

**South Australia**

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**STANDING ORDERS**

for

REGULATING THE PUBLIC BUSINESS

of the

**HOUSE OF ASSEMBLY**

TOGETHER WITH

**THE JOINT STANDING ORDERS**

of the

**HOUSES**

BY AUTHORITY: Government Printer, South Australia

**1999**



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# STANDING ORDERS

O F T H E

## HOUSE OF ASSEMBLY

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ADOPTED BY THE HOUSE OF ASSEMBLY-9 DECEMBER 1913

APPROVED BY THE GOVERNOR-18 DECEMBER 1913

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### FURTHER AMENDMENTS

#### **Adopted by the House of Assembly**

20 August 1914  
23 October 1918  
11 November 1920  
6/7 December 1939  
20 November 1952  
30 September 1953  
12 February 1957  
19 October 1966  
27 November 1968  
16 October 1969  
6 April 1972  
23 October 1973  
25 February 1975  
6 March 1986  
11 October 1989  
26 November 1998

#### **Approved by the Governor**

27 August 1914  
31 October 1918  
24 November 1920  
21 December 1939  
18 December 1952  
8 October 1953  
14 February 1957  
10 November 1966  
12 December 1968  
30 October 1969  
20 April 1972  
25 October 1973  
27 February 1975  
24 April 1986  
29 October 1989  
4 February 1999

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*The numbers in brackets in the headings denote the numbers of  
the corresponding Standing Orders in the 1972 volume*

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*Amendments in footnotes in this version (2011) marked # are clerical in nature*



**CHAPTER 1**  
**GENERAL RULE FOR CONDUCT OF BUSINESS**

**1 Usages of House of Commons to be observed, unless other provision is made (1)**

In all cases that are not provided for in these Standing Orders or by sessional or other orders, or by the practice of the House, the rules, forms and practice of the Commons House at Westminster are followed as far as they can be applied to the proceedings of this House.

## CHAPTER 2

### PROCEEDINGS ON THE OPENING OF A NEW PARLIAMENT

#### **2 Proclamations read and commissions received (2-5)**

On the first day that a new Parliament meets for business in accordance with the Governor's proclamation,

- 1 Members of the Assembly meet at the time and place appointed in the Proclamation;
- 2 the Clerk then reads the Proclamation;
- 3 the House then awaits a message from the Commissioners appointed by the Governor for opening Parliament;
- 4 when the message has been received, the House attends at the place named in the message to hear the commission read;
- 5 a Commissioner appointed by the Governor for swearing Members is then announced to the House in its own Chamber and his/her commission is read by the Clerk.

#### **3 Writs of election produced and Members sworn (6)**

Members are then sworn as prescribed by the Constitution Act\*. When the oath is administered, the writ of election of each Member, endorsed on the return, is produced by the Clerk.

#### **4 Until Speaker is elected, Clerk acts as Chairman (7)**

Before the election of the Speaker, the Clerk of the House acts as Chairman of the House and in any debate before the Speaker assumes the Chair decides which Member may address the House. Any debate before the Speaker assumes the Chair must be strictly relevant to the election of the Speaker.

#### **5 How candidates are proposed as Speaker (8)**

After the Members present have been sworn, the House chooses a Member for its Speaker. Candidates for Speaker are proposed in the following way:

- 1 a Member, addressing the Clerk, proposes some other Member then present to the House as Speaker, and
- 2 moves "That ... take the Chair of this House as Speaker".

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\* See Constitution Act 1934, sec 42

**6 If only one Member proposed, the Member is called to the Chair (9-11)**

If only one Member is proposed and seconded as Speaker,

- 1 that Member is called to the Chair of the House without a question being put;
- 2 the Member then stands up in his/her place and expresses an awareness of the honour to be conferred and submits to the House, and
- 3 then is conducted from his/her place by the proposer and the seconder.

**7 If more than one Member proposed, Members proposed address the House (12)**

If more than one Member is proposed and seconded as Speaker, each Member proposed may address the House.

**8 Mode of decision between candidates (13)**

If more than one Member is proposed and seconded as Speaker,

- 1 each Member of the House then present delivers to the Clerk the name of the candidate he/she chooses to be Speaker of the House;
- 2 the candidate who has the greatest number of votes becomes the Speaker, provided that candidate also has an absolute majority of the votes validly cast;
- 3 if no candidate has such an absolute majority, the name of the candidate who has the smallest number of votes is withdrawn and a fresh ballot of the Members then present takes place;
- 4 this is done as often as necessary, until one candidate is elected Speaker by an absolute majority of the votes validly cast;
- 5 the Speaker is then conducted to the Chair.

