modified, subject to a request as to some other clause or item which the Committee may order to be reconsidered being complied with, or the Committee may recommend the Council to request a conference. 		see new SO 134 row 255
293	<p>Completely complying with requests</p> <p>275. If a Message is returned from the Assembly completely complying with the requests of the Council as originally made or as modified, the Bill, as altered, may be proceeded with as in the case of other Bills.</p>		see new SO 134 row 255
294	<p>Bills amending the constitution of either House to be certified as having passed Assembly by an absolute majority</p> <p>276. If any Bill received from the Assembly be a Bill by which any change in the constitution of the Council or Assembly is proposed to be made, the Council shall not proceed with such Bill unless the Clerk of the Assembly shall have certified on the Bill that its second and third readings have been passed with the concurrence of an absolute majority of the whole number of the Members of the Assembly.</p>	<p>Bills Amending the Constitution</p> <p>154. (1) If a Bill received from the Assembly requires an absolute majority pursuant to the Constitution, the Council shall not proceed with such Bill unless the Clerk of the Assembly has certified on the Bill that its second and third readings were passed with the concurrence of an absolute majority of the whole number of the Members of the Assembly.</p> <p>(2) A division shall be taken on the second and third reading of any Bill which requires an absolute majority pursuant to the Constitution, and if the result of any such division is that the second or third reading has not been passed with the concurrence of an absolute majority of the whole number of the Members of the Council, the Bill shall be laid aside.</p>	no substantial change includes current SO 277
295	<p>Bills amending the constitution of either House, division on second and third reading to determine absolute majority</p> <p>277. A division shall be taken on the second and third reading of any Bill by which any change in the constitution of the Council or Assembly is proposed, and if it appears from the result of any such division that the second or third reading, as the case may be, has not been passed with the concurrence of an absolute majority of the whole number of the Members for the time being of the Council, the Bill shall forthwith be laid aside without question put, and shall not be revived during the same session.</p>		see new SO 154

COMMITTEES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
296	<p>Chapter XXI</p> <p><i>TIME RESERVED FOR COMMITTEE MEETINGS</i></p> <p>Application</p> <p>302A. This chapter applies to standing and select committees of the Council but does not apply to joint committees.</p>	<p><i>Standing, Select and Joint Committees</i></p> <p>Application</p> <p>155. (1) This chapter applies to Standing and Select Committees of the Council. (2) If ordered by the Houses, this chapter applies to Joint Committees of the Parliament.</p>	no substantial change.
297		<p>Establishment of Committees</p> <p>156. (1) All Committees shall be established by motion on notice. (2) A motion to establish a Committee shall include - (a) the terms of reference for the Committee; (b) the number of Members to be appointed to the Committee; (c) any procedures specific to the operation of the Committee; and (d) for a Select Committee, the date by which the Committee is to report to the Council. (3) Upon the Council agreeing to a motion under (2), the relevant terms of that motion shall be incorporated into Schedule 1 to these Standing Orders. (4) If the Council resolves to establish a Joint Committee, a Message shall be sent to the Assembly seeking the Assembly's agreement. (5) When a Message requesting the establishment of a Joint Committee is received from the Assembly, the Message shall be read and ordered for consideration - (a) at the next sitting of the Council; or (b) by order of the Council, immediately or at a later stage of the sitting.</p>	<p>new SO - reflects current practice</p> <p>includes current SOs 383 and 384</p>
298	<p>Chapter XXV</p> <p><i>JOINT COMMITTEES</i></p> <p>Assembly to be advised of number of Members</p> <p>383. In every Message proposing to the Assembly the appointment of a joint committee, the Council shall state the number of Members to serve on such committee.</p>		see new SO 156

COMMITTEES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
299	<p>Number to be appointed by Council</p> <p>384. On receipt of a Message from the Assembly agreeing to appoint the same number of Members of that House to serve on the proposed joint committee, the Council may proceed to appoint such number of Members to serve on such committee.</p>		see new SO 156
300	<p>Time and place of first meeting</p> <p>386. Whenever the Assembly shall agree to a proposal from the Council for the appointment of a joint committee, the first meeting of such committee shall be held at such time and place as shall be named by the Assembly; and in every Message agreeing to a proposal by the Assembly for the appointment of a joint committee, the Council shall name the time and place for the first meeting of such committee.</p>		not required - when established, Joint Committees come under either House's SOs, which provide for this
301	<p style="text-align: center;">Chapter XXII</p> <p style="text-align: center;"><i>STANDING COMMITTEES</i></p> <p>Election of</p> <p>303. <i>Repealed on September 27, 2001 (see Schedule 1)</i></p>		
302	<p>Ex officio Members</p> <p>304. The President shall be <i>ex officio</i> a Member of each committee and the Chairman of Committees <i>ex officio</i> a Member of the Standing Orders Committee.</p>	<p>Ex Officio Membership - President</p> <p>157. (1) The President shall be <i>ex officio</i> a Member of each Committee. (2) For the purposes of this Standing Order, the President shall not be - (a) entitled to vote on any matter before a Committee; or (b) counted for the purposes of a quorum.</p>	<p>no change for President</p> <p>Chair of Committees is a member of the PPC pursuant to that Committee's terms of reference</p>
303	305. <i>Repealed on November 25, 1997</i>		
304	306. <i>Repealed on November 25, 1997</i>		
305	307. <i>Repealed on November 25, 1997</i>		
306	308. <i>Repealed on November 25, 1997</i>		

COMMITTEES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
307	<p>Assembly advised of appointment</p> <p>309. The Assembly shall be advised by Message of the appointment of every standing committee.</p>		not required - redundant practice
308	<p>Application</p> <p>310. This Chapter applies to the committees in Schedule 1.</p>		not required - see new SO 156(3)
309	<p>Membership of committees</p> <p>311. (1) Members are appointed to serve on a committee by the House. (2) Where the number of Members nominated for appointment exceeds the number of the available places, the Members are to be elected by ballot.</p>	<p>Membership of Committees</p> <p>158. (1) Members shall be appointed to a Committee by - (a) motion on notice; or (b) motion without notice if the motion is moved - (i) immediately after the motion establishing the Committee is agreed by the Council; or (ii) consequent upon a discharge or resignation of a Member from a Committee.</p> <p>(2) A Member shall be discharged from a Committee - (a) by motion on notice; or (b) if the Member fails to attend 3 consecutive meetings of the Committee, unless leave of absence has been granted to the Member by the Committee or the Council.</p> <p>(3) Unless otherwise ordered, a Minister shall not be appointed as a member of a Standing or Joint Committee.</p> <p>(4) A Member may resign from a Committee in writing to the President, and the resignation is effective upon receipt by the President.</p> <p>(5) When the Council is not sitting and a vacancy occurs on a Committee, the President may appoint a Member to fill the vacancy until an appointment can be made or confirmed by the Council.</p> <p>(6) An appointment made by the President under (5) shall maintain the political representation that existed on the Committee before the vacancy occurred.</p>	<p>no substantial change - includes current SO 312</p> <p>includes new provision to exclude Minister from Standing and Joint Committees unless otherwise ordered</p> <p>for current SO 311(2) - see new SO 159</p>

COMMITTEES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
310	<p>Casual vacancies - how created and filled</p> <p>312. (1) A Member causes a vacancy in membership of a committee if –</p> <ul style="list-style-type: none"> (a) for any reason including periodical retirement, the Member's seat becomes vacant; or (b) the Member resigns from the committee by writing addressed to the President; or (c) the Member is removed by the House; or (d) without the prior leave of the committee, the Member fails to attend 3 consecutive meetings at the places and times appointed by the committee. <p>(2) The Member who caused the vacancy under subclause 1(b), (c), or (d) is eligible for reappointment under subclause (3) or (4).</p> <p>(3) A vacancy is to be filled –</p> <ul style="list-style-type: none"> (a) by an appointment under SO 311 made within 6 sitting days of the day on which the House was made aware of the vacancy; or (b) by the President under subclause (4) <p>(4) The President is to fill a vacancy if –</p> <ul style="list-style-type: none"> (a) it occurs during a prorogation or an adjournment of at least 14 days; or (b) the Chairman of the committee certifies that an immediate appointment is necessary for the orderly and efficient transaction of the committee's business, <p>and the President is to inform the House of any appointment made under this subclause on the sitting day following the date of the appointment.</p> <p>(5) An appointment under subclause (4) must maintain the representation of political interests that existed on the committee before the vacancy occurred.</p>		see new SO 158

COMMITTEES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
311		<p>Ballot for Committee Membership</p> <p>159. (1) Any Member may request a ballot for the election of Committee members.</p> <p>(2) When a ballot has been requested -</p> <ul style="list-style-type: none"> (a) the bells shall be rung as for a division; (b) the President shall advise the Council of the number of Members to be elected to the Committee; (c) each Member shall write the names of the Members for whom they wish to vote on a ballot paper, not exceeding the number of Members to be elected; (d) the ballot papers shall be returned to the Clerk; (e) the Clerk shall count the votes; (f) the Members who receive the most votes shall be declared by the President to be elected; (g) if 2 or more Members have an equality of votes for the last place or places on the Committee, a second ballot shall be conducted to determine that place or those places; (h) only those Members who achieved an equality of votes for that place or those places shall continue as candidates in the second ballot; and (i) further ballots shall be conducted as necessary. 	<p>includes current SO 311(2)</p> <p>reflects current practice</p>
312	<p>Consideration of Annual Estimates</p> <p>313. <i>Sessional order ceased on August 9 2002.</i></p>		
313	<p>Vacancy occurs if Member is absent from 3 meetings without leave</p> <p>314. <i>Repealed by resolution of the House, September 27 2001.</i></p>		
314	<p>Quorum</p> <p>315. At any meeting a majority of Members is a quorum.</p>	<p>Quorum</p> <p>160. (1) At any Committee meeting, a majority of Members is a quorum.</p> <p>(2) Members participating in a meeting under Standing Order 161 shall be counted for the purposes of a quorum.</p> <p>(3) If a quorum is not present within 15 minutes of the time set for a meeting, the meeting shall be cancelled, and the names of the Members present shall be recorded in the Committee Minutes.</p> <p>(4) If attention is drawn to the absence of a quorum during a Committee meeting, the Chair shall suspend the Committee until a quorum is present or adjourn the Committee to a future time.</p> <p>(5) A motion to establish a Joint Committee may include quorum provisions specific to that Committee.</p>	<p>no substantial change - includes current SOs 316, 317 and 385</p>

COMMITTEES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
315		<p>Participation by Electronic Communication</p> <p>161. A Committee is authorised to hold meetings by electronic communication without the Members of the Committee or witnesses being present in one place, provided that -</p> <ul style="list-style-type: none"> (a) during a Committee’s deliberations or proceedings, Members of the Committee are able to speak to and hear each other contemporaneously; (b) when a witness gives oral evidence, Members of the Committee are able to hear the witness contemporaneously and to put questions to the witness in each other’s hearing; and (c) the Chair of such a meeting takes care to ensure that a quorum is maintained during the meeting and that the Standing Orders of the Council are observed. 	<p>new SO modelled on Senate standing orders, providing for remote participation in Committee meetings via use of electronic communication technology</p> <p><i>note: the standard arrangement for Committees remains that Members/witnesses attend meetings in person, and that remote participation occurs by exception when attendance in person is impractical</i></p>
316	<p>If no quorum in 15 minutes meeting cancelled and secretary to note Members present.</p> <p>316. If there is no quorum 15 minutes from the time set down for the meeting, the meeting is cancelled and the clerk attending the committee shall note the names of those Members present.</p>		<p>see new SO 160</p>
317	<p>If no quorum proceedings to be suspended or Committee adjourned</p> <p>317. Proceedings in the absence of a quorum are to be suspended or the committee adjourned.</p>		<p>see new SO 160</p>
318	<p>Quorum of joint committee</p> <p>385. The Council may fix the quorum of its Members who shall be present to constitute a sitting of a joint committee. Subject to this a joint committee shall fix its own quorum.</p>		<p>see new SO 160</p>

COMMITTEES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
319	<p>Substitute Members</p> <p>326A. (1) A Member of a committee may be replaced by another Member (“substitute Member”). The substitute Member, subject to this order, is a Member of the committee for all purposes.</p> <p>(2) Substitution is made by leave of the committee.</p> <p>(3) A substitution must be for the purpose of a specific inquiry but a substitute Member, by further leave, may be a substitute Member on 1 or more committees at the same time and in relation to more than 1 inquiry being conducted at the same time.</p> <p>(4) Nothing in this order alters the capacity of the Member who is substituted to act as a Member of the committee in relation to any inquiry or matter that is unaffected by the substitution.</p> <p>(5) Where a committee:</p> <p>(a) presents its final report on an inquiry for which a substitution was made; or</p> <p>(b) for any reason, discontinues such an inquiry, the leave granted in relation to that inquiry lapses, and the substitute Member, subject to paragraph (3), ceases to be a Member of that committee.</p> <p>(6) When a substitution is made, the Chairman shall cause the Clerk to be notified of the names of the Member being substituted, the substitute Member, and the purpose for which the substitution is made and the Clerk shall publish that information in the next available Notice Paper.</p>	<p>Substitute Members</p> <p>162. (1) A Member of a committee may be replaced by another Member (“Substitute Member”) for the duration of a particular inquiry. The Substitute Member, subject to this order, is a Member of the Committee for all purposes.</p> <p>(2) Substitution is made by order of the Committee and, once ordered, cannot be rescinded until the inquiry is completed.</p> <p>(3) A Substitute Member, by further order, may be a Substitute Member -</p> <p>(a) on 2 or more Committees at the same time; and/or</p> <p>(b) for more than one inquiry being undertaken by the same Committee at the same time.</p> <p>(4) Except in relation to the inquiry for which substitution was made, the capacity of the Member substituted to act as a Member of the Committee is not affected.</p> <p>(5) Where a Committee -</p> <p>(a) presents its final report on an inquiry for which a substitution was made; or</p> <p>(b) discontinues the inquiry for any reason, the order granting substitution lapses and the Substitute member, subject to subclause (3), ceases to be a Member of the Committee.</p> <p>(6) At the earliest opportunity after a substitution is made, the Clerk is to publish in the Notice Paper the names of the Member being substituted and the Substitute Member, and the purpose of the substitution.</p>	no substantial change
320	<p>Council Members may participate but not vote</p> <p>326. Any Member of the Council may participate in a committee’s proceedings, and by leave of a committee, its deliberations, but may not vote. Leave can be given only for a specific inquiry, but a Member may be given leave in relation to more than one inquiry whether or not those inquiries are contemporaneous with one another.</p>	<p>Participating Members</p> <p>163. (1) Any Member of the Council may participate in the taking of oral evidence by a Committee, and by leave of a Committee, its deliberations and proceedings, but may not vote.</p> <p>(2) Leave under (1) can be given only for a specific inquiry, but a Member may be given leave in relation to more than one inquiry.</p>	no substantial change
321	<p>Committee Member not to vote in certain cases</p> <p>326B. In relation to any matter or inquiry before a committee, a Member shall not vote on a question in which the Member has a direct pecuniary or personal interest not held in common with the rest of the subjects of the Crown.</p>	<p>Pecuniary Interest</p> <p>164. A Member shall not participate in a Committee if the Member has a direct pecuniary interest in the matters being investigated by the Committee, unless the Member has declared that interest in the Council.</p>	no substantial change, except a Member can participate subject to declaration of an interest in the Council. If the Council considers otherwise, it can exclude the Member.

COMMITTEES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
322	<p>Powers of a committee</p> <p>329. In addition to any power conferred by law or order, a committee has power to:</p> <ul style="list-style-type: none"> (a) send for persons, papers, and records; (b) adjourn its proceedings; (c) commission reports; (d) sit during an adjournment of the House; and (e) travel to gather evidence. 	<p>Powers of a Committee</p> <p>165. In addition to any power conferred by order of the Council or by law, a Committee shall have the power to -</p> <ul style="list-style-type: none"> (a) send for persons, papers and records; and (b) confer with a similar committee of the Assembly considering similar matters. 	<p>no change to current SO 329(a) current SO 329(b), (c) and (e) - no requirement for specific expression current SO 329(d) - see new SO 168 new provision to specify capacity to confer with LA committees</p>
323	<p>Subcommittees, appointment and procedures</p> <p>339. <ul style="list-style-type: none"> (a) A committee may appoint subcommittees of 2 or more Members; (b) Subcommittees have all the powers of a committee unless the committee restricts those powers or their use; (c) A subcommittee may conduct proceedings and deliberations jointly with a subcommittee of another committee where the subject matter of an inquiry relates to the terms of reference of each committee; (d) A subcommittee reports to the committee that appointed it; (e) A quorum of a subcommittee is 2 Members or a majority of Members where the subcommittee has more than 2 Members. </p>	<p>Subcommittees</p> <p>166. <ul style="list-style-type: none"> (1) A Committee may appoint a Subcommittee of 2 or more Members to inquire into and report to the Committee upon any matter which the Committee is empowered to examine. (2) The Standing Orders apply to a Subcommittee in like manner as they apply to a Committee. (3) A quorum of a Subcommittee shall be 2 Members, or a majority of Members where the Subcommittee is comprised of more than 2 Members. (4) A Subcommittee shall report to the Committee as soon as practicable on each matter referred to the Subcommittee. </p>	<p>no substantial change</p>
324	<p>Minutes of proceedings</p> <p>321. For each meeting, the minutes shall record:</p> <ul style="list-style-type: none"> (a) the names of Members attending; (b) each motion, amendment and the mover; (c) divisions and the way in which Members voted; (d) the identity of each witness; (e) resolutions, <p>and any information that the committee directs to be recorded.</p>	<p>Committee Minutes</p> <p>167. <ul style="list-style-type: none"> (1) The Committee Minutes shall be the official record of each Committee meeting. (2) The Committee Minutes shall record - <ul style="list-style-type: none"> (a) Members present and apologies received; and (b) the votes and proceedings of the meeting. </p>	<p>no substantial change</p>
325	<p>Committee meetings</p> <p>302B. <ul style="list-style-type: none"> (1) Unless otherwise ordered, committees shall meet for the transaction of business until 3.30 pm on each Wednesday on which the House is scheduled to sit. (2) Paragraph (1) of this order is in addition to, and not in substitution for, any other time at which a committee may meet. </p>	<p>Scheduling of Meetings</p> <p>168. A Committee may meet during a suspension or adjournment of the Council.</p>	<p>Committees should have the discretion to meet at any mutually convenient time, other than when the House is sitting unless ordered by the House.</p>

COMMITTEES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
326		<p>Voting</p> <p>169. (1) Each Member of a Committee has a deliberative vote only. (2) Questions are decided by a simple majority of Members present and voting. (3) When the votes are equal, the question is resolved in the negative.</p>	new SO - reflects current practice and current Select Committee SOs
327		<p>First Meeting</p> <p>170. The Clerk shall call the first meeting of a Committee as soon as practicable following the establishment of the Committee.</p>	new SO - reflects current practice
328	<p>Committee to elect Chairman</p> <p>318. As occasion requires, each committee shall elect a Chairman from its own membership.</p>	<p>Election of Chair and Deputy Chair</p> <p>171. (1) Unless otherwise determined by the Council, each Committee shall elect a Chair and Deputy Chair from its own membership. (2) Where a Committee reports to the Council that it is unable to elect a Chair or Deputy Chair, the Council shall make an appointment.</p>	no substantial change includes current SO 320 includes Deputy Chair
329	<p>Council to appoint where committee unable</p> <p>320. On report from a committee that it is unable to elect a Chairman, the Council shall make an appointment.</p>		see new SO 171
330	<p>Duties of Chairman</p> <p>319. The Chairman presides at meetings.</p>	<p>Duties of Chair and Deputy Chair</p> <p>172. (1) The Chair presides at meetings and has the powers necessary to conduct the Committee's proceedings in an orderly and expeditious manner. (2) In the absence of the Chair, the duties of the Chair shall be performed by the Deputy Chair or an Acting Chair appointed by the Committee for that purpose.</p>	no substantial change - includes additional text to prescribe Chair's powers, and includes Deputy Chair and Acting Chair.

COMMITTEES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
331	<p>Evidence</p> <p>322. In this Chapter – “evidence” is information provided to, or obtained by, a committee that relates to a matter under inquiry, and includes –</p> <ul style="list-style-type: none"> (a) a written or oral submission; (b) any document whether or not it forms part of a submission; (c) information provided by a person who is not a witness. 	<p>Definitions of Committee Evidence, Documentation, Deliberations and Proceedings</p> <p>173. For the purposes of these Standing Orders related to Committees - “evidence” is any information or item provided to, or received by, a Committee, and includes -</p> <ul style="list-style-type: none"> (a) an oral, written or electronic submission; and (b) any document or record. <p>“documentation” is any correspondence or information produced by a Committee. “deliberations” are a Committee’s consideration of evidence or a draft report. “proceedings” are any Committee business that is not “evidence”, “documentation” or “deliberations”.</p>	<p>provides four categories of committee activity - to be read in conjunction with new SOs 174 to 177 inclusive</p>
332	<p>Evidence may be disclosed or published</p> <p>323. (1) The proceedings of a committee when taking oral evidence are open to accredited news media representatives and the public. (2) Written evidence not subject to subclause (4) may be disclosed or published in a manner and to an extent (if any) determined by a committee of its own motion or so as to meet a request made by the person providing that evidence.</p> <p>When evidence may be taken in private session</p> <p>(3) Despite subclause (1), a committee may take oral evidence in private session of its own motion, or at the request of the witness, where it is satisfied that the nature of the evidence or the identity of the witness requires it.</p> <p>Private session evidence not to be disclosed or published</p> <p>(4) Evidence, including written evidence, taken under subclause (3) must not be disclosed or published except by leave of the House or the committee before which the evidence was given.</p> <p>Content of reports not affected</p> <p>(5) Subclause (4) does not prevent a committee from disclosing such evidence for the purpose of complying with any rule or order, or quoting or referring to such evidence in a report on the matter to which that evidence relates.</p>	<p>Status of Evidence</p> <p>174. (1) All evidence shall fall within one of three categories -</p> <ul style="list-style-type: none"> (a) public evidence; (b) private evidence; or (c) <i>in camera</i> evidence. <p>(2) All oral evidence shall be public and may be disclosed or published by any Committee Member or person, unless otherwise ordered by the Committee or the Council.</p> <p>(3) All evidence other than oral evidence shall be private and may not be disclosed or published by any Committee Member or person, unless otherwise ordered by the Committee or the Council.</p> <p>(4) If a Committee orders that any evidence is <i>in camera</i> to the Committee, the evidence shall not be disclosed or published by any Committee Member or person unless otherwise ordered by the Council.</p> <p>(5) For all private and <i>in camera</i> evidence, the Committee shall ensure that the person(s) who provided the evidence to the Committee is advised of the status of the evidence and the effect of that status.</p>	<p>see new SO 173</p> <p>includes <i>in camera</i> evidence</p>

COMMITTEES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
333		<p>Status of Documentation</p> <p>175. (1) All documentation shall be private to a Committee excluding a third party to whom the documentation is provided by the Committee, and shall not be disclosed or published by any Committee Member or person to whom the documentation is directed unless otherwise ordered by the Committee.</p> <p>(2) All persons to whom documentation is directed shall be advised of any restrictions on the release or further publication of that documentation.</p>	see new SO 173
334		<p>Status of Deliberations</p> <p>176. Committee deliberations shall be conducted in private session, and shall not be disclosed unless otherwise ordered by the Committee.</p>	see new SO 173
335		<p>Status of Proceedings</p> <p>177. Committee proceedings shall be conducted in private session, and may be disclosed unless otherwise ordered by the Committee.</p>	see new SO 173
336	<p>Private proceedings may be disclosed when committee reports</p> <p>324. <i>Repealed by Resolution of the House, October 19 2000.</i></p>		
337	<p>Reporting of resolution to commence own motion inquiry</p> <p>325. Where a committee initiates an inquiry of its own motion, notice of that inquiry shall be reported to the House within 2 sitting days of the committee's resolution.</p>	<p>Committee Initiated Inquiry</p> <p>178. (1) A Committee may initiate an inquiry of its own motion if the Committee's terms of reference provide that capacity.</p> <p>(2) Where a Committee initiates an inquiry under (1), notice of that inquiry shall be reported to the Council within 2 sitting days of the Committee's resolution.</p>	no change to current SO and practice

COMMITTEES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
338		<p>Requests and Orders for Evidence</p> <p>179. (1) A Committee may request or order a person to provide evidence to the Committee by -</p> <ul style="list-style-type: none"> (a) appearing in person before the Committee; and/or (b) providing written or documentary evidence to the Committee. <p>(2) When a Committee determines to receive evidence from a person, the Committee may seek that evidence by -</p> <ul style="list-style-type: none"> (a) written request; or (b) summons in accordance with Standing Order 191. <p>(3) A Committee may only request that a Member of the Council provide evidence to the Committee and, if the Member declines to provide that evidence, may report the matter to the Council.</p> <p>(4) A Committee shall not seek evidence directly from a Member of the Assembly.</p>	<p>new SO - reflects current practice with the exception of new part (4)</p> <p>New part (4) provides that Committees shall <u>not</u> seek evidence from an Assembly Member (including a Minister). This will require Committees to direct all enquiries and requests for information to the representative Minister in the Council [<i>see Report</i>]</p>
339	<p>Witnesses entitlements</p> <p>330. Subject to order any person examined before a committee is entitled to:</p> <ul style="list-style-type: none"> (a) access to relevant documents; (b) raise any matter of concern to that person relating to evidence to be given or documents produced; (c) benefit of counsel; (d) apply for all or part of that person's evidence to be given in private session and for an order restricting publication of, or access to, that evidence; (e) decline to answer a question or produce a document on the grounds that the question is unlawful or outside the scope of the matters in issue or under inquiry; (f) be informed before evidence is given that if part of it might incriminate himself or another person, that fact should be made known to the committee before that part is actually given; (g) know of and, if desired rebut, any allegations made against the person whether or not those allegations amount to criminal conduct or dealing; (h) a reasonable opportunity to correct errors in a transcript of evidence; and (i) provide supplementary or new evidence. 	<p>Witnesses Entitlements</p> <p>180. Any person examined before a Committee is entitled to -</p> <ul style="list-style-type: none"> (a) access to relevant documents before and during examination; (b) benefit of counsel; (c) request that the evidence be deemed private or <i>in camera</i>; (d) be informed prior to the examination of the right of objection provided by section 7 of the <i>Parliamentary Privileges Act 1891</i>; (e) a reasonable opportunity to rebut allegations of criminal, improper or unethical conduct made against the witness if the allegations are relevant to the Committee's inquiry; (f) a reasonable opportunity to correct errors of transcription in a transcript of evidence; (g) an opportunity to provide supplementary or new evidence; and (h) any additional entitlements as determined by the Council. 	<p>no substantial change</p> <p>“Subject to order” replaced by new SO 180(h)</p> <p>current SO 330(b) and (e) replaced by new SO 180(d)</p> <p>current SO 330(f) is omitted, as it serves no useful purpose - proceedings are privileged</p> <p>new SO 180(f) clarifies that only transcription errors can be corrected</p>

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ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
340	<p>Evidence of public servants</p> <p>331. Where a committee examines a public servant, questions of policy shall not be asked of that person but shall be directed to the responsible Minister. A public servant is entitled to decline to answer any question on a matter of policy.</p>	<p>Evidence of Public Servants</p> <p>181. An officer of a government agency -</p> <p style="padding-left: 40px;">(a) shall not be asked to give an opinion on a matter of policy; and</p> <p style="padding-left: 40px;">(b) shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a Minister.</p>	no substantial change - includes capacity for public servant to refer questions to a senior office or Minister
341	<p>Compensation and payment of witnesses before committees</p> <p>371. Compensation for expenses or loss of time and special payments shall be determined by the committee.</p>	<p>Compensation for Witnesses</p> <p>182. Claims for reasonable compensation for expenses or loss of time and special costs may be submitted by witnesses and considered by the Clerk.</p>	reflects current practice
342	<p>President may give procedural rulings</p> <p>327. The President may give procedural rulings if requested by writing signed by the Chairman.</p>	<p>Procedural Rulings by the President</p> <p>183. (1) The President may provide a procedural ruling to a Committee.</p> <p style="padding-left: 40px;">(2) The President shall report any procedural ruling provided under (1) to the Council.</p>	current SO amended to provide President with discretion to provide procedural rulings when required, and report any rulings to the Council.
343	<p>Committee not to entertain charges against a Member</p> <p>422. If any information comes before any committee which involves an accusation against any Member, the committee shall direct that the Council be acquainted with the matter of such information, without proceeding further thereupon.</p>	<p>Evidence Containing Allegations about Member</p> <p>184. If a Committee receives evidence containing allegations of improper conduct of a Member of the Council or Assembly, the Committee shall not consider that evidence but shall report the evidence to the <i>Procedure and Privileges Committee</i>.</p>	no substantial change, except Committee reports such matters to the PPC, rather than the House
344	<p>Proceedings not noticed until reported</p> <p>328. Proceedings of a committee are not noticed by the Council until reported.</p>		not required - not relevant to modern practice
345	<p>Deliberation on draft report</p> <p>332. (a) A committee's deliberation is based on a report drafted under its direction;</p> <p style="padding-left: 40px;">(b) A draft report may be reconsidered in whole or in part at any stage of deliberation.</p>	<p>Preparation of Report</p> <p>185. (1) A draft report shall be prepared under the Committee's direction and circulated to all Members of the Committee.</p> <p style="padding-left: 40px;">(2) A draft report shall be considered and adopted by the Committee in a manner determined by the Committee.</p> <p style="padding-left: 40px;">(3) The Chair shall sign the report as adopted by the Committee.</p>	no substantial change to current SO or practice