## **9 In case of tie (14)**

If there are only two candidates for Speaker, or if the number of candidates has been reduced to two, or if there is an equality of votes among candidates having the smallest number of votes,

- 1 the Clerk declares such to be the case, and
- 2 the ballot again takes place, and
- 3 if there is an equality of votes in this ballot, the Clerk determines by lot the candidate who is elected Speaker, or whose name is withdrawn, as the case requires.

## **10 The Speaker takes the Chair (15)**

When the Speaker has been conducted to the Chair,

- 1 the Speaker, standing on the upper step, returns an acknowledgment to the House for the honour that has been conferred, and assumes the Chair;
- 2 then the mace which before lay under the Table is laid upon the Table;
- 3 Members may then congratulate the Speaker.

## **11 Appointment for presentation of the Speaker to the Governor (16)**

A Minister then informs the House at what time the Governor will receive the House for the presentation of the Speaker to His Excellency. The sitting of the House is suspended until immediately prior to that time, unless the Governor is prepared to receive the House at once. If the sitting of the House is suspended, the Speaker resumes the Chair at the stated time.

## **12 The presentation of the Speaker to the Governor (17)**

The Speaker then proceeds with any Members then present to Government House for the presentation of the Speaker to the Governor.

*Lays claim to privileges*

At the presentation, the Speaker, in the name and on behalf of the House, lays claim to its undoubted rights and privileges\*, and requests that the most favourable construction be put on all its proceedings. On returning, the Speaker passes through the Assembly Chamber, resumes the Chair and reports his/her presentation to the Governor and that he/she laid claim on behalf of the House to its undoubted rights and privileges.

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\* See Constitution Act 1934, sec 38 - 40

### **13 Time announced for the Governor to address the Parliament(18)**

A Minister then informs the House at what time the Governor will summon the House to hear His Excellency's reasons for calling Parliament together. The sitting of the House may then be suspended to that time.

### **14 Chairman of Committees, appointment of (20)**

After the election of the Speaker, a Member is chosen by the House to be Chairman of Committees. The Chairman holds office during the continuance of the new Parliament, unless the House directs otherwise. The Chairman takes the Chair of all Committees of the whole House.

If more than one Member is proposed and seconded as Chairman of Committees, the election is as provided for the election of the Speaker.

## **CHAPTER 3 VACANCIES AND ABSENCES**

### **15 Privileges not claimed during currency of Parliament (19)**

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

### **16 Introduction of new Members (21)**

A Member returned at other than a general election is introduced to the House by another Member.

### **17 In absence of Speaker, Deputy Speaker acts (23)**

Whenever the House is informed by the Clerk at the Table of the absence of the Speaker\*, the Chairman of Committees as Deputy Speaker performs the duties and exercises the authority of the Speaker in relation to all proceedings of the House but gives place to the Speaker on his/her return.

### **18 Continued absence of Speaker or Chairman (24)**

If the House is informed by the Clerk at the Table of the likelihood of the continued absence of the Speaker or of the Chairman of Committees, the House may appoint another Member to act, as Deputy Speaker or as Chairman of Committees, as the case requires, during this continued absence.

### **19 Temporary absence of Speaker (25)**

The Chairman of Committees takes the Chair as Deputy Speaker whenever requested to do so by the Speaker during a sitting of the House.

### **20 Absence of Chairman (26)**

If the Chairman of Committees is absent from the Chamber or is contributing to the debate, the Speaker may request any Member present to take the Chair temporarily as Acting Deputy Speaker. The Acting Deputy Speaker immediately vacates the Chair on the return of the Speaker or of the Chairman of Committees or on the completion of the Chairman of Committee's contribution to the debate.

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\* See Constitution Act 1934, sec 35

## **21 Absence of both Speaker and Chairman (27)**

If at the meeting of the House both the Speaker and the Chairman of Committees are absent,

- 1 the Members present - if a quorum - may at once proceed to elect one of their number to take the Chair as Deputy Speaker for that day only, and
- 2 the question is put to the House by the Clerk immediately; but
- 3 if the motion is not carried, or
- 4 if there is no quorum of Members present three minutes after the time fixed for the meeting of the House,
- 5 the Clerk declares the House adjourned until the next sitting day, and
- 6 the names of the Members present are entered in the Journals.

## **22 Temporary Chairman (28)**

The Chairman of Committees (or in the absence of the Chairman, the Speaker) may request any Member present to take the Chair temporarily as Acting Chairman of Committees. The Acting Chairman immediately vacates the Chair on the return of the Chairman of Committees.

## **23 Powers of Deputy (29)**

Any Member occupying the Chair as Deputy Speaker or as Acting Deputy Speaker or as Chairman of Committees or as Acting Chairman of Committees has all the powers of the Speaker or of the Chairman of Committees, as the case requires, while that Member occupies the Chair.