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ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
346	<p>Bill may be annexed to report</p> <p>335. In the case of Bills, a copy of the Bill showing amendments recommended by the committee may be annexed to a narrative report.</p>		not required - Committee can resolve to annexe/attach any document it deems necessary to a report
347	<p>Chairman to sign report; Minority report may be added</p> <p>333. The Chairman shall sign the unanimous or majority report. A minority report or dissent, confined to issues in dispute, may be added to the report but may not be presented separately to the Council.</p>	<p>Minority Report</p> <p>186. (1) A Committee Member may add a minority report to the Committee's report prior to its tabling in the Council, provided that the minority report -</p> <ul style="list-style-type: none"> (a) is confined to issues in dispute; (b) is signed by the Member; and (c) has been presented to Committee Members at a Committee meeting. <p>(2) A reasonable opportunity for presentation of a minority report shall be given by the Committee to any Member who indicates a desire to do so prior to the formal adoption of the Committee's report.</p>	new SO includes requirement for presentation of a minority report to other Committee members prior to tabling
348	<p>Presentation of Report</p> <p>334. A report is presented by the Chairman or other Member designated by the committee for the purpose.</p>	<p>Tabling of Report</p> <p>187. (1) A Committee report shall be tabled in the Council by the Chair or another Member of the Committee appointed for that purpose.</p> <p>(2) Upon tabling in the Council, a Committee report shall be -</p> <ul style="list-style-type: none"> (a) deemed printed and published under the authority of the Council; and (b) listed for consideration by the Council in accordance with Standing Order 109. <p>(3) If the Council is adjourned or in recess, a Committee report may be forwarded to the President and upon receipt it shall be deemed to be tabled.</p> <p>(4) The President shall advise the Council of any report deemed tabled under (3) at the next sitting of the Council.</p>	<p>includes current SOs 334, 387, 338 and 336(a), insofar as 336(a) is deleted</p> <p>current requirement for question for printing report removed and covered under new (2)(a)</p> <p>deemed tabled - period of adjournment removed to provide for urgent reports</p>
349	<p>Report of proceedings</p> <p>387. The proceedings of every joint committee shall be reported to the Council by one of the Members serving on such committee.</p>		see new SO 187
350	<p>President may publish a report during adjournment of the House</p> <p>338. The President may publish a report that is ready for presentation during an adjournment of more than 14 days. A report so published is deemed to have been tabled and ordered to be printed but shall be presented in accordance with these rules when the Council resumes its sittings.</p>		see new SO 187

COMMITTEES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
351	<p>Procedure in House on presentation of report</p> <p>336. (a) On presentation of a report a question shall be put and decided without amendment or debate that the report do lie upon the Table and be printed;</p> <p>(b) Consideration in a Committee of the whole of a tabled report and the next stage of a Bill so reported is an order of the day for a future sitting.</p>		see new SO 187
352		<p>Chair's Statement on Tabling of Report</p> <p>188. (1) When a Committee report has been tabled in the Council, the Member tabling the report may make a short statement to the Council, providing an overview of the report and any other relevant matters.</p> <p>(2) A Member's statement under (1) must -</p> <p>(a) be agreed to by the Committee prior to delivery in the Council; and</p> <p>(b) not exceed 3 minutes.</p>	new SO to provide overview of report to the other Members of the House
353		<p>Motions following Tabling of Report</p> <p>189. When a Committee report has been tabled in the Council, any corollary motion without notice may be moved, including a motion that the recommendations contained in the report be agreed to.</p>	current practice also takes in current SO 370 relating to Select Committees
354	<p>Clerk shall send copy of a report to Government; Government to respond within 4 months</p> <p>337. After tabling, the Clerk shall send a copy of a report recommending action by, or seeking a response from, the Government to the responsible Minister. The Leader of the Government or the Minister (if a Member of the Council) shall report the Government's response within 4 months.</p>	<p>Response to Recommendations</p> <p>190. (1) Where a report recommends action by, or seeks a response from, the Government, the responsible Minister or the Leader of the House shall provide its response to the Council within not more than 2 months or at the earliest opportunity after that time if the Council is adjourned or in recess.</p> <p>(2) The Clerk shall record on the Notice Paper any such requirement for a response together with the time limit for the response.</p> <p>(3) Paragraphs (1) and (2) do not apply to a report on a Bill.</p>	reflects current SO and practice, with reduced response timeframe and exclusion of reports on Bills (Bills are to be dealt with in the course of further debate in the House, and a separate Government response is not required as a consequence)
355	<p>Staff and resources</p> <p>340. In consultation with the President and subject to the provisions of any applicable written law, each committee shall be provided with staff and resources necessary for the performance of its functions.</p>		not required

COMMITTEES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
	Chapter XXIII		
	<i>SELECT COMMITTEES</i>		
356	<p>Number of Members</p> <p>341. Unless otherwise ordered, all select committees shall consist of 3 Members.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 156 row 297</p>
357	<p>Mode of appointment</p> <p>342. Members to serve on a select committee shall be nominated firstly by the mover: further nominations may be submitted by other Members in which case the select committee shall be elected.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SOs 158 & 159 rows 309 & 311</p>
358	<p>No interested Member to be on Committee</p> <p>343. No Member who is personally interested in the inquiry before a select committee shall sit on such committee.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 164 row 321</p>
359	<p>Members may be discharged and added</p> <p>344. Members may be discharged from attending a select committee, and other Members appointed either by nomination or ballot, if previous notice has been given.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SOs 158 & 159 rows 309 & 311</p>
360	<p>Date to be fixed for bringing up Report</p> <p>345. On the appointment of every committee, the date shall be fixed for the reporting of their proceedings to the Council by which day the final report of the committee shall be brought up by the Chairman, unless further time be moved for and granted; but the Council may at any time prior to such day receive the final report of the committee.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 156 row 297</p>
361	<p>Quorum in select committees</p> <p>346. In all select committees consisting of 3 Members 2 shall form a quorum, and in other cases the quorum shall be fixed by the Council when the committee is appointed.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 160 row 314</p>

COMMITTEES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
362	<p>When no quorum present</p> <p>347. If at any time the necessary quorum be not present, it shall be incumbent on the Chairman to suspend the proceedings of the committee until a quorum be present, or to adjourn the committee.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 160 row 314</p>
363	<p>When no meeting takes place</p> <p>348. If, after the lapse of 15 minutes from the time appointed for the meeting of a select committee there shall not be a quorum, the Members present may retire, and the clerk attending the committee shall enter their names on the minutes and convene a meeting for the next business day.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 160 row 314</p>
364	<p>First meeting</p> <p>349. The mover of a committee, if a Member thereof, shall fix a time for the first meeting of the committee. If he be not a Member the clerk shall fix a time.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 170 row 327</p>
365	<p>Chairman</p> <p>350. Previous to the commencement of business the committee, except where otherwise ordered, shall elect one of its Members to be Chairman. If at any meeting of the committee the Chairman is absent, the Members present, if a quorum, shall appoint one of their number to act temporarily as Chairman.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 171 row 328</p>
366	<p>Chairman has deliberative vote only</p> <p>351. The Chairman shall have a deliberative vote only. When the votes are equal, the question shall pass in the negative.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 169 row 326</p>
367	<p>Record of proceedings and divisions</p> <p>352. An entry shall be made in the proceedings of the names of the Members attending each committee meeting, and of every motion or amendment proposed in the committee, together with the name of the mover thereof; and if any division take place in the committee, the Chairman shall take down the names of the Members voting in any such division, distinguishing on which side of the question they respectively vote.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 167 row 324</p>

COMMITTEES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
368	<p>Adjournment of committee; not to sit when House sitting</p> <p>353. A select committee may adjourn from time to time, and, by order of the Council, from place to place, and may sit on those days over which the Council is adjourned; but no select committee may sit during the sittings of the Council.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 168 row 325</p>
369	<p>Committees suspend business on President taking Chair</p> <p>354. All committees sitting at the time the President is about to take the Chair shall be informed thereof by the Usher of the Black Rod; all proceedings after such notice shall be null and void.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 168 row 325</p>
370	<p>Power to send for persons, papers, and records</p> <p>355. Whenever it may be necessary, the Council may give a committee power to send for persons, papers, and records.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 165 row 322</p>
371	<p>Clerk of Committee to summon witnesses</p> <p>356. The Chairman of a select committee shall direct the clerk attending the committee to summon the witnesses to be examined before such committee.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 191 row 397</p>
372	<p>Examination of witnesses</p> <p>357. The examination of witnesses before every select committee shall be conducted as follows, viz. - The Chairman shall first put to the witness, in an uninterrupted series, all such questions as he may deem essential, with reference either to the subject referred to therein, or to any branch of that subject, according to the mode of procedure agreed on by the committee. The Chairman shall then call on the other Members severally by name to put any other questions which may have occurred to them during the course of the examination; and the name of every Member so interrogating a witness shall be noted and prefixed to the questions asked. All replies to questions put shall be in writing; but if the committee be attended by a shorthand writer the notes of such shorthand writer shall be sufficient.</p>		<p>not required - procedure for examining witnesses left for the Committee to determine</p> <p>no new SO</p>
373	<p>Admission of strangers</p> <p>358. When a committee is examining witnesses, strangers may be admitted, but shall be excluded at the request of any Member, or at the discretion of the Chairman of the committee and shall always be excluded when the committee is deliberating.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 174 row 332</p>

COMMITTEES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
374	<p>Admission of other Members of Council</p> <p>359. Members of the Council may be present when a committee is examining witnesses; but shall withdraw if requested by the Chairman or any Member of the committee; and shall always withdraw when the committee is deliberating.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 161 row 315</p>
375	<p>Secret committees</p> <p>360. No Members, not being of the committee, shall be admitted at any time to a secret committee.</p>		<p>not required - secret committees not modern practice</p> <p>no new SO</p>
376	<p>Evidence not to be disclosed</p> <p>361. The evidence taken by any select committee of the Council, and documents presented to such committee which have not been reported to the Council, shall not be disclosed or published, except by leave of the Council, by any Member of such committee, or by any other person.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 174 row 332</p>
377	<p>Progress reports</p> <p>362. By leave of the Council, a committee may report from time to time its proceedings with or without the evidence, or the evidence only.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 187 row 348</p>
378	<p>Chairman to prepare draft report</p> <p>363. It shall be the duty of the Chairman of every select committee to prepare a draft report.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 185 row 345</p>
379	<p>Consideration of draft report</p> <p>364. The Chairman shall read to the committee convened for the purpose the whole of his draft report, which may at once be considered, but if desired by the committee, it shall be printed and circulated amongst the committee and a subsequent day fixed for its consideration; and in considering the report the Chairman shall read it paragraph by paragraph, putting the question to the Committee at the end of each paragraph, "<i>That it do stand part of the report</i>". A Member objecting to any portion of the report shall propose his amendment at the time the paragraph he wishes to amend shall be under consideration. A protest or dissent may be added to the report.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 185 row 345</p>

COMMITTEES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
380	<p>Alternative draft report</p> <p>365. If any Member, other than the Chairman, submit a draft report to the committee, the committee shall first decide upon which report they will proceed.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 185 row 345</p>
381	<p>Reconsideration of report</p> <p>366. After the draft report has been considered, the whole or any paragraph thereof may be reconsidered and amended.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 185 row 345</p>
382	<p>Chairman to sign report</p> <p>367. Every report of a committee shall be signed by the Chairman.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 185 row 345</p>
383	<p>Report brought up</p> <p>368. The report of a committee shall be presented to the Council by the Chairman, and may be read.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 187 row 348</p>
384	<p>Without discussion</p> <p>369. Upon the presentation of a report, no discussion shall take place; but the report may be ordered to be printed, with the documents accompanying it, and motion made without notice, either then or at a subsequent sitting for its consideration by a Committee of the whole.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SOs 187 & 188 rows 348 & 352</p>
385	<p>Motion for subsequent proceedings</p> <p>370. If any proceeding be necessary upon a report of a committee, such proceeding shall be brought under the consideration of the Council by a specific motion, of which notice shall be given.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 189 row 353</p>
386	<p>Select committee to confer only by order of Council</p> <p>372. No select committee of the Council shall confer with a select committee of the Assembly without an order of the Council.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 165 row 322</p>

COMMITTEES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
387	<p>Conference with Select Committee of Assembly desired by Message</p> <p>373. When any such order has been made, it shall be communicated by Message to the Assembly with a request that leave may be given to the select committee of that House to confer with the select committee of the Council.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 165 row 322</p>
388	<p>Joint select committees communicate verbally</p> <p>374. Every select committee of the Council directed to confer with any select committee of the Assembly may confer freely by word of mouth unless the Council shall otherwise order.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 165 row 322</p>
389	<p>Select committees to report in writing result of proceedings at Conference</p> <p>375. The proceedings of every conference between a select committee of the Council and a select committee of the Assembly shall be reported in writing to the Council by its own committee.</p>		<p>not required - Standing and Select Committee SOs combined</p> <p>see new SO 165 row 322</p>
390	<p>List of committees and Members serving</p> <p>376. Lists of all committees, and the names of Members serving thereon, shall be affixed in some conspicuous place in the Lobby and Clerk's Office.</p>		<p>not required - terms of reference of all Committees contained in Schedule 1, full Committee information published on the Parliament's internet site</p>
391	<p style="text-align: center;">Chapter XXIV</p> <p style="text-align: center;"><i>INSTRUCTIONS TO COMMITTEES</i></p> <p>Effect of an instruction</p> <p>377. An instruction empowers a committee to consider matters not otherwise referred to it.</p>		<p>not required - definition added to Schedule 3</p>
392	<p>Restrictions</p> <p>378. No instruction shall be given to a committee to do that which it is already empowered to do.</p>		<p>not required</p>
393	<p>Division or consolidation of Bills</p> <p>379. An instruction may be given to a committee to divide a Bill into 2 or more Bills, or to consolidate several Bills into one.</p>		<p>see new SOs 127(3) and 128(c) rows 245 and 248</p>

COMMITTEES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
394	<p>Instructions to select committee</p> <p>380. An instruction to a select committee may extend or restrict the order of reference, and may be moved, after notice, on any day prior to the report of the committee.</p>		separate SO not required - any such matter would be dealt with by motion
395	<p>When instructions not necessary</p> <p>381. It is an instruction to all committees of the whole House to whom Bills may be committed that they have power to make such amendments therein as they shall think fit, provided they be relevant to the subject matter of the Bill, but if any such amendments shall not be within the title of the Bill they shall amend the title accordingly, and report the same specially to the House.</p>		see new SO 133 row 254
396	<p>Instructions to a Committee of the whole requires notice</p> <p>382. An instruction to a Committee of the whole requires notice, and shall only be moved before going into committee on any question.</p>		see new SO 128(c) row 248

WITNESSES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
	Chapter XXXII		
	<i>WITNESSES</i>		
397	<p>How summoned</p> <p>418. Witnesses, not being Members, shall be ordered to attend before the Council, or a Committee of the whole, by summons under the hand of the Clerk; or before a select committee, by summons under the hand of the clerk attending the committee.</p>	<p>Summoning Witnesses</p> <p>191. Witnesses, not being Members, shall be ordered to -</p> <p style="padding-left: 40px;">(a) attend before the Council; or</p> <p style="padding-left: 40px;">(b) attend before or provide evidence to a Committee,</p> <p style="padding-left: 40px;">by summons under the hand of the Clerk.</p>	<p>no substantial change</p> <p>refer also to section 5 of the <i>Parliamentary Privileges Act 1891</i></p>
398	<p>When intended witness is in prison</p> <p>425. When a witness shall be in the custody of the keeper of any prison, such keeper may be ordered to bring the witness in safe custody in order to his being examined; and from time to time, as often as his attendance shall be necessary; and the President may be ordered to issue his warrant accordingly.</p>	<p>Witness in Custody</p> <p>192. If a witness is in prison, the Council may order that the President issue a warrant to the keeper of the prison to bring the witness in safe custody to be examined.</p>	<p>no substantial change</p>
399	<p>Recusant witness</p> <p>419. If a witness fails or refuses to attend or to give evidence, the Council, on being acquainted therewith, shall deal with the matter.</p>	<p>Recusant Witness</p> <p>193. If a witness fails or refuses to attend or to provide evidence pursuant to a summons of the Council, the Council shall deal with the matter in accordance with Standing Order 92 or as the Council otherwise determines.</p>	<p>refer also to s.8 of the <i>Parliamentary Privileges Act 1891</i>, and Schedule 4: <i>Contempts of the Council, Obstruction of Witnesses</i></p>
400	<p>Members, how summoned</p> <p>420. When the Council orders the attendance of a Member to be examined by the Council or a Committee of the whole, he shall be summoned by the President to attend in his place.</p>	<p>Members Summoned</p> <p>194. When the Council orders the attendance of a Member, the Member shall be summoned by the President and examined in the Member's place.</p>	<p>no substantial change - includes current SO 431</p>
401	<p>Member examined in his place</p> <p>431. A Member shall be examined in his place.</p>		<p>see new SO 194</p>
402	<p>Members, how summoned by select committee and refusal to attend</p> <p>421. If a select committee desires the attendance of a Member as a witness, the Chairman shall, in writing, request him to attend; but should he refuse to attend, or decline to give evidence or information as a witness to the committee, the committee shall acquaint the Council therewith, and shall not again summon such Member to attend the committee.</p>		<p>see new SO 179 row 338</p>

WITNESSES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
403	<p>When attendance of Member or Officer of Assembly required</p> <p>423. When the attendance of a Member of the Assembly or any officer of that House is desired, to be examined by the Council or any committee thereof (not being a committee on a Private Bill), a Message shall be sent to the Assembly to request that the Assembly give leave to such Member or officer to attend, in order to his being examined accordingly.</p>		see new SO 179 row 338
404	<p>Attendance of Member or Officer of Council before Assembly committee</p> <p>424. Should the Assembly request by Message the attendance of a Member of the Council before a select committee of the Assembly, the Council may forthwith authorise such Member to attend, if he think fit. The Council, if similarly requested by the Assembly, may also instruct its own officers to attend such committees.</p>	<p>Attendance of Member or Officer of Council before Assembly Committee</p> <p>195. If an Assembly Committee seeks to examine a Member or officer of the Council, the Council may -</p> <p style="margin-left: 40px;">(a) give leave for the Member to attend if the Member thinks fit; or</p> <p style="margin-left: 40px;">(b) order an officer to attend.</p>	no substantial change
405	<p>Witnesses entitled to protection</p> <p>426. All witnesses examined before the Council or any committee thereof shall be entitled to the protection of the Council, and shall be absolutely privileged in respect of any evidence given by them.</p>	<p>Witness Protected</p> <p>196. Any witness examined by the Council or a Committee is entitled to the protection of the Council, and shall be absolutely privileged in respect of any evidence provided by the witness.</p>	no substantial change
406	<p>Bar remains closed when witness examined in Council</p> <p>427. When a witness is examined by the Council or a Committee of the whole the Bar shall be kept closed.</p>	<p>Examined at the Bar</p> <p>197. A witness shall be examined by the Council at the Bar with the Bar kept closed.</p>	no substantial change
407	<p>President examines</p> <p>428. When the witness appears before the Council, the President shall examine the witness, and any questions addressed by Members shall be taken to have been put through the President.</p>	<p>Procedures for Examination of Witness</p> <p>198. (1) A witness appearing before the Council shall be examined by Members putting their questions through the President.</p> <p style="margin-left: 40px;">(2) If any question is objected to or other matters arise, the witness shall withdraw while the Council considers the matter.</p>	no substantial change - includes current SO 430
408	<p>Examination in committee</p> <p>429. In Committee of the whole, the Chairman shall examine the witness, and every question addressed by Members shall be taken to have been put by him.</p>		not required
409	<p>Witness withdraws if question is objected to</p> <p>430. If any question be objected to, or other matter arise, the witness shall withdraw while the same is under discussion.</p>		see new SO 198

WITNESSES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
410	<p>Officers not to give evidence without leave</p> <p>432. No clerk or officer of the Council or shorthand writer employed to take down speeches in, or minutes of evidence before the Council or any committee thereof, may give evidence elsewhere in respect of any proceedings or examination had at the Bar, or before any committee of the Council, without the leave of the Council.</p>	<p>Officers not to Give Evidence Elsewhere</p> <p>199. No person employed or contracted to assist the Council or a Committee shall give evidence elsewhere in respect of any proceedings of the Council or its Committees unless ordered by the Council.</p>	no substantial change

OPENING OF PARLIAMENT

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
411	<p>Chapter II</p> <p><i>OPENING OF PARLIAMENT</i></p> <p>4. On the first day of the meeting of any session of Parliament -</p> <p style="padding-left: 20px;">(a) If there be a President -</p> <p>President takes Chair</p> <p style="padding-left: 40px;">(i) The President shall take the Chair at the hour named in the Proclamation.</p> <p>Clerk reads Proclamation</p> <p style="padding-left: 40px;">(ii) The Clerk shall read the Proclamation calling Parliament together.</p> <p>Certificate of Election Tabled</p> <p>Oath or Affirmation of new Members</p> <p style="padding-left: 40px;">(iii) The Certificate of Election of each Member elected since the last sitting of the Council, with the return endorsed thereon, having been previously delivered to the Clerk shall, by him, be laid on the Table, and each such Member shall then make and subscribe the oath or affirmation of allegiance in the form set out in the Constitution Act.</p> <p>Governor introduced</p> <p style="padding-left: 40px;">(iv) His Excellency the Governor shall then be introduced by the Usher of the Black Rod to the Council.</p> <p style="padding-left: 20px;">(b) If there be no President -</p> <p>Clerk reads Proclamation</p> <p style="padding-left: 40px;">(i) The Clerk, at the hour named in the Proclamation, shall read the Proclamation calling Parliament together.</p> <p>Commissioners introduced</p> <p style="padding-left: 40px;">(ii) Commissioners or a Commissioner from His Excellency the Governor shall then be introduced by the Usher of the Black Rod to the Council Chamber.</p> <p>Clerk reads Commission</p> <p style="padding-left: 40px;">(iii) The Clerk shall then read the Commission.</p>	<p>Proceedings for Opening of a New Parliament or Session</p> <p>200. (1) The President shall take the Chair at the hour named in the Proclamation.</p> <p>(2) The Clerk shall read the Proclamation.</p> <p>(3) The Governor shall be introduced by the Usher of the Black Rod to the Council, and shall take the President's Chair.</p> <p>(4) The Governor shall direct the Usher of the Black Rod to command the attendance of the Members of the Assembly in the Council Chamber.</p> <p>(5) Once the Members of the Assembly are present in the Council Chamber, the Governor shall deliver the Governor's speech and declare the Parliament open.</p> <p>(6) At the conclusion of the Governor's speech -</p> <p style="padding-left: 20px;">(a) a copy of the speech shall be presented to the President and the Speaker;</p> <p style="padding-left: 20px;">(b) the Governor shall withdraw from the Council Chamber;</p> <p style="padding-left: 20px;">(c) the Members of the Assembly shall withdraw from the Council Chamber; and</p> <p style="padding-left: 20px;">(d) the President shall resume the Chair.</p> <p>(7) Before the Governor's speech is reported to the Council, some formal business, including -</p> <p style="padding-left: 20px;">(a) the presentation of petitions and papers for tabling;</p> <p style="padding-left: 20px;">(b) the giving of notices of motion; and</p> <p style="padding-left: 20px;">(c) questions without notice,</p> <p>may be transacted.</p> <p>(8) A Bill is read a first time so as to re-assert and maintain the undoubted rights and privileges of the Council to initiate legislation.</p> <p>(9) The President shall report the Speech of the Governor to the Council.</p> <p>(10) A Member shall move a motion for an Address-in-Reply to the Speech of the Governor.</p>	<p>simplified version of current SOs and practice</p> <p>seconding of Address-in-Reply removed</p>

OPENING OF PARLIAMENT

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
412	<p>Cause of calling together</p> <p>(iv) The Senior Commissioner, if there be more than one, shall then inform the Council that His Excellency the Governor will, at a future time, declare the cause of his calling Parliament together.</p> <p>(vi) The Council shall then elect a President in the manner hereinafter provided.</p> <p>Certificate of Election Tabled</p> <p>Oath or Affirmation of new Members</p> <p>(v) The Certificate of Election of each Member elected since the last sitting of the Council, and the return endorsed thereon having been previously delivered to the Clerk shall, by him, be laid on the Table, and each such Member shall then make and subscribe the oath or affirmation of allegiance before the Commissioner in the form set out in the Constitution Act.</p> <p>Election of President</p>		
413		<p>Vacancy in the Office of President at Opening of New Parliament or Session</p> <p>201. Where a vacancy exists in the office of President at the commencement of the first sitting of a new Parliament or Session -</p> <p style="margin-left: 40px;">(a) Members shall convene at the hour named in the proclamation; and</p> <p style="margin-left: 40px;">(b) the Council shall proceed to elect a President in accordance with Standing Orders 206 to 212 inclusive prior to Standing Order 200(4).</p>	<p>no change to current practice</p> <p>see current SO 4</p>
414		<p>Persons Commissioned by the Governor</p> <p>202. Under commission issued by the Governor -</p> <p style="margin-left: 40px;">(a) another person may undertake the duties of the Governor during the proceedings for the opening of a new Parliament or Session; and</p> <p style="margin-left: 40px;">(b) the President may take the oath or affirmation from new Members in accordance with Standing Order 203.</p>	<p>new SO - reflects current practice</p> <p>includes current SO 4</p>

OPENING OF PARLIAMENT

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
415		<p>Oath or Affirmation - New Members</p> <p>203. (1) Before a Member may take their seat in the Legislative Council, the Member must take and subscribe an oath or affirmation of office pursuant to section 22 of the <i>Constitution Act 1889</i>, at which time a certified copy of the writ of election of the Member shall be produced by the Clerk.</p> <p>(2) When a Member commences their parliamentary term on the same day as the opening of a new Parliament or Session, the new Member shall take and subscribe the oath or affirmation of office after Standing Order 200(3).</p>	no change to current practice see current SO 4
416	<p>Governor announced by Usher</p> <p>5. When His Excellency the Governor has arrived at the Chamber, the Usher of the Black Rod shall announce his arrival and conduct him to the Chair, the President leaving the Chair and taking one on the right of His Excellency.</p>		see new SO 200
417	<p>Members of Assembly summoned</p> <p>6. His Excellency the Governor will then direct the Usher of the Black Rod to command the immediate attendance of the Members of the Assembly at the Council Chamber.</p>		see new SO 200
418	<p>Governor's Speech</p> <p>7. When the Members of the Assembly have come with their Speaker to the Council Chamber, His Excellency the Governor will proceed to declare the cause of his calling the Parliament together.</p>		see new SO 200
419	<p>Copy of Speech and withdrawal of Governor</p> <p>8. The President and the Speaker shall then each receive a copy of His Excellency the Governor's Speech. His Excellency will then withdraw from the Council Chamber, and the President shall again take the Chair.</p>		see new SO 200
420	<p>Formal business</p> <p>9. Before His Excellency the Governor's Speech is reported to the Council some formal business may be transacted.</p>		see new SO 200

OPENING OF PARLIAMENT

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
421	<p>Petitions, Notices of Motions, etc</p> <p>10. Petitions may be presented and Notices of Questions and of Motions given and Papers laid upon the Table.</p>		see new SO 200
422	<p>Speech reported</p> <p>11. The President shall then report to the Council the Speech of His Excellency the Governor.</p>		see new SO 200
423	<p>Address-in-Reply</p> <p>12. The Speech having been reported by the President, a Motion for an Address-in-Reply to the Speech may then be made.</p>		see new SO 200
424	<p>Proceedings</p> <p>17. In the event of Parliament being prorogued by His Excellency the Governor in person, His Excellency shall be received on his arrival in the same manner as on the opening of Parliament, and the Message requiring the attendance of the Members of the Assembly shall be similarly delivered by the Usher of the Black Rod, on whose return the Bar shall be drawn. When the Members of the Assembly have come with their Speaker into the Council Chamber, the Clerk shall receive from the hands of the Speaker at the Bar such Bills of Supply or Appropriation which he may have brought for presentation to His Excellency the Governor, and the Clerk shall deliver the same to His Excellency.</p>		not required - redundant practice
425	<p>Precedence of Address in Reply</p> <p>15. Except as provided by SO 153, any order of the day for the resumption of the adjourned debate on the motion to adopt an address in reply to the Governor's speech shall take precedence on each sitting day over all other business, and no motion shall be entertained that, if passed, would have the effect of nullifying that precedence.</p>	<p>Precedence of Address-in-Reply</p> <p>204. Except as provided by Standing Order 66, the order of the day for the Address-in-Reply shall take precedence over all other business until it is resolved.</p>	no substantial change (new SO 66 row 116)
426	<p>Transaction of other business</p> <p>16. On any sitting day before the adoption of the address in reply, but subject to SO's 164 and 195, motions and other business may be dealt with, and in the event that the address in reply debate is adjourned prior to the time at which the House itself is adjourned, the House may proceed to orders of the day (if any) as they appear on the Notice Paper.</p>		see new SO 204 - otherwise, not required

OPENING OF PARLIAMENT

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
427	<p>Motion to present Address</p> <p>13. The Address-in-Reply having been agreed to, a Motion shall then be made that the Address be presented to His Excellency the Governor by the President and such Members as may desire to accompany him.</p>	<p>Presentation of the Address-in-Reply</p> <p>205. (1) The Address-in-Reply, as adopted, shall be presented to the Governor by the President, the mover of the Address-in-Reply, and any other Members who wish to attend.</p> <p>(2) The President shall report to the Council the terms of any response by the Governor to the Address-in-Reply.</p>	<p>no substantial change includes current SO 14</p>
428	<p>Governor's reply reported</p> <p>14. The President shall report to the Council His Excellency the Governor's reply to their Address.</p>		<p>see new SO 205</p>
429	<p>Royal Assent to Bills</p> <p>18. The Royal Assent to Bills which have been agreed to by both Houses during the Session and which have not previously received the Royal Assent shall be notified by the Clerk reading the title of each Bill, beginning with the Bills brought up by the Speaker, and declaring the signification of His Excellency's pleasure thereon.</p>		<p>not required - redundant practice</p>

PRESIDENT AND OFFICERS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
430	<p align="center">Chapter II</p> <p align="center"><i>ELECTION OF PRESIDENT</i></p> <p>Method of Election</p> <p>19. Whenever the Office of President becomes vacant, a Member, addressing himself to the Clerk, shall propose to the Council for their President some Member then present, and move that such Member do take the Chair in the Council as President. Such motion shall be seconded by some other Member.</p>	<p>Procedure for Proposing Candidates for President</p> <p>206. (1) Whenever the office of President becomes vacant, a Member may propose by address to the Clerk that another Member then present be elected to the office, by moving the motion “That the Honourable [.....] do take the Chair in the Council as President.”. The motion shall be seconded.</p> <p>(2) Other Members may similarly propose that other Members of the Council be elected to the office of President by moving a motion in accordance with (1).</p>	<p>no substantial change</p> <p>includes current SO 21</p>
431	<p>When 2 or more Members proposed</p> <p>21. If 2 or more Members be proposed as President, a motion shall be made and seconded regarding each such Member, “<i>That the Honourable do take the Chair of the Council as President</i>”, and each Member so proposed shall submit himself to the Council.</p>		<p>see new SO 206</p>
432	<p>When only one Member proposed</p> <p>20. If only one Member be proposed and seconded as President, the Member so proposed shall be called by the Council to the Chair without any question being put. He shall then be taken from his place by the Members who proposed and seconded him, and by them conducted to the Chair.</p>	<p>Sole Nomination for President</p> <p>207. If only one Member is proposed and seconded as President -</p> <p>(a) that Member shall indicate whether the nomination is accepted; and</p> <p>(b) if the nomination is accepted, that Member shall be called to the Chair without a question being put.</p>	<p>no substantial change</p>
433		<p>Multiple Nominations for President</p> <p>208. If more than one Member is proposed and seconded as President, and those Members accept their nomination, a ballot shall be conducted in accordance with -</p> <p>(a) if there are 2 candidates, Standing Order 209; or</p> <p>(b) if there are more than 2 candidates, Standing Order 210.</p>	<p>new SO - reflects current practice</p>