## **24 Absence of the Clerk (30)**

**Amended Nov 1998**

If the Clerk of the House is absent, the duties of the Clerk are performed by the Deputy Clerk during the absence.

## **25 Absence of the Deputy Clerk (31)**

**Amended Nov 1998**

If the Deputy Clerk is absent, the Speaker may appoint some other person to perform the Deputy Clerk's duties during the absence.

## **26 Vacancy in Speakership during session (32)**

When the office of Speaker falls vacant during a session, the Clerk reports the vacancy to the House at its first sitting afterwards. The House then proceeds immediately to the election of a new Speaker.

## **27 Vacancy in Speakership during recess (33)**

When the office of Speaker falls vacant during recess (except by dissolution of Parliament),

- 1 the Clerk of the House reports the vacancy to the House when it returns from hearing the Governor's speech on opening the next session, and
- 2 the House then proceeds immediately to the election of a new Speaker.

## **CHAPTER 4**

### **OPENING OF SESSIONS**

#### **28 Clerk reads Proclamation (34-35)**

On the first day that Parliament meets for business in accordance with the Governor's Proclamation,

- 1 Members of the Assembly meet at the time and place appointed in the Proclamation,
- 2 the Clerk reads the Proclamation, and
- 3 the House then awaits a message from the Governor.

#### **29 Parliament opened by Sovereign (36)**

When the reasons for calling Parliament together are to be announced by the Sovereign in person,

- 1 the Speaker and the House may attend at the place appointed for the reading of the Sovereign's speech without awaiting or receiving any message from the Governor;
- 2 Standing Orders 31 to 35 apply as if every reference to the Governor's speech in those Standing Orders were a reference to the speech of the Sovereign;
- 3 Standing Order 33 applies as if the expression "The Sovereign" were substituted for the expressions "the Governor" and "His Excellency";
- 4 subject to the above paragraphs, the procedure is the same as when the reasons for calling Parliament together are announced by the Governor.

#### **30 When Parliament opened by Commissioners (37)**

When the reasons for calling Parliament together are announced by Commissioners appointed by the Governor, the same form is observed by the House as when the Governor opens Parliament in person.

#### **31 House hears Governor's speech (38)**

On receiving the message to hear the Governor's speech, the Speaker and Members attend at the place appointed by the Governor. When they return to their own Chamber after hearing the Governor's speech, the House may adjourn.

**32 Some formal business first transacted (40)**

Before the Governor's speech is reported to the House by the Speaker, some formal motion is made or some formal business is transacted.

**33 The Speaker reports the Governor's speech (41)**

The Speaker then reports (a) that the House that day attended the Governor, (b) that His Excellency made a speech to both Houses of Parliament and (c) that the Speaker obtained a copy of the speech. The Speaker then lays the copy of the speech on the Table.

**34 Address in Reply (42)**

A Member, when nominated by a Minister, moves an address to be presented to the Governor in reply.

**35 Address in Reply agreed to and presented to the Governor (43)**

When the address has been adopted, with or without amendments, the address is presented to the Governor. The address is presented to the Governor

- 1 by the Speaker accompanied by the mover and the seconder and any other Members who wish to attend, and
- 2 at the time that the Governor informs the Speaker His Excellency will receive the House.

**36 Only formal business before the adoption of address (44)**

No business other than that which is of a formal character is entered upon before the Address in Reply to the Governor's opening speech has been adopted.

**CHAPTER 5**  
**SITTING AND ADJOURNMENT OF THE HOUSE**  
**(See also Joint Standing Order 16)**

**37 Days and time of meeting (45)      Amended Nov 1998**

Unless otherwise ordered, the House meets for business on each Tuesday and Wednesday at 2.00 p.m. and on each Thursday at 10.30 a.m.

**38 Chair taken or House adjourned for lack of a quorum (46)**

The Chair is taken on every day fixed for the meeting. of the House at the time appointed. If there is no quorum\* three minutes after that time, the Speaker adjourns the House to the next sitting day. A quorum consists of at least 17 Members including the Speaker. The names of the Members present are entered in the Journals.

**39 Prayers (47)**

On taking the Chair each day the Speaker reads the following prayers:

"Almighty God, we humbly beseech you to bless this Parliament and to direct and prosper our deliberations to the advancement of Your Glory and the true welfare of the people of this State. Our Father, which art in Heaven, Hallowed be Thy Name, Thy Kingdom come. Thy will be done in earth, as it is in Heaven. Give us this day our daily bread. And forgive our trespasses, as we forgive them that trespass against us. And lead us not into temptation; but deliver us from evil. For Thine is the Kingdom, and the power, and the glory, forever and ever. Amen."