PRESIDENT AND OFFICERS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
434	<p>Ballot when 2 Members proposed</p> <p>22. When 2 Members have been so proposed and seconded as President, each Member shall deliver to the Clerk a ballot-paper, in writing, containing the name of the candidate for whom he votes, and the candidate who has the larger number of votes shall be the President and shall be conducted to the Chair.</p>	<p>Ballot for President - Two Candidates</p> <p>209. (1) Each Member of the Council then present shall deliver to the Clerk a ballot paper with the name of the candidate that Member chooses to be President.</p> <p>(2) The candidate with the most votes shall be elected President and called to the Chair.</p> <p>(3) If there is an equality of votes, the ballot shall be conducted again.</p> <p>(4) If at the conclusion of a second ballot conducted under (3) there remains an equality of votes, the Clerk shall draw a name by lot which Member shall be President.</p>	<p>no substantial change - specifies that ballot must be re-conducted when there's an equality of votes</p>
435	<p>Mode of decision when more than 2 proposed</p> <p>23. When more than 2 Members have been so proposed and seconded, a vote shall be taken in like manner, and the Member who has the greatest number of votes shall be the President, provided he also has majority of the votes of all the Members present. But if no candidate has such majority, the name of the candidate having the smallest number of votes shall be withdrawn and a fresh ballot shall take place, and this shall be done as often as necessary until one candidate has been declared elected as President by such majority, whereupon such Member shall be conducted to the Chair.</p>	<p>Ballot for President - More than Two Candidates</p> <p>210. (1) Each Member of the Council then present shall deliver to the Clerk a ballot paper with the name of the candidate that Member chooses to be President.</p> <p>(2) The candidate with the most votes, provided that Member also has a majority of the votes of the Members present, shall be elected President and called to the Chair.</p> <p>(3) If no candidate has such a majority, the name of the candidate having the smallest number of votes shall be excluded, and a further ballot shall be conducted.</p> <p>(4) Further ballots shall be conducted as required until one candidate is supported by the majority of the votes of the Members present.</p> <p>(5) If at the conclusion of any ballot under (3) or (4) there is an equality of votes between candidates with the smallest number of votes, the ballot shall be taken again.</p> <p>(6) If at the conclusion of a further ballot under (5) there remains an equality of ballots between candidates with the smallest number of votes, the Clerk shall determine by lot which of the candidates shall be excluded.</p> <p>(7) If a final ballot is conducted between 2 candidates and there is an equality of votes, the ballot shall be conducted again.</p> <p>(8) If at the conclusion of a final ballot conducted under (7) there remains an equality of votes, the Clerk shall draw a name by lot which Member shall be President.</p>	<p>no substantial change - takes in current SOs 24 and 25</p>

PRESIDENT AND OFFICERS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
436	<p>Equality of votes</p> <p>24. Where there are more than 2 candidates and there is an equality of votes between candidates having the least number of votes, the Clerk shall declare such to be the case and the ballot shall be taken again. If again there be an equality of votes between the candidates having the least number of votes the names of the candidates having such an equality shall be announced and a ballot shall be taken of these candidates only. The candidate receiving the smallest number of votes in this ballot shall be withdrawn from the principal ballot.</p>		see new SO 210
437	<p>Determination by lot</p> <p>25. Subject to SO. 24, if, in any ballot there is an equality of votes between each of the candidates in such ballot the Clerk shall declare such to be the case and that ballot shall be taken again. If again there be an equality of votes the Clerk shall declare such to be the case and shall announce that ballot will have to be determined by lot. The candidate first drawn from the lot shall be regarded as the candidate having the smallest number of votes and if more than one candidate then remains the ballot for the election of President shall continue.</p>		see new SO 210
438	<p>Counting of votes</p> <p>26. The votes cast at any of the foregoing ballots shall be counted by the Clerk and Deputy Clerk with a Member appointed by the House acting as scrutineer.</p>		see new SO 210
439	<p align="center">Chapter XXVIII</p> <p align="center"><i>THE BALLOT</i></p> <p>Bells rung prior to ballot</p> <p>403. Before the Council proceeds to any ballot, the Bells shall be rung as for a division. The doors shall be closed and no Member shall enter or leave the Chamber until after the ballot or election, if such is being conducted, has been completed.</p>		<p>separate SOs not necessary</p> <p>incorporated into new SOs 209 row 434 and 210 row 435 - President and Deputy President; new SO 159 row 311 - committees; and new SO 230 row 467 - conference of managers</p>

PRESIDENT AND OFFICERS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
440	<p>Method of appointment by ballot</p> <p>404. The ballot shall be taken in the following manner: Each Member present shall give to the Clerk a list of the names of such nominated Members as he may think fit and proper to be chosen at such ballot; and if any list contain a larger or lesser number of names than are to be chosen, it shall be void and rejected. When all the lists are collected, the Clerk, with a Member appointed by the President acting as scrutineer, shall ascertain and report to the President the names of the Members having the greatest number of votes, which Members shall be declared to be chosen. If 2 or more Members have an equality of votes, the President shall determine by lot which shall be chosen.</p>		see row 439
441	<p>President elect takes Chair</p> <p>27. Having been conducted to the Chair, the Member so elected, standing on the upper step, shall return his acknowledgments to the Council for the honour conferred upon him, and then take the Chair.</p>	<p>Procedure after Election of President</p> <p>211. (1) After the election of a President, the President shall be conducted to the Chair by the mover and seconder. (2) The President shall acknowledge the honour that has been conferred, and take the Chair. (3) Members may then congratulate the President.</p>	no substantial change
442	<p>Presentation to Governor</p> <p>28. Members having offered their congratulations, a Minister shall inform the Council at what time His Excellency the Governor will be pleased to receive the President. The sitting of the Council shall then be suspended, and the President, with such Members as desire to accompany him, shall present himself to His Excellency the Governor as the choice of the Council.</p>	<p>Presentation to the Governor</p> <p>212. (1) A Minister shall inform the Council at what time the Governor shall be pleased to receive the President. (2) The sitting of the Council shall be suspended and the President, accompanied by Members, shall be presented to the Governor.</p>	no substantial change
443	<p>Term of office</p> <p>29. The President shall continue in office until death, resignation, periodical retirement, or removal by the vote of an absolute majority of the Council.</p>	<p>Term of Office</p> <p>213. The President shall continue in office until - (a) death; (b) resignation; (c) periodical retirement; or (d) removal by the vote of an absolute majority of the Council.</p>	no change

PRESIDENT AND OFFICERS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
444		<p>Vacancy in the Office of President</p> <p>214. (1) When the office of President becomes vacant, the Clerk shall report the vacancy to the Council at its next sitting.</p> <p>(2) The Council shall immediately proceed to elect a new President.</p>	new SO - reflects current practice
445	<p style="text-align: center;">Chapter III</p> <p style="text-align: center;"><i>CHAIRMAN OF COMMITTEES</i></p> <p>Election of and term of office</p> <p>30. The Chairman of Committees shall be elected in a similar manner to the President and shall continue in office until death, resignation, periodical retirement, or removal by the vote of an absolute majority of the Council.</p>	<p>Election of Chair of Committees</p> <p>215. (1) The Chair of Committees shall be elected in accordance with the procedures for the election of the President.</p> <p>(2) The term of office and procedures related to a vacancy in the office of Chair of Committees shall be the same as those applying to the President.</p>	no substantial change
446	<p>Duties of</p> <p>31. The Chairman of Committees shall take the Chair of the Committee at the Table whenever a Committee of the Whole is constituted by the Council or by these standing orders.</p>	<p>Role of Chair of Committees</p> <p>216. The Chair of Committees shall chair proceedings when the Council forms a Committee of the Whole House.</p>	no substantial change
447	<p>Deputy Chairmen of Committees</p> <p>35. At the commencement of each Parliament the Council shall elect a panel of 5 Members, who shall act as Deputy Chairmen of Committees whenever requested by the President or Chairman of Committees.</p>	<p>Deputy Chairs of Committees</p> <p>217. At the commencement of each Parliament, the Council shall elect a panel of five Members to act as President or Chair of Committees in accordance with Standing Order 218.</p>	no substantial change
448	<p style="text-align: center;">Chapter IV</p> <p style="text-align: center;"><i>ABSENCE OF PRESIDENT AND OFFICERS</i></p> <p>Absence of President</p> <p>32. Whenever the President is absent owing to leave of absence granted to him by the Council or through illness or other unavoidable cause, the Chairman of Committees shall fill the office and perform the duties of the President as Deputy President during such absence.</p>	<p>Absence of the President or Chair of Committees</p> <p>218. (1) In the absence of or at the request of the President, the Chair of Committees shall perform the duties of the President.</p> <p>(2) At the request of the President, a Deputy Chair of Committees shall perform the duties of the President or Chair of Committees.</p> <p>(3) In the absence of the President and the Chair of Committees, an Acting President and an Acting Chair of Committees shall be elected in accordance with the procedures for the election of President.</p>	no substantial change - reflects current practice

PRESIDENT AND OFFICERS

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
449	<p>Absence of President and Chairman of Committees</p> <p>33. Whenever the Council has been informed by the Clerk at the Table of the absence of the President and the Chairman of Committees the Council shall elect an Acting President in accordance with the procedure laid down in Chapter II.</p>		see new SO 218
450	<p>Absence of Chairman of Committees</p> <p>34. Should the Chairman of Committees be unavoidably absent the President or a Deputy Chairman may take the Chair in Committee.</p>		see new SO 218
451	<p>President relieved by Chairman of Committees or a Deputy Chairman</p> <p>36. The Chairman of Committees or a Deputy Chairman of Committees shall take the Chair as Deputy President whenever requested so to do by the President during a sitting of the Council.</p>		see new SO 218
452	<p>Absence of Clerk</p> <p>37. In the case of the unavoidable absence or illness of the Clerk, his duties shall be performed by the Deputy Clerk or the Deputy Clerk (Committees).</p>	<p>Absence of the Clerk or Usher of the Black Rod</p> <p>219. (1) In the absence of the Clerk, the Deputy Clerk or a Clerk Assistant shall perform the duties of the Clerk.</p> <p>(2) In the absence of the Usher of the Black Rod, an officer appointed by the President and Clerk shall perform the duties of the Usher of the Black Rod.</p>	<p>no substantial change</p> <p>expanded to include Usher's absence</p>

RECORDS OF THE COUNCIL

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
	Chapter VI		
	<i>MEMBERS' ROLL AND PLACES OF MEMBERS</i>		
453	<p>Roll to be kept by Clerk</p> <p>50. A Members' roll shall be kept by the Clerk showing the names of the Members chosen for each Region, the dates of their election, of taking the oath or affirmation of allegiance, and of ceasing to be Members and the cause thereof.</p>	<p>Roll of Members</p> <p>220. (1) The Clerk shall maintain a roll of Members of the Council, detailing the name of each Member and the dates when each Member -</p> <ul style="list-style-type: none"> (a) was elected; (b) took the oath or affirmation of office; and (c) ceased to be a Member and the cause thereof. <p>(2) Each Member shall sign the roll on the day on which the Member takes the oath or affirmation of office.</p>	combines current SOs 50 and 51
454	<p>Signature of by Members</p> <p>51. Each Member shall sign the roll on the day on which he takes the oath or affirmation of allegiance.</p>		see new SO 220
	Chapter V		
	<i>DOCUMENTS AND RECORDS OF THE COUNCIL</i>		
455	<p>Minutes and Records and custody of</p> <p>38. All proceedings of the Council shall be recorded by the Clerk and shall constitute the Minutes, which shall be signed by the President and the Clerk. The custody of the Minutes and all records relating thereto or incorporated therein shall be vested in the Clerk, who shall neither take nor permit to be taken from the Council Chamber or offices any such minutes or records without the written permission of the President.</p>	<p>Minutes of Proceedings</p> <p>221. (1) The proceedings of the Council, and the attendance of Members in their places at any time during the day's sitting, shall be recorded by the Clerk.</p> <p>(2) The record as printed and signed by the President and the Clerk shall constitute the Minutes of the Legislative Council, the official record of proceedings of the House.</p> <p>(3) If an error in the Minutes is reported to the Council, the President shall direct the record to be corrected.</p>	no substantial change includes current SO 218 row 158
456	<p>Accounts, papers, etc</p> <p>39. Accounts and Papers may be ordered to be laid upon the Table, and the Clerk shall communicate to the Member having the conduct of Government Business all orders for papers made by the Council; and such papers, when supplied, shall be laid on the Table by the Clerk.</p>		not required - redundant practice
457	<p>Inspection of documents laid on the Table</p> <p>43. During office hours all documents laid on the Table of the House shall be open to the inspection of the Members of the Council or of the public, who may take copies or extracts thereof, but such documents shall not be removed from the precincts of the House without the written consent of the President.</p>		see new SO 223 row 459

RECORDS OF THE COUNCIL

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
458	<p>Custody of files and original documents</p> <p>44. All files and original documents laid on the Table shall, while the House is not sitting, be deposited and locked in a cupboard or other safe receptacle, the key of which shall be retained by the Clerk.</p>	<p>Custody of Records</p> <p>222. The Clerk has custody of all records of the Council and its Committees, and shall not allow them to be removed without the consent of the President.</p>	no substantial change
459	<p>Inspection of files, etc</p> <p>45. Such files and original documents shall be open to inspection by Members at all times, and to the inspection of representatives of the press and of the public during office hours when the House is not sitting, and copies or extracts may be taken therefrom.</p>	<p>Examination of Records</p> <p>223. (1) The public records of the Council shall be available for inspection by Members at any time and by other persons during office hours. Copies or extracts of these records may be taken.</p> <p>(2) Records of the Council that have not been published, including unpublished Committee records, may not be inspected or released unless otherwise ordered by the Council.</p>	no substantial change includes current SO 43
460	<p>Temporary withdrawal of files</p> <p>46. At the end of each session all files and original documents laid on the Table of the House shall be returned to the departments to which they belong, but, in the event of any file or original being urgently required by any Government department during a session, it may be handed temporarily to such department by the Clerk, in exchange for a written receipt and undertaking to return it on demand, signed by a responsible officer of such department.</p>		not required - redundant practice