Whilst prayers are being read Members stand in their places and the Bar is drawn.

**40 Members after entry may not leave before a House is formed (48)**

A Member who enters the Chamber after the time appointed for the meeting of the House may not withdraw before a House is formed.

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\* See Constitution Act 1934, sec 37

**41 House proceeds to business on return from attending the Governor (49)**

When the Governor requests the attendance of the House, the House on returning proceeds with business even if less than a quorum is present, until notice is taken of the lack of a quorum.

**42 If tellers in a division report lack of a quorum, House is adjourned (50)**

If it appears on the report of the tellers in a division that there is no quorum,

- 1 the Speaker adjourns the House, without a question first being put, until the next sitting day; and
- 2 no decision of the House is considered to have been reached by that division; but
- 3 if the Speaker is satisfied that there is likely to be a quorum within a reasonable time, the Speaker announces that the Chair will be resumed at a stated time; but
- 4 if at that time there is no quorum, the Speaker adjourns the House to the next sitting day.

**43 When lack of a quorum noticed, the House is counted (51)**

*Amended Nov 1998*

If any Member takes notice that there is no quorum,

- 1 the Speaker stands up in his/her place and counts the House; and
- 2 if there is no quorum within three minutes after the House has been counted, the Speaker adjourns the *House* to the next sitting day; but
- 3 if the Speaker is satisfied that there is likely to be a quorum within a reasonable time, the Speaker announces that the Chair will be resumed at a stated time; but
- 4 if at that time there is no quorum, the Speaker adjourns the House to the next sitting day.

**44 Attention called to no quorum, all Members to remain (52)**

No Member may leave the Chamber while the bells are ringing for lack of a quorum.

**45 When lack of a quorum reported by Chairman of Committees (53)**

If the Chairman reports that there is no quorum,

- 1 the Speaker adjourns the House, without a question first being put, until the next sitting day; but
- 2 if the Speaker is satisfied that there is likely to be a quorum within a reasonable time, the Speaker announces that the Chair will be resumed at a stated time; but
- 3 if at that time there is no quorum, the Speaker adjourns the House until the next sitting day.

**46 Doors unlocked and bells rung when the House is counted (54)**

*Amended Nov 1998*

The doors of the House remain unlocked whenever the Speaker is engaged in counting the House. The bells are rung as in a division and three minutes are allowed for a quorum to be formed before the Speaker adjourns or suspends the House.

**47 Names of Members present at countout (55)**

Whenever the House is counted out, the names of the Members present are taken down by the Clerk at the Table and entered in the Journals.

**48 House adjourns by its own resolution, with exceptions (56)**

With the exception of the cases provided for in Standing Orders 21, 38, 42 43, 45, 51 and 140, the House may be adjourned only by its own resolution.

#### **49 Motion for adjournment (57)                      Amended Nov 1998**

A motion for the adjournment of the House may be moved only by a Minister. Unless otherwise ordered by the House, the motion is moved not later than 10.00 p.m. on Tuesdays and Wednesdays and not later than 5.00 p.m. on Thursdays. However, a motion for adjournment may be moved by a Minister at any time without notice, provided that:

- 1 if the motion is moved before the times given above, it may be debated for twenty minutes, with a maximum of ten minutes for each Member speaking; matters irrelevant to the motion may be debated; at the expiration of twenty minutes the motion is at once put from the Chair and no amendment is allowed;
- 2 if the motion is moved after the times given above, the motion, if seconded, is put from the Chair at once, without amendment or debate.

#### **50 Restriction on further motion (58)**

If a motion for adjournment is negatived, no new motion for adjournment may be entertained within 15 minutes of the preceding motion for adjournment.

#### **51 Automatic adjournment (58a)**

If the House has not adjourned at midnight on any sitting day, the Speaker adjourns the House at midnight, without a question first being put, until the next sitting day. If the House is in Committee of the whole, the Chairman of Committees vacates the Chair and reports to the Speaker.

**52 Matter of urgency (59)****Amended Nov 1998**

A Member may propose to the Speaker that a definite matter of urgency be submitted to the House for discussion. The Member who proposes the matter presents to the Speaker or the Clerk, by not later than 1.00 p.m. on a sitting day, a written notice of the matter proposed for discussion. The Speaker or Clerk provides a copy to a Minister and the Leader of the Opposition as soon as practicable.

If the Speaker determines that the proposed matter is in order, the Speaker reads it to the House at the time the period for asking questions would ordinarily commence and, provided that four Members support the proposed discussion by rising in their places, calls on the Member who proposed the matter to speak.