COMMUNICATION BETWEEN THE HOUSES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
461	Chapter XXVI	Methods of Communication 224. Communications with the Assembly may be by Message, Conference, or Committees conferring with each other.	no substantial change
	<i>COMMUNICATION BETWEEN THE TWO HOUSES</i> Methods of communication 388. Communications with the Assembly may be by Message, by Conference, or by select committees conferring with each other.		
462	Messages to be signed by President 389. Every Message from the Council to the Assembly shall be in writing, or partly in writing and partly in print, signed by the President, and delivered by the Usher of the Black Rod.	Message to be Written and Signed by President 225. Every Message from the Council to the Assembly shall be in writing, signed by the President and delivered by the Usher of the Black Rod.	no substantial change
463	Motion to communicate Resolution moved without notice 390. It shall be in order at any time to move without notice that any resolution of the Council be communicated by Message to the Assembly.	Motion to Communicate Resolution 226. A Member may move without notice at any time that any resolution of the Council be communicated by Message to the Assembly.	no change
464	Messages from the Assembly, how received 391. Every Message from the Assembly shall be received without delay by the Usher of the Black Rod at the Bar, and be reported by the President as early as convenient, and by leave of the Council, may be dealt with at once, or a future time named for its consideration.	Messages from the Assembly 227. (1) Every Message from the Assembly shall be received without delay at the Bar, or by the Clerk if the Council is not sitting, and shall be reported by the President at the earliest convenient opportunity. (2) A Message containing a resolution from the Assembly shall be read and ordered for consideration - (a) at the next sitting of the Council; or (b) by order of the Council, immediately or at a later stage of the sitting.	no substantial change
465	Chapter XXVII	Request for Conference 228. Conferences between the Council and the Assembly shall be requested by Message.	no substantial change
	<i>CONFERENCES</i> Requested by Message 392. Conferences desired by the Council with the Assembly shall in all cases be requested by Message.		
466	Motion for to contain names of Managers 394. Every motion for requesting a Conference shall contain the names of the Members proposed by the mover to be the Managers for the Council.	Motion to Request Conference 229. Any motion to request a Conference must include the object of the Conference and the names of the Council Managers.	no substantial change

COMMUNICATION BETWEEN THE HOUSES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
467	<p>Managers may be elected</p> <p>395. Upon such motion any Member may make further nominations; in which case the Managers for the Council shall be elected.</p>	<p>Council Managers at Conference</p> <p>230. (1) At least three Managers shall be appointed to represent the Council in a Conference requested by the Council.</p> <p>(2) The number of Members appointed to represent the Council in a Conference requested by the Assembly shall be the same number as appointed by the Assembly.</p> <p>(3) If a Member so requests, the Managers for the Council shall be appointed by ballot, in the same manner as for a Committee.</p>	<p>no substantial change</p> <p>includes current SOs 395, 398 and 393</p>
468	<p>Managers to be equal in number to those of Assembly</p> <p>398. The Managers to represent the Council in a Conference requested by the Assembly shall consist of the same number of Members as those of the Assembly.</p>		<p>see new SO 230</p>
469	<p>Object of and number of Managers to be stated</p> <p>393. In requesting any Conference, the Message from the Council shall state, in general terms, the object for which the Conference is desired and the number of Managers proposed to serve thereon, which shall not be less than 3.</p>		<p>see new SOs 229 and 230</p>
470	<p>Limits to right of requesting Conference</p> <p>397. No Conference shall be requested by the Council upon the subject of any Bill or motion of which the Assembly is at the time in possession.</p>	<p>Restriction on Request for Conference</p> <p>231. No Conference shall be requested by the Council on any Bill or motion before the Assembly.</p>	<p>no substantial change</p>
471	<p>House agreeing to Conference to name time and place</p> <p>399. In respect of any Conference requested by the Assembly, the time and place for holding the same shall be appointed by the Council; and when the Council requests a Conference, it shall agree to its being held at such time and place as shall be appointed by the Assembly, and such agreement shall be communicated by Message.</p>	<p>Conference Time and Place</p> <p>232. (1) When the Assembly requests a Conference, the time and place for holding the Conference shall be determined by the Council.</p> <p>(2) When the Council requests a Conference, the time and place for holding the Conference shall be determined by the Assembly.</p>	<p>no substantial change</p>
472	<p>Council Managers to receive Assembly Managers</p> <p>400. At all Conferences requested by the Assembly, the Managers for the Council shall assemble at the time and place appointed, and receive the Managers of the Assembly.</p>		<p>see new SO 233</p>

COMMUNICATION BETWEEN THE HOUSES

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
473	<p>Proceedings at Conference</p> <p>401. At all Conferences the Managers for the Council shall be at liberty to confer freely by word of mouth with the Managers of the Assembly. If no agreement be reached the Bill or other matter referred to the Conference shall be deemed to have been determined.</p>	<p>Proceedings at Conference</p> <p>233. (1) At all Conferences, the Managers for the Council shall meet the Managers for the Assembly at the time and place appointed and, unless otherwise determined by the Council, shall be at liberty to confer freely with them.</p> <p>(2) If agreement cannot be reached on the Bill or other matter referred to the Conference, the Council Managers may terminate the Conference and the matter shall be deemed to have been determined.</p>	<p>no substantial change</p> <p>includes current SO 400</p>
474	<p>During Conference business suspended</p> <p>396. During any Conference the business of the Council shall be suspended or adjourned as the House may decide.</p>	<p>Council Suspended during Conference</p> <p>234. A Conference shall only meet during a suspension or adjournment of the Council.</p>	<p>no substantial change</p>
475	<p>To be reported to Council in writing</p> <p>402. The Managers for the Council shall, when the Conference has terminated, report the result of their proceedings to the Council forthwith, in writing. Such report to be signed by the Council Managers.</p>	<p>Conference Proceedings Reported by Managers</p> <p>235. When the Conference has concluded, the Council Managers shall sign a report on the result of the Conference and immediately present it to the Council.</p>	<p>no substantial change</p>

THE SOVEREIGN AND THE GOVERNOR

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
	Chapter XXX		
	<i>MESSAGES FROM HIS EXCELLENCY THE GOVERNOR</i>		
476	<p>Messages, how received</p> <p>411. Whenever a Message from His Excellency the Governor shall be announced by the Usher of the Black Rod the business before the Council shall be immediately suspended, and the bearer of the Message shall be introduced to deliver the Message at the Bar where it shall be received by the Usher of the Black Rod, who shall at once bear the same to the President.</p>		not required - redundant practice
477	<p>Read forthwith</p> <p>412. The President shall immediately read the Message to the Council and so soon as the Message has been read by the President, the bearer of the Message shall withdraw.</p>	<p>Messages</p> <p>236. (1) A Message from the Governor shall be reported by the President. (2) If required, the Council may consider a Governor's Message forthwith or at a later sitting.</p>	no substantial change includes current SO 413
478	<p>When to be considered</p> <p>413. The Message, may, if necessary be at once taken into consideration, or ordered to be printed, and a future day fixed for taking the same into consideration.</p>		see new SO 236
479	<p>Message from Governor may be communicated by Minister</p> <p>414. A Message from His Excellency the Governor may be presented to the Council by a Minister being a Member, but not during a debate, or so as to interrupt a Member whilst speaking.</p>		not required - redundant practice
	Chapter XXIX		
	<i>ADDRESSES TO THE QUEEN OR HIS EXCELLENCY THE GOVERNOR</i>		
480	<p>How proposed</p> <p>405. Whenever it be deemed proper to present an Address to Her Majesty or either House of the Imperial* or Commonwealth Parliament, or His Excellency the Governor, the same shall be proposed, except in cases of urgency, on motion after notice in accordance with standing orders.</p> <p>[*footnote: Inoperative; cf Australia Acts 1986. (UK & Cth)]</p>		see new SO 237 row 482

THE SOVEREIGN AND THE GOVERNOR

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
481	<p>Addresses to Royal Family</p> <p>406. Addresses of congratulation or condolence to members of the Royal Family shall be proposed in a similar manner.</p>		see new SO 237
482	<p>Transmission of</p> <p>407. Addresses to Her Majesty or to members of the Royal Family, or to either House of the Imperial* or Commonwealth Parliament, shall be transmitted to His Excellency the Governor by the President, requesting His Excellency to cause the same to be forwarded for presentation.</p> <p>[*footnote: Inoperative; cf Australia Acts 1986. (UK & Cth)]</p>	<p>Address to Sovereign or Governor</p> <p>237. (1) An address to the Sovereign shall be presented by the President to the Governor for presentation to the Sovereign.</p> <p>(2) An address to the Governor shall be presented by the President.</p> <p>(3) Any response from the Governor to an Address under (1) or (2) shall be reported to the Council by the President.</p>	no substantial change includes current SOs 405, 406, 408 and 410
483	<p>Presentation of Addresses to Governor</p> <p>408. Addresses to His Excellency the Governor shall be presented by the President, unless the Council otherwise order.</p>		see new SO 237
484	<p>When presented by the whole Council</p> <p>409. When an Address is ordered to be presented by the whole Council, the President, with the Council, shall proceed to such place as His Excellency the Governor may appoint; and, being admitted to His Excellency the Governor's presence, the President shall read the Address to His Excellency the Governor, the Members who moved and seconded such Address being on his left hand.</p>		not required Address in Reply to Governor's speech on opening of parliament - see new SO 205 row 427
485	<p>Governor's reply</p> <p>410. His Excellency the Governor's answer to any Address presented by the whole Council shall be reported by the President.</p>		see new SO 237

THE SOVEREIGN AND THE GOVERNOR

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
486	<p>Amendments proposed by the Governor</p> <p>265. Whenever His Excellency the Governor shall return to the Council any Bill presented to him and transmit therewith any amendment which he may recommend, such amendment shall be considered and dealt with in the same manner as amendments proposed by the Assembly to a Bill originated in the Council.</p>	<p>Governor's Amendments</p> <p>238. (1) Whenever the Governor shall return to the Council any Bill presented to the Governor and transmit therewith any amendment which the Governor may recommend, such amendment shall be considered and dealt with in the same manner as amendments proposed by the Assembly to a Bill originated in the Council.</p> <p>(2) When the Council shall have agreed to any amendment proposed by the Governor, with or without amendment, such amendment together with any alterations rendered necessary to be made in the Bill in consequence of such amendment, shall be sent to the Assembly for its concurrence, and any amendment made by the Assembly thereto shall be dealt with in the same manner as amendments made by the Assembly to Bills originated in the Council.</p> <p>(3) Amendments recommended by the Governor in Bills originated in the Assembly which have been agreed to by the Assembly and are forwarded for the concurrence of the Council, shall be proceeded with in the same manner as amendments made by the Assembly on the Council's amendments to Bills first received from the Assembly.</p> <p>(4) When amendments recommended by the Governor in any Bill originated in the Council have been agreed to by both Houses, with or without amendment, the Bill shall be reprinted and presented to the Governor, but if any such amendment be disagreed to by the Council, or if no agreement between the two Houses be arrived at thereon, the Bill shall be again presented to the Governor for assent in the same form as first presented to the Governor for that purpose.</p>	no substantial change - includes current SOs 266, 267 and 268
487	<p>Governor's amendments, if agreed to, to be forwarded to the Assembly</p> <p>266. When the Council shall have agreed to any amendment proposed by His Excellency the Governor, with or without amendment, such amendment together with any alterations rendered necessary to be made in the Bill in consequence of such amendment, shall be sent to the Assembly for its concurrence, and any amendment made by the Assembly thereto shall be dealt with in the same manner as amendments made by the Assembly to Bills originated in the Council.</p>		see new SO 238
488	<p>Governor's amendments, if received from the Assembly</p> <p>267. Amendments recommended by His Excellency the Governor in Bills originated in the Assembly which have been agreed to by the Assembly and are forwarded for the concurrence of the Council, shall be proceeded with in the same manner as amendments made by the Assembly on the Council's amendments to Bills first received from the Assembly.</p>		see new SO 238

THE SOVEREIGN AND THE GOVERNOR

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
489	<p>Governor's amendments, procedure where amendments disagreed with</p> <p>268. When amendments recommended by His Excellency the Governor in any Bill originated in the Council have been agreed to by both Houses, with or without amendment, the Bill shall be fair printed and presented to His Excellency the Governor, but if any such amendment be disagreed to by the Council, or if no agreement between the two Houses be arrived at thereon, the Bill shall be again presented to His Excellency the Governor for his assent in the same form as first presented to him for that purpose.</p>		see new SO 238
490	<p>Addresses for papers involving prerogative</p> <p>40. When the Royal Prerogative is concerned in any account or paper, an Address shall be presented to His Excellency the Governor praying that the same may be laid before the Council.</p>	<p>Royal Prerogative</p> <p>239. (1) When the Royal Prerogative is concerned in any account or paper, an Address shall be presented to the Governor praying that the same may be laid before the Council.</p> <p>(2) Motions for the production of despatches or other correspondence, addressed to or by the Governor, or for any information desired from the Governor, shall be in the form "That an Address be presented to His/Her Excellency", to that effect.</p> <p>(3) Other papers may be presented by the Command of the Governor.</p>	no substantial change - includes current SOs 41 and 42
491	<p>Form of such addresses</p> <p>41. Motions for the production of despatches or other correspondence, addressed to or by His Excellency the Governor, or for any information desired from His Excellency, shall be in the form "<i>That an Address be presented to His Excellency</i>", to that effect.</p>		see new SO 239
492	<p>Presentation of papers</p> <p>42. Other papers may be presented pursuant to statute by the President, or by Command of His Excellency the Governor.</p>		see new SO 239

SCHEDULE 1 COMMITTEES

[see Standing Order 156]

ROW	EXISTING SCHEDULE	PROPOSED SCHEDULE	NOTES
493	<p style="text-align: center;">SCHEDULE 1</p> <p style="text-align: center;"><i>TERMS OF RESOLUTION OF THE HOUSE ON AUGUST 17 2005</i></p> <p>1. Environment and Public Affairs Committee</p> <p>1.1 An <i>Environment and Public Affairs Committee</i> is established.</p> <p>1.2 The Committee consists of 5 members.</p> <p>1.3 The functions of the Committee are to inquire into and report on -</p> <p>(a) any public or private policy, practice, scheme, arrangement, or project whose implementation, or intended implementation, within the limits of the State is affecting, or may affect, the environment;</p> <p>(b) any Bill referred by the House; and</p> <p>(c) petitions.</p> <p>1.4 The Committee, where relevant and appropriate, is to assess the merit of matters or issues arising from an inquiry in accordance with the principles of ecologically sustainable development and the minimisation of harm to the environment.</p> <p>1.5 The Committee may refer a petition to another committee where the subject matter of the petition is within the competence of that committee.</p> <p>1.6 In this order “environment” has the meaning assigned to it under section 3(1), (2) of the <i>Environmental Protection Act 1986</i>.</p>	<p>1. Environment and Public Affairs Committee</p> <p>1.1 An <i>Environment and Public Affairs Committee</i> is established.</p> <p>1.2 The Committee consists of 5 members.</p> <p>1.3 The functions of the Committee are to inquire into and report on -</p> <p>(a) any public or private policy, practice, scheme, arrangement, or project whose implementation, or intended implementation, within the limits of the State is affecting, or may affect, the environment;</p> <p>(b) any Bill referred by the House; and</p> <p>(c) petitions.</p> <p>1.4 The Committee, where relevant and appropriate, is to assess the merit of matters or issues arising from an inquiry in accordance with the principles of ecologically sustainable development and the minimisation of harm to the environment.</p> <p>1.5 The Committee may refer a petition to another Committee where the subject matter of the petition is within the competence of that Committee.</p> <p>1.6 In this order “environment” has the meaning assigned to it under section 3(1), (2) of the <i>Environmental Protection Act 1986</i>.</p>	no change
494	<p>2. Estimates and Financial Operations Committee</p> <p>2.1 An <i>Estimates and Financial and Operations Committee</i> is established.</p> <p>2.2 The Committee consists of 5 Members, 3 of whom shall be non-Government Members.</p> <p>2.3 The functions of the Committee are to consider and report on -</p> <p>(a) the estimates of expenditure laid before the Council each year;</p> <p>(b) matter relating to the financial administration of the State;</p> <p>(c) any bill or other matter relating to the foregoing functions referred by the House;</p> <p>(d) to consult regularly with the Auditor General and any person holding an office of a like character.</p>	<p>2. Estimates and Financial Operations Committee</p> <p>2.1 An <i>Estimates and Financial Operations Committee</i> is established.</p> <p>2.2 The Committee consists of 5 Members, 3 of whom shall be non-Government Members.</p> <p>2.3 The functions of the Committee are to -</p> <p>(a) consider and report on -</p> <p>(i) the estimates of expenditure laid before the Council each year;</p> <p>(ii) any matter relating to the financial administration of the State; and</p> <p>(iii) any Bill or other matter relating to the foregoing functions referred by the House;</p> <p>and</p> <p>(b) consult regularly with the Auditor General.</p>	<p>minor formatting changes only</p> <p>see definition of non-Government member - Schedule 3</p>