Each Member speaking to the matter is limited to fifteen minutes and the matter stands withdrawn after one hour. Not more than one matter of urgency may be discussed during the same sitting of the House.

**53 6.00 p.m. suspension (60)**

If at 6.00 p.m. the House or a Committee of the whole House is sitting, the sitting of the House or the Committee is suspended until 7.30 p.m., unless otherwise ordered. If, however, at that time a ballot or division has been ordered, the Speaker or Chairman of Committees, as the case requires, does not leave the Chair until the ballot or division has been completed and any formal business immediately consequent has been finished. After this it is in order, on motion, without discussion or amendment

- 1 to extend the sitting, or

- 2 to adjourn any question still pending and any business remaining on the Notice Paper to a future day and adjourn the House.

If, however, any one of these motions is lost, the sitting is at once suspended until 7.30 p.m.

**54 1.00 p.m. suspension (60a)****Amended Nov 1998**

If at 1.00 p.m. the House or a Committee of the whole House is sitting, the sitting of the House or Committee is suspended for one hour. If, however, at that time a ballot or division has been ordered, the provisions of Standing Order 53 (other than as to times) apply.

### **55 Extension of sitting beyond 6.00p.m (61)**

A motion moved by a Minister at any time to extend the sitting of the House beyond 6.00 p.m. is always in order.

### **56 Motion to fix the next meeting of the House (62)**

A motion to fix the next meeting of the House may be moved by a Minister at any time without notice.

### **57 Earlier meeting of House in certain circumstances (63)**

When the House stands adjourned and a Minister informs the Speaker that the public interest requires that the House meet at an earlier time than that originally fixed,

- 1 the Speaker, if satisfied that the public interest requires it, may give notice that the House will meet at an earlier time;
- 2 the House meets at the time stated in the notice;
- 3 the business to be transacted when the House meets at the earlier time includes the business set down on the Notice Paper for the day to which the House had originally adjourned;
- 4 the dates set down for the remainder of the business on the Notice Paper may be altered by motion moved without notice on the day on which the House resumes after the adjournment.

## **RECORDS OF THE HOUSE**

### **58 Votes and proceedings (64)**

All Votes and Proceedings of the House

- 1 are noted by the Clerks at the Table, and
- 2 after being examined by the Speaker, are published.

The Votes and Proceedings when so published from day to day and when signed by the Speaker and countersigned by the Clerk constitute the Journals of the House.

### **59 Custody of Records and Papers (65)**

The Clerk has custody of the Journals, records and all documents that are laid before the House. The Clerk may not take, nor permit to be taken, any such Journals, records or documents from the Chamber or offices, without the express leave of the Speaker.

## **CHAPTER 6**

### **ATTENDANCE AND PLACES OF MEMBERS**

#### **60 Record of Members (66)**

The Clerk keeps a record of the Members of the House. In this record are entered the names of all Members, the dates of their election, the dates of their taking their seats and the dates of, and the reasons for, their ceasing to be Members.

#### **61 Members to attend the sittings of the House (67)**

Every Member attends the sittings of the House, unless leave of absence is given by the House or the Member is suspended from those sittings.

#### **62 Leave of absence (68-71)**

Leave of absence from the service of the House may be granted to any Member on notice of motion stating the reason and period of absence. A Member is excused from service in the House or on any committee for the period of the leave of absence. A Member who has leave of absence forfeits that leave by attending the service of the House before the expiration of the leave.

#### **63 Daily record of attendance (72)**

The Clerk of the House keeps a daily record of Members who attend in their places at any time during the day's sitting. This record of attendance is included in the day's published Votes and Proceedings.

### **PLACES**

#### **64 Seats (73)**

Any question with regard to the seats to be occupied by Members is determined by the Speaker.

#### **65 Members speak from their places (74)**

All papers are presented and all motions are made by Members in their places.

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<sup>\*</sup> See Constitution Act 1934, sec 31 (1a) #

**66 Places reserved for Ministers (75)**

The front seats nearest to the right hand of the Speaker are reserved for Ministers.

**67 Members defer to Chair (76-77)**

Members defer to the Chair when passing to and from their seats and may not position themselves between the Chair and any Member who is speaking.

**68 Members to take their places (78)**

Members take their places immediately on entering the Chamber. While in the Chamber, Members may not move within the Chamber in such a way as to detract from the decorum of the House or impede its proceedings.

## **CHAPTER 7 STRANGERS**

### **69 Speaker's Gallery (79)**

Only the Speaker may admit strangers into the Speaker's Gallery. Members of the Legislative Council have privilege of admission there.

### **70 Withdrawal of Strangers (81)**

At the request of any Member, or at the Speaker's own discretion, the Speaker may order all or any strangers to withdraw.