SCHEDULE 1 COMMITTEES

[see Standing Order 156]

ROW	EXISTING SCHEDULE	PROPOSED SCHEDULE	NOTES
495	<p>7. Public Administration Committee</p> <p>7.1 <i>A Public Administration Committee</i> is established.</p> <p>7.2 The Committee consists of 5 Members.</p> <p>7.3 The functions of the Committee are to inquire into and report on -</p> <ul style="list-style-type: none"> (a) the structure, efficiency and effectiveness of the system of public administration; (b) the extent to which the principles of procedural fairness are embodied in any practice or procedure applied in decision making; (c) the existence, adequacy, or availability, of merit and judicial review of administrative acts or decisions; (d) any Bill or other matter relating to the foregoing functions referred by the House; and (e) to consult regularly with the Parliamentary Commissioner for Administrative Investigations, the Public Sector Standards Commissioner, the Information Commissioner, and any person holding an office of a like character. <p>7.4 The Committee is not to make inquiry with respect to -</p> <ul style="list-style-type: none"> (a) the constitution, function or operations of the Executive Council; (b) the Governor's Establishment; (c) the constitution and administration of Parliament; (d) the judiciary; (e) a decision made by a person acting judicially; (f) a decision made by a person to exercise, or not exercise, a power of arrest or detention; or (g) the merits of a particular case or grievance that is not received as a petition. 	<p>3. Public Administration Committee</p> <p>3.1 <i>A Public Administration Committee</i> is established.</p> <p>3.2 The Committee consists of 5 Members.</p> <p>3.3 The functions of the Committee are to -</p> <ul style="list-style-type: none"> (a) inquire into and report on - <ul style="list-style-type: none"> (i) the structure, efficiency and effectiveness of the system of public administration; (ii) the extent to which the principles of procedural fairness are embodied in any practice or procedure applied in decision making; (iii) the existence, adequacy, or availability, of merit and judicial review of administrative acts or decisions; and (iv) any Bill or other matter relating to the foregoing functions referred by the House; and (b) consult regularly with the Parliamentary Commissioner for Administrative Investigations, the Public Sector Standards Commissioner, the Information Commissioner, the Inspector of Custodial Services, and any similar officer. <p>3.4 The Committee is not to make inquiry with respect to -</p> <ul style="list-style-type: none"> (a) the constitution, function or operations of the Executive Council; (b) the Governor's Establishment; (c) the constitution and administration of Parliament; (d) the judiciary; (e) a decision made by a person acting judicially; (f) a decision made by a person to exercise, or not exercise, a power of arrest or detention; or (g) the merits of a particular case or grievance that is not received as a petition. 	<p>minor formatting changes only</p>
496	<p>4. Legislation Committee</p> <p>4.1 <i>A Legislation Committee</i> is established.</p> <p>4.2 The Committee consists of 5 Members.</p> <p>4.3 The functions of the Committee are to consider and report on any Bill referred by the House or under SO 125A.</p> <p>4.4 Unless otherwise ordered any amendment recommended by the Committee must be consistent with the policy of a Bill.</p> <p>4.5 <i>Repealed by Resolution of the House, September 20 2006.</i></p>	<p>4. Legislation Committee</p> <p>4.1 <i>A Legislation Committee</i> is established.</p> <p>4.2 The Committee consists of 5 Members.</p> <p>4.3 The functions of the Committee are to consider and report on any Bill referred by the House.</p> <p>4.4 Unless otherwise ordered, any amendment recommended by the Committee must be consistent with the policy of the Bill.</p>	<p>no substantial change</p> <p>removal of cross reference to Business Management Committee (current SO 125A), given proposed deletion of that SO</p>

**SCHEDULE 1
COMMITTEES**

[see Standing Order 156]

ROW	EXISTING SCHEDULE	PROPOSED SCHEDULE	NOTES
497	<p>8. Uniform Legislation and Statutes Review Committee</p> <p>8.1 A Uniform <i>Legislation Statutes Review Committee</i> is established.</p> <p>8.2 The Committee consists of 4 Members.</p> <p>8.3 The functions of the Committee are -</p> <ul style="list-style-type: none"> (a) to consider and report on Bills referred under SO 230A; (b) of its own motion or on a reference from a Minister, to consider or review the development and formulation of any proposal or agreement whose implementation would require the enactment of legislation made subject to SO 230A; (c) to examine the provisions of any instrument that the Commonwealth has acceded to, or proposes to accede to, that imposes an obligation on the Commonwealth to give effect to the provisions of the instrument as part of the municipal law of Australia; (d) to review the form and content of the statute book; (e) to inquire into and report on any proposal to reform existing law that may be referred by the House or a Minister; and (f) to consider and report on any matter referred by the House or under SO 230A. <p>8.4 For a purpose relating to the performance of its functions, the Committee may consult with a like committee of a House of the Parliament of the Commonwealth, a state or a territory, and New Zealand and similarly, may participate in any conference or other meeting.</p>	<p>5. Uniform Legislation and Statutes Review Committee</p> <p>5.1 A <i>Uniform Legislation and Statutes Review Committee</i> is established.</p> <p>5.2 The Committee consists of 4 Members.</p> <p>5.3 The functions of the Committee are -</p> <ul style="list-style-type: none"> (a) to consider and report on Bills referred under Standing Order 125; (b) on reference from the House, to consider or review the development and formulation of any proposal or agreement whose implementation would require the enactment of legislation made subject to Standing Order 125; (c) to examine the provisions of any treaty that the Commonwealth has entered into or presented to the Commonwealth Parliament, and determine whether the treaty may impact upon the sovereignty and law-making powers of the Parliament of Western Australia; (d) to review the form and content of the statute book; and (e) to consider and report on any matter referred by the House. <p>5.4 In relation to function 5.3(a) and (b), the Committee is to confine any inquiry and report to an investigation as to whether a Bill, proposal or agreement may impact upon the sovereignty and law-making powers of the Parliament of Western Australia.</p>	[see Report]

SCHEDULE 1 COMMITTEES

[see Standing Order 156]

ROW	EXISTING SCHEDULE	PROPOSED SCHEDULE	NOTES
498	<p>3. Joint Standing Committee on Delegated Legislation</p> <p>3.1 A <i>Joint Delegated Legislation Committee</i> is established.</p> <p>3.2 The Committee consists of 8 Members, 4 of whom are appointed from each House. The Chairman must be a Member of the Committee who supports the Government.</p> <p>3.3 A quorum is 4 Members of whom at least 1 is a Member of the Council and 1 a Member of the Assembly.</p> <p>3.4 A report of the Committee is to be presented to each House by a Member of each House appointed for the purpose by the Committee.</p> <p>3.5 Upon its publication, whether under section 41(1)(a) of the <i>Interpretation Act 1984</i> or another written law, an instrument stands referred to the Committee for consideration.</p> <p>3.6 In its consideration of an instrument, the Committee is to inquire whether the instrument –</p> <ul style="list-style-type: none"> (a) is authorized or contemplated by the empowering enactment; (b) has an adverse effect on existing rights, interests, or legitimate expectations beyond giving effect to a purpose authorized or contemplated by the empowering enactment; (c) ousts or modifies the rules of fairness; (d) deprives a person aggrieved by a decision of the ability to obtain review of the merits of that decision or seek judicial review; (e) imposes terms and conditions regulating any review that would be likely to cause the review to be illusory or impracticable; or (f) contains provisions that, for any reason, would be more appropriately contained in an Act. <p>3.7 In this clause –</p> <p>“adverse effect” includes abrogation, deprivation, extinguishment, diminution, and a compulsory acquisition, transfer, or assignment;</p> <p>“instrument” means –</p> <ul style="list-style-type: none"> (a) subsidiary legislation in the form in which, and with the content it has, when it is published; (b) an instrument, not being subsidiary legislation, that is made subject to disallowance by either House under a written law; <p>“subsidiary legislation” has the meaning given to it by section 5 of the <i>Interpretation Act 1984</i>.</p>	<p>6. Joint Delegated Legislation Committee</p> <p>6.1 A <i>Joint Delegated Legislation Committee</i> is established.</p> <p>6.2 The Committee consists of 8 Members, 4 of whom are appointed from each House. The Chair must be a Member of the Committee who supports the Government.</p> <p>6.3 A quorum is 4 Members of whom at least one is a Member of the Council and one a Member of the Assembly.</p> <p>6.4</p> <ul style="list-style-type: none"> (a) A report of the Committee is to be presented to each House by a Member of each House appointed for the purpose by the Committee. (b) Where a notice of motion to disallow an instrument has been given in either House pursuant to recommendation of the Committee, the Committee shall present a report to both Houses in relation to that instrument prior to the House’s consideration of that notice of motion. If the Committee is unable to report a majority position in regards to the instrument, the Committee shall report the contrary arguments. <p>6.5 Upon its publication, whether under section 41(1)(a) of the <i>Interpretation Act 1984</i> or another written law, an instrument stands referred to the Committee for consideration.</p> <p>6.6 In its consideration of an instrument, the Committee is to inquire whether the instrument –</p> <ul style="list-style-type: none"> (a) is within power; (b) has no unintended effect on any person’s existing rights or interests; (c) provides an effective mechanism for the review of administrative decisions; and (d) contains only matter that is appropriate for subsidiary legislation. <p>6.7 In this clause –</p> <p>“instrument” means –</p> <ul style="list-style-type: none"> (a) subsidiary legislation in the form in which, and with the content it has, when it is published; (b) an instrument, not being subsidiary legislation, that is made subject to disallowance by either House under a written law; <p>“subsidiary legislation” has the meaning given to it by section 5 of the <i>Interpretation Act 1984</i>.</p>	<p>Expansion of s6.4 (current s3.4) requires the Committee to report on an instrument which is the subject of a disallowance motion moved on behalf of the Committee.</p> <p>Simplified version of s6.6 (current s3.6) to simplify and focus the role of the Committee in considering instruments.</p> <p>[also see Report]</p> <p style="text-align: center; color: red; font-weight: bold; font-size: 1.1em;">PROPOSED CHANGES WILL REQUIRE CONCURRENCE OF THE ASSEMBLY</p>

SCHEDULE 1 COMMITTEES

[see Standing Order 156]

ROW	EXISTING SCHEDULE	PROPOSED SCHEDULE	NOTES
499	<p>6. Procedure and Privileges Committee</p> <p>6.1 <i>A Procedure and Privileges Committee</i> is established.</p> <p>6.2 The Committee consists of the President and the Chairman of Committees, the Deputy Chairmen of Committees (<i>all ex officio</i>), and any Members co-opted by the Committee whether generally or in relation to a particular matter. The President is the Chairman, and the Chairman of Committees is the Deputy Chairman, of the Committee.</p> <p>6.3 With any necessary modifications, SO 326A applies to a co-opted Member.</p> <p>6.4 The Committee is to keep under review the law and custom of Parliament, the rules of procedure of the House and its committees, and recommend to the House such alterations in that law, custom, or rules that, in its opinion, will assist or improve the proper and orderly transaction of the business of the House or its committees.</p> <p>6.5 Unless otherwise ordered any rule or order under which a matter of privilege stands referred, or is referred, to a committee (however described) for inquiry and report is a reference to the Committee.</p>	<p>7. Procedure and Privileges Committee</p> <p>7.1 <i>A Procedure and Privileges Committee</i> is established.</p> <p>7.2 The Committee consists of 5 Members, including the President and the Chair of Committees, and any Members co-opted by the Committee whether generally or in relation to a particular matter. The President is the Chair, and the Chair of Committees is the Deputy Chair, of the Committee.</p> <p>7.3 With any necessary modifications, Standing Order 162 applies to a co-opted Member.</p> <p>7.4 The Committee is to keep under review the law and custom of Parliament, the rules of procedure of the House and its Committees, and recommend to the House such alterations in that law, custom, or rules that, in its opinion, will assist or improve the proper and orderly transaction of the business of the House or its Committees.</p>	<p>proposed change to membership, to provide for the President, Chair of Committees, and three other Members appointed by the House (the Deputy Chairs of Committees would no longer be <i>ex officio</i> members of the PPC)</p> <p>s6.5 deleted - not required given new SO 92 row 176</p>
500	<p>5. Parliamentary Services Committee</p> <p>5.1 <i>A Parliamentary Services Committee</i> is established.</p> <p>5.2 The Committee consists of 5 Members.</p> <p>5.3 It is the function of the Committee to advise the President on any matter under the joint control of the President and the Speaker and on any other matter referred to the Committee for its consideration by the President.</p> <p>5.4 The Committee has power to confer with a committee of the Legislative Assembly having similar functions.</p> <p>5.5 The Committee is not to exercise a power under section 4 or section 5 of the <i>Parliamentary Privileges Act 1891</i> without prior order of the House on each occasion.</p> <p>5.6 The President presides at any meeting of the Committee attended by the President.</p>	<p>8. Parliamentary Services Committee</p> <p>8.1 <i>A Parliamentary Services Committee</i> is established.</p> <p>8.2 The Committee consists of 5 Members.</p> <p>8.3 It is the function of the Committee to advise the President on any matter under the joint control of the President and the Speaker and on any other matter referred to the Committee for its consideration by the President.</p> <p>8.4 The Committee has power to confer with a committee of the Legislative Assembly having similar functions.</p> <p>8.5 The Committee is not to exercise a power under section 4 or section 5 of the <i>Parliamentary Privileges Act 1891</i> without prior order of the House on each occasion.</p> <p>8.6 The President presides at any meeting of the Committee attended by the President.</p>	<p>no change</p>

SCHEDULE 2

JOINT STANDING RULES AND ORDERS OF THE LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
	Chapter XXXV		
501	<p style="text-align: center;"><i>JOINT STANDING RULES AND ORDERS OF THE LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY</i></p> <p>STANDING COMMITTEES</p> <p>Appointment of standing committees</p> <p>1. <i>Repealed by Resolution of the House June, 10 1998.</i></p>	<p>THE JOINT STANDING RULES AND ORDERS OF THE LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY</p> <p>WILL NOT CHANGE</p>	
502	<p>JOINT COMMITTEES</p> <p>Constitution of committees</p> <p>2. <i>Repealed by Resolution of the House June, 10 1998.</i></p>		
503	<p>BILLS</p> <p>Bills fair printed when passed</p> <p>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.</p>		
504	<p>Bill printed on vellum</p> <p>4. When such Bill shall have passed both Houses of the Legislature, it shall be fair printed by the Government Printer, who shall furnish 3 fair prints thereof on vellum or other suitable material to the Clerk of the Parliaments.</p>		
505	<p>Bills to be authenticated</p> <p>5. Such 3 fair prints of each Bill shall be duly authenticated by the Clerk of the Parliaments.</p>		
506	<p>Bills presented to Governor by Clerk of Parliaments</p> <p>6. The 3 fair prints of all Bills, except the Appropriation Bill, shall, when passed, be presented to His Excellency the Governor for Her Majesty's assent, by the Clerk of the Parliaments.</p>		