### **71 No Stranger admitted to the body of the House (82)**

No Member may bring any stranger into any part of the House appropriated to the Members of the House while the House or Committee of the whole House is sitting.

### **72 Admission of Parliamentary Counsel and other advisers (82a)**

Notwithstanding Standing Order 71, Parliamentary Counsel and other advisers to a Minister on a matter presently under discussion in the House may be seated in the area on the floor of the House set aside for that purpose. The number of other advisers may not exceed two at any one time. During the Committee stages of a Bill, one of the two other advisers may be seated in a Chair allocated for that purpose adjacent to the Minister.

## **CHAPTER 8**

### **ARREST**

#### **73 Arrest of Members in the House (84)**

If any Member misbehaves in the House or interrupts the orderly conduct of business, the House may direct the Serjeant-at-Arms to take the Member into custody.

#### **74 Members ordered to attend (85)**

If a Member wilfully disobeys any lawful order of the House, the Member may be ordered to attend in his/her place to answer for the misconduct. Unless the excuses are deemed satisfactory, the House may direct the Serjeant-at-Arms to take the Member into custody.

#### **75 Arrest of Strangers in the House or gallery (86)**

At the direction of the Speaker, the Serjeant-at-Arms takes or delivers into custody any stranger

- 1 who is in any part of the Chamber appropriated to the Members of the House, or
- 2 who misbehaves in any other part of the House or gallery, or
- 3 who does not withdraw when strangers are directed to withdraw while the House or any Committee of the whole House is sitting.

A person taken into custody is discharged only on the special order of the House and after payment of certain fees, as provided below.

#### **76 Arrest of Stranger or Member to be reported (87)**

When any Member or other person has been taken into custody by the Serjeant-at-Arms, the arrest is reported to the House by the Speaker without delay. The House then fixes a time for the Member or other person to be brought to the Bar, to receive orders for commitment or discharge after payment of certain fees, as provided below.

**77 Fees for arrest or commitment (88)**

The following scale of fees is payable to the Serjeant-at-Arms on the arrest or commitment of any person by order of the House or the Speaker. Without the express direction of the House, no person is discharged out of custody until such fees are paid:

- For arrest.....\$50
- For commitment.....\$200



## **CHAPTER 9 ROUTINE OF BUSINESS**

### **78 Routine of business (90)**

**Amended Nov 1998**

Each day from 2.00 pm the House proceeds with its ordinary business in the following routine:

- 1 presentation of Petitions
- 2 replies to questions on notice and to questions without notice previously asked
- 3 giving notices of motion and asking questions without notice
- 4 noting of grievances
- 5 motions and orders of the day, as set down in the Notice Paper.

### **79 Precedence of business (91)**

**Amended Nov 1998**

Unless otherwise ordered by the House, and subject to Standing Orders 80A and 80B, Government business takes precedence over other business except questions and grievances.

### **80 Order of Government business (92)**

A Minister may move a motion without notice at any time to regulate the order of Government business. If on the adjournment of the House a Minister so requests the Clerk, the order of Government business may be varied.

## **80A Private Member's Business**                      **Inserted Nov 1998**

After the Address in Reply is completed, Private Member's Business has precedence over other business on Thursdays as follows;

(i) 10.30 am - 12.00 noon Bills, motions with respect to Committees (except reports of Committees) and motions for disallowance of regulations; and

(ii) 12.00 noon - 1.00 pm - Other Motions;  
provided that -

(a) Notices of Motion will take priority over Orders of the Day in

(i) and unless otherwise ordered, for the first 30 minutes in (ii);

(b) if all business in (i) is completed before the allotted time the House proceeds to (ii);

(c) if all business in (ii) is completed before 1.00 pm the sitting of the House is suspended until 2.00 pm;

(d) the following time limits will apply -

Mover, 15 minutes;

One Member opposing the question, as deputed by the Speaker, 15 minutes;

Other Members, 10 minutes;

Mover in reply, 5 minutes;

(e) an extension of 15 minutes may be granted, by leave, to a Member moving the second reading of a Bill;

(f) leave to continue remarks may not be sought by any Member, but a Member speaking when the allotted time for that category of business is completed has the right to be heard first when the debate is next called on.

## **80B Committee Reports**                                      **Inserted Nov 1998**

After the Address in Reply is completed, debate on Committee reports has precedence over other business on Wednesdays, after grievances, for one hour. The relevant provisions of Standing Order 80A apply during this time.

## **81 Presentation of Papers (93)**

Papers and returns may be presented at any time when there is no other business before the House.

**81A Grievance Debate****Inserted Nov 1998**

At the conclusion of the period for questions without notice the Speaker may propose the question "That the House note grievances". Up to six Members may speak for a maximum of five minutes each before the Speaker puts the question. The Speaker may exercise discretion in determining when each period of five minutes has elapsed, but not so as to reduce the speaking time for any Member to less than five minutes, and that discretion is not open to debate or dissent.

## **CHAPTER 10 PETITIONS**

### **82 Form of petitions (106, 105, 96-100, 103, 101)**

A petition may be lodged only if

- 1 it is respectful, decorous and temperate in its language,
- 2 it makes no reference to any Member's contribution to a debate in Parliament,
- 3 it is legibly written, typed or printed,
- 4 it ends with a request,
- 5 it is in English or is accompanied by a translation certified as correct by the Member who presents it,
- 6 it is signed by at least one person on the sheet on which the petition is written,
- 7 it is signed by the parties whose names are appended to the petition, or, in the case of corporations, is made under their common seal,
- 8 the signatures are written on the petition or on the sheets containing the request of the petition, and are not pasted upon, or transferred in any other way to, the petition or the sheets containing the request.

### **83 Presentation of petitions (107-111, 94)**

A petition may be presented only if

- 1 it is lodged by a Member,
- 2 it is not lodged by a Member from him/herself,
- 3 the Member who presents it puts his/her name and the number of signatures at the beginning of the petition,
- 4 the Member who presents it has examined it to ensure that it does not contain language disrespectful to any branch of the legislature and that it is in conformity with the rules and orders of the House,
- 5 it is lodged with the Clerk at least two hours before the meeting of the House at which it is to be presented,
- 6 it bears the Clerk's certificate that it is in conformity with Standing Orders.

**84 Time for presentation (95)**

A petition is presented before notices of motion are given, unless it refers to a question before the Chair. In this case the petition may be presented when the motion or order of the day is called on.

**85 Clerk to announce particulars of petitions lodged (112)**

The Clerk announces to the House the petitions lodged for presentation to the House. In the case of each petition, the Clerk announces the name of the Member who lodged it, the identity of the petitioners and the subject matter of the petition. The subject matter of a petition may not be discussed. Every petition presented as set out above is deemed to have been received by the House.

**86 Petitions referred to Ministers (112a)**

A copy of every petition lodged with the Clerk and received by the House is referred by the Clerk to the Minister responsible for the matters raised in the petition.

**87 To be received only as from the persons signing (102)**

A petition is received as the petition only of those parties who signed it.

## **CHAPTER 11**

### **NOTICES OF MOTION**

#### **88 Notice of motion given in writing (115)**

A Member on giving notice of motion reads it aloud and delivers a copy of the notice at the Table. The notice is to be legibly written, to be signed by the Member and the seconder and to show the day proposed for bringing on the motion.

#### **89 Notice given for absent Member (116)**

A Member, if duly requested, may give notice for any other Member not then present by putting the name of the absent Member on the notice of motion in addition to his/her own.

#### **90 Postponement of motion (117)**

A Member who wishes to change the day for bringing on a motion may give notice of the motion for a day other than that first named, in accordance with the same rules as for other notices of motion.

#### **91 Notice may be altered or withdrawn (118)**

After a notice of motion has been given,

1 on any day before the day for proceeding with that motion,  
and

2 at the usual time for giving notices,

the terms of the notice may be altered by the Member reading aloud and delivering at the Table an amended notice, or the notice may be withdrawn

#### **92 Notice not moved (119)**

If a Member is not in his/her place when the notice of motion given by that Member is called on, or if the Member fails to rise and move the motion, it is withdrawn from the Notice Paper. A notice of motion called on may be postponed as a notice until a future sitting day by another Member acting at his/her request.

#### **93 No notice received after commencement of business (120)**

No notice of motion may be received after the House has proceeded to the business of the day as set down on the Notice Paper.

**94 Unbecoming notices removed (121)**

If any notice contains unbecoming expressions or is otherwise irregular, the Clerks at the Table may amend it or the Speaker may order that it not be published or that it be removed from the Notice Paper.

**95 Giving more than one notice (122)**

A Member may give two notices of motion consecutively only if no other Member has a notice to give.

## **CHAPTER 12**

### **QUESTIONS SEEKING INFORMATION**

#### **96 Questions concerning public business (123)**

At the time for giving notices of motion,

- 1 questions relating to public affairs may be put to Ministers, and
- 2 questions may be put to other Members but only if such questions relate to any Bill, motion or other public business for which those Members, in the opinion of the Speaker, are responsible to the House.

#### **97 Such questions not to involve argument (124)**

In putting any such question, a Member may not offer argument or opinion, nor may a Member offer any facts except by leave of the House and only so far as is necessary to explain the question.