SCHEDULE 2

JOINT STANDING RULES AND ORDERS OF THE LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
507	<p>Disposal of Bills</p> <p>7. When His Excellency the Governor shall have assented in the name of Her Majesty to any Bill, one of the fair prints thereof, on vellum, or other suitable material, shall be deposited by the Clerk of the Parliaments in the Registry of the Supreme Court, another shall be delivered to the Private Secretary of His Excellency the Governor for transmission to Her Majesty's Principal Secretary of State for the Colonies, and the third shall be registered and retained in the office of the Chief Secretary.</p>		
508	<p>Title to set forth objects of Bill</p> <p>8. The Title of every Bill shall succinctly set forth the general objects thereof.</p>		
509	<p>Numbering of Acts</p> <p>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 "<i>assented to</i>" or "<i>reserved</i>" (as the case may be) immediately after the Title, commencing a new series of numbers in each calendar year.</p>		
510	<p>Clerk of the Parliaments</p> <p>10. The Clerk of the Legislative Council shall be Clerk of the Parliaments.</p>		
511	<p>In case of absence of Clerk of the Parliaments</p> <p>11. In case of the unavoidable absence or illness of the Clerk of the Parliaments, the duties imposed upon him by these rules shall be performed by the Clerk of the Legislative Assembly.</p>		
512	<p>Clerical Errors</p> <p>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 His Excellency the Governor for the Royal Assent, the Clerk of the Parliaments shall report the same to the House in which the Bill originated, which House may deal with the same as with other amendments.</p>		

SCHEDULE 2

JOINT STANDING RULES AND ORDERS OF THE LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
513	<p>Interpretation</p> <p>13. In any Joint Standing Rules and Orders of the Legislative Council and Legislative Assembly, the words “<i>in writing</i>” or “<i>written</i>” shall be deemed to mean and include either written or printed, or partly written and partly printed.</p>		
514	<p align="center">Chapter XXXVI</p> <p align="center"><i>ELECTION OF A SENATOR TO THE FEDERAL PARLIAMENT</i></p> <p>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 <i>section 15 of the Commonwealth of Australia Constitution Act</i>, 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 14 days after the date of such motion.</p>		
515	<p>2. The President and Speaker shall, as soon as practicable, inform the Council and Assembly respectively of the date and place so fixed.</p>		
516	<p>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.</p> <p>At such sitting the President of the Council, or, in his absence, the Speaker of the Assembly, shall preside.</p>		
517	<p>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.</p>		

SCHEDULE 2

JOINT STANDING RULES AND ORDERS OF THE LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
518	<p>5. At such meeting the following regulations shall be observed: -</p> <p>(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.</p> <p>(b) If only one person be proposed and seconded, the President shall declare: - <i>“That has been chosen to hold the vacant place in the Senate”</i>.</p> <p>(c) If more than one person be proposed and seconded, the person to hold the vacant place shall be chosen by ballot.</p> <p>(d) No person shall be proposed after the President has given directions to proceed with the first ballot.</p> <p>(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 ballot box.</p> <p>(f) The President shall appoint a Member of each House to be scrutineers, who, with the Clerks of the two Houses, shall ascertain the number of votes for each candidate.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>		

SCHEDULE 2

JOINT STANDING RULES AND ORDERS OF THE LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY

ROW	EXISTING STANDING ORDERS	PROPOSED STANDING ORDERS	NOTES
519	<p>(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:</p> <p style="text-align: center;">-</p> <p style="text-align: center;"><i>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 House 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</i></p> <p>(l) The President shall in all cases be entitled to vote.</p> <p>(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.</p>		
520	<p>6. After the joint sitting the President of the Council and Speaker of the Assembly shall inform the Council and Assembly respectively of the result thereof, and the same shall be recorded.</p>		

SCHEDULE 3 DEFINITIONS

[see Standing Order 1]

ROW	EXISTING STANDING ORDER	PROPOSED NEW SCHEDULE	NOTES
521	<p>Interpretation</p> <p>3. In these standing orders the words and phrases following shall have the meanings hereby respectively assigned to them, viz:</p> <p>“Assembly.” means the Legislative Assembly of Western Australia.</p> <p>“Bell” or “Bells.” means an electric bell or electronic bell sound unit operated from the Table of the House, or a hand bell rung by an officer or attendant detailed for that duty by the Clerk.</p> <p>“Chairman.” includes the term ‘Chairwoman’, ‘Chairperson’, or ‘Chair’.</p> <p>“Clerk.” means the Clerk of the Legislative Council or the Deputy Clerk or the Deputy Clerk (Committees) when performing his duties.</p> <p>“Council.” means the Legislative Council of Western Australia or the Council sitting as a House in contradistinction to sitting in Committee.</p> <p>“Elect.” means after nominations have been taken a ballot shall be held, if necessary, to decide who shall be elected.</p> <p>“Elected.” shall have a corresponding meaning.</p> <p>“Leave of Absence.” means leave granted pursuant to SO’s. 58 to 60.</p> <p>“Leave of the Council.” means leave granted by the Council without a dissentient voice.</p> <p>“Minister.” means a Minister of the Crown.</p> <p>“Minutes.” means the Minutes of Proceedings of the Legislative Council.</p> <p>“Strangers.” means all persons other than Members of the Council and the Officers thereof.</p> <p>“Subject matter of Bill.” means the provisions of the Bill as printed, read a second time, and referred to the Committee.</p>	<p>In these Standing Orders, the following words and phrases shall have the meanings hereby respectively assigned to them:</p> <p>“absolute majority” means the majority of the total membership of the House (including the President).</p> <p>“Assembly” means the Legislative Assembly of Western Australia.</p> <p>“Assembly Bill” means a Bill originating in the Legislative Assembly.</p> <p>“Clerk” means the Clerk of the Legislative Council and Clerk of the Parliaments.</p> <p>“committal” means referred to the Committee of the Whole House.</p> <p>In relation to Committees -</p> <p style="padding-left: 20px;">“evidence” is any information or item provided to, or received by, a Committee, and includes -</p> <p style="padding-left: 40px;">(a) an oral, written or electronic submission; and</p> <p style="padding-left: 40px;">(b) any document or record.</p> <p>“documentation” is any correspondence or information produced by a Committee.</p> <p>“deliberations” are a Committee’s consideration of evidence or a draft report.</p> <p>“proceedings” are any Committee business that is not “evidence”, “documentation” or “deliberations”.</p> <p>“Constitution” means the Constitution of Western Australia (comprising the <i>Constitution Act 1889</i>, <i>Constitution Acts Amendment Act 1899</i> and the other sources of Western Australian constitutional law).</p> <p>“Council” means the Legislative Council of Western Australia or the Council sitting as a House in contradistinction to sitting as a Committee of the Whole House.</p> <p>“Council Bill” means a Bill originating in the Legislative Council.</p> <p>“floor of the Council” means the area from behind the President’s Chair to the Bar of the House/President’s Gallery.</p> <p>“instruction” means a resolution passed to instruct or direct a Committee or the Committee of the Whole House.</p> <p>“Joint Committee” means a Committee created pursuant to resolution of both Houses, comprising Members from both Houses.</p> <p>“laid aside” means that the House has decided not to proceed with a particular proposal and has resolved to defeat it.</p> <p>“leave” and “leave of the Council” means leave granted by all Members of the Legislative Council present without a dissentient voice.</p>	<p>proposed Standing Orders to include footnote attached to “absolute majority” to specify current number is 19 Members</p>

**SCHEDULE 3
DEFINITIONS**

[see Standing Order 1]

ROW	EXISTING STANDING ORDER	PROPOSED NEW SCHEDULE	NOTES
522		<p>“Managers” means Members appointed by the Council to represent the House at a Conference of Managers.</p> <p>“Member” means a Member of the Legislative Council.</p> <p>“Minister” means a Minister of the Crown.</p> <p>“Minutes” means the Minutes of Proceedings of the Legislative Council.</p> <p>“Non-Government Member” is a Member of the Legislative Council who does not support the Government.</p> <p>“notice” means a stated intention for a new item of business to be considered by the House.</p> <p>“order of the day” means a formal agenda item of business, including a Bill or motion.</p> <p>“prorogation” means the formal ending of a session of Parliament by the Governor.</p> <p>“quorum” (s.14 of the <i>Constitution Acts Amendment Act 1899</i>) means at least one-third of the Members of the Legislative Council, exclusive of the President (such whole number as is next greater).</p> <p>“recommitted”/“recommittal” means referred again to the Committee of the Whole House.</p> <p>“records of the Council” means the original documents and items presented to or created by the House or its Committees, including tabled papers, minutes, Committee evidence and Committee documentation.</p> <p>“Select Committee” means a Committee established by the House for a specific purpose and for a specific period of time. A Select Committee is dissolved upon its final report to the House.</p> <p>“Standing Committee” means a permanent, ongoing Committee established by the House.</p> <p>“strangers” means all persons other than Members of the Legislative Council and parliamentary officers.</p> <p>“Subject Matter of a Bill” means the provisions of the Bill as printed, read a second time and referred to the Committee of the Whole House (also referred to as ‘scope of the Bill’).</p> <p>“substantive motion” means a self-contained proposal, drafted in a form capable of expressing a decision or opinion of the House.</p> <p>“unparliamentary language” means any language that falls within Standing Orders 43 and 44.</p>	<p>proposed Standing Orders to include footnote attached to “quorum” to specify current number is 12 Members</p>

SCHEDULE 4
CONTEMPTS OF THE COUNCIL
[Standing Order 93]

ROW	EXISTING STANDING ORDERS	PROPOSED NEW SCHEDULE	NOTES
523		<p>Criteria to be taken into Account when Determining Matters relating to Contempt</p> <p>The Council shall take into account the following criteria when determining whether matters possibly involving contempt should be referred to the <i>Procedure and Privileges Committee</i> and whether a contempt has been committed, and requires the <i>Procedure and Privileges Committee</i> to take these criteria into account when inquiring into any matter referred to it -</p> <ul style="list-style-type: none"> (a) the principle that the Council’s power to adjudge and deal with contempts should be used only where it is necessary to provide reasonable protection for the Council and its Committees and for Members against improper acts tending substantially to obstruct them in the performance of their functions, and should not be used in respect of matters which appear to be of a trivial nature or unworthy of the attention of the Council; (b) the existence of any remedy other than that power for any act which may be held to be a contempt; and (c) whether a person who committed any act which may be held to be a contempt - <ul style="list-style-type: none"> (i) knowingly committed that act; or (ii) had any reasonable excuse for the commission of that act. <p>Matters constituting Contempts</p> <p>That, without derogating from its power to determine that particular acts constitute contempts, the Council declares, as a matter of general guidance, that breaches of the following prohibitions, and attempts or conspiracies to do the prohibited acts, may be treated by the Council as contempts.</p> <p><i>Interference with the Council</i></p> <p>A person shall not improperly interfere with the free exercise by the Council or a Committee of its authority, or with the free performance by a Member of the Council’s duties as a Member.</p>	<p>New Schedule linked to new SO 93 row 177 sourced from the Senate</p> <p>recommendation of the former Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament.</p> <p>sourced from the Senate, with minor modifications</p>

SCHEDULE 4
CONTEMPTS OF THE COUNCIL
[Standing Order 93]

ROW	EXISTING STANDING ORDERS	PROPOSED NEW SCHEDULE	NOTES
524		<p><i>Improper Influence of Members</i></p> <p>A person shall not, by fraud, intimidation, force or threat of any kind, by the offer or promise of any inducement or benefit of any kind, or by other improper means, influence a Member in the Member's conduct as a Member or induce a Member to be absent from the Council or a Committee.</p> <p><i>Members Seeking or Receiving Benefits</i></p> <p>A Member shall not ask for, receive or obtain, any property or benefit for the Member, or another person, on any understanding that the Member will be influenced in the discharge of the Member's duties, or enter into any contract, understanding or arrangement having the effect, or which may have the effect, of controlling or limiting the Member's independence or freedom of action as a Member, or pursuant to which the Member is in any way to act as the representative of any outside body in the discharge of the Member's duties.</p> <p><i>Molestation of Members</i></p> <p>A person shall not inflict any punishment, penalty or injury upon, or deprive of any benefit, a Member on account of the Member's conduct as a Member.</p> <p><i>Disturbance of the Council</i></p> <p>A person shall not wilfully disturb the Council or a Committee while it is meeting, or wilfully engage in any disorderly conduct in the precincts of the Council or a Committee tending to disturb its proceedings.</p> <p><i>Service of Writs</i></p> <p>A person shall not serve or execute any criminal or civil process in the precincts of the Council except with the consent of the Council or the President.</p> <p><i>Exemption from Compulsory Attendance in a Court or Tribunal</i></p> <p>A Member shall not be required to attend before a court or tribunal, if that attendance would interfere with the proceedings of the House or its Committees, but may attend voluntarily.</p> <p><i>False Reports of Proceedings</i></p> <p>A person shall not wilfully publish any false or misleading report of the proceedings of the Council or of a Committee.</p>	

SCHEDULE 4
CONTEMPTS OF THE COUNCIL
[Standing Order 93]

ROW	EXISTING STANDING ORDERS	PROPOSED NEW SCHEDULE	NOTES
525		<p><i>Disobedience of Orders</i></p> <p>A person shall not, without reasonable excuse, disobey a lawful order of the Council or of a Committee.</p> <p><i>Obstruction of Orders</i></p> <p>A person shall not interfere with or obstruct another person who is carrying out a lawful order of the Council or of a Committee.</p> <p><i>Interference with Witnesses</i></p> <p>A person shall not, by fraud, intimidation, force or threat of any kind, by the offer or promise of any inducement or benefit of any kind, or by other improper means, influence another person in respect of any evidence given or to be given before the Council or a Committee, or induce another person to refrain from giving such evidence.</p> <p><i>Molestation of Witnesses</i></p> <p>A person shall not inflict any penalty or injury upon, or deprive of any benefit, another person on account of any evidence given or to be given before the Council or a Committee.</p> <p><i>Obstruction by Witnesses</i></p> <p>(1) A witness before the Council or a Committee shall not -</p> <ul style="list-style-type: none"> (a) without reasonable excuse, refuse to make an oath or affirmation or give some similar undertaking to tell the truth when required to do so; (b) without reasonable excuse, refuse to answer any relevant question put to the witness when required to do so; or (c) give any evidence which the witness knows to be false or misleading in a material particular, or which the witness does not believe on reasonable grounds to be true or substantially true in every material particular. <p>(2) A person shall not, without reasonable excuse -</p> <ul style="list-style-type: none"> (a) refuse or fail to attend before the Council or a Committee when ordered to do so; or (b) refuse or fail to produce documents, or to allow the inspection of documents, in accordance with an order of the Council or of a Committee. 	

SCHEDULE 4
CONTEMPTS OF THE COUNCIL
[Standing Order 93]

ROW	EXISTING STANDING ORDERS	PROPOSED NEW SCHEDULE	NOTES
526		<p>(3) A person shall not wilfully avoid service of an order of the Council or of a Committee.</p> <p>(4) A person shall not destroy, damage, forge or falsify any document required to be produced by the Council or by a Committee.</p> <p><i>Unauthorised Disclosure</i></p> <p>A person shall not, without the authority of the Council or a Committee, disclose or publish -</p> <ul style="list-style-type: none"> (a) a document submitted to the House, where the House has ordered that document not be made public; (b) any private or <i>in camera</i> evidence received by a Committee; (c) any documentation produced by a Committee; or (d) any deliberation of a Committee. 	