#### **98 No debate allowed (125)**

In answering such a question, a Minister or other Member replies to the substance of the question and may not debate the matter to which the question refers.

#### **99 Answers in the form of statistical tables (126)**

Tables of statistics included in answers to questions may, by leave of the House, be inserted in Hansard without being read.

#### **100 Period for questions without notice (127)**

Unless otherwise ordered, the period for asking questions may not exceed one hour. If, however, the last question asked or begun to be asked before the expiration of that hour has not been answered, the question may be answered even though the period of one hour has expired.

#### **101 Questions on notice (128)**

**Amended Nov 1998**

Notices of questions are given in writing to the Clerk Assistant at least two hours before the time fixed for the meeting of the House on Tuesdays and Wednesdays and one and a half hours on Thursdays.

### **102 When entered on the Notice Paper (129)**

When notices of questions are given, the Clerk places them on the next day's business paper.

### **103 Answers to questions on notice or to questions without notice asked but not answered (130)**

The answer

- 1 to a question on notice, or
- 2 to a question without notice asked but not yet answered is given by delivering the answer in writing to the Clerk at least two hours before the time fixed for the meeting of the House each day. After presentation of Petitions the Speaker, if satisfied that the answers are in accordance with Standing Orders, directs that a copy of the answer be supplied to the Member who asked the question and that the question and the answer be published in *Hansard*.



## **CHAPTER 13**

### **RULES OF DEBATE**

#### **104 Members to address the Speaker standing (131)**

A Member who wishes to speak rises in his/her place and addresses the Speaker.

#### **105 Indulgence to Member unable to stand (132)**

A Member unable to stand by reason of sickness or infirmity may speak while sitting.

#### **106 The Speaker calls upon Member to speak (133)**

When two or more Members rise together to speak, the Speaker calls upon the Member who, in the Speaker's opinion, rose first.

#### **107 Ministerial statement (136)**

A Minister, by leave of the House and so as not to interrupt any other business, may make a statement relating to matters of Government policy or public affairs. Without further leave of the House, the time allowed for the statement is limited to fifteen minutes.

#### **108 Personal explanation (137)**

By leave of the House, a Member may make a personal explanation even if there is no question before the House. The subject matter of the explanation may not be debated. Without further leave of the House, the time allowed for a personal explanation is limited to five minutes.

#### **109 Unread statistical tables inserted in Hansard (138)**

When a Member in speaking to a question refers to a statistical table relevant to the question, the table may, at the request of the Member and by leave of the House, be inserted in Hansard without being read.

**110 Member to speak to question (139)**

Unless otherwise specified, a Member may speak

- 1 to any question before the House, or
- 2 upon a question or amendment to be proposed by the Member, or
- 3 upon a question of order arising out of a debate, or
- 4 to a matter of privilege.

**111 Member not to speak twice (140)**

A Member may not speak twice to a question before the House, except in explanation or reply. A Member who has spoken to a question may not move, second or debate an amendment to that question at a subsequent stage of the debate.

**112 Or to reply in certain cases (142)**

A reply is allowed to a Member who has moved a substantive motion or moved the second or third reading of a Bill. No reply is allowed to a Member who has moved an amendment or instruction to a committee.

**113 Time limit on speeches (144)**

The Members referred to or described in column 1 below and in the circumstances described in that column speak for no longer than the time periods specified opposite in column 2, unless the House orders otherwise.

Column 1

Column 2

Circumstances in which Member speaks

Maximum Time for Speaking

(a) Address in Reply—

Mover..... 1 hour

Leader of Opposition or one Member  
deputed by him/her..... 1 hour

Any Member who is delivering his/her first  
speech to the House..... 1 hour

Any other Member..... 30 minutes

(b) Second Reading of a Bill—	
(i) Introduced by a Minister—	
Mover .....	Unlimited
Leader of Opposition, or one Member deputed by him/her .....	Unlimited
Mover in reply .....	1 hour
Any other Member .....	20 minutes
(ii) Introduced by a Private Member—	
Mover .....	Unlimited
Premier, or one Minister deputed by him/her .....	Unlimited
Leader of Opposition, or one Member deputed by him/her .....	Unlimited
Mover in reply .....	1 hour
Any other Member .....	20 minutes
(c) That the (Select Committee) report be noted—	
Each Member .....	20 minutes
Mover in reply .....	20 minutes
(d) Third Reading of a Bill—	
Each Member .....	20 minutes
Mover in reply .....	20 minutes
(e) Motion of want of confidence—	
Mover .....	Unlimited
Premier, or Minister deputed by him/her	Unlimited
Mover in reply .....	1 hour
Any other Member .....	20 minutes
(f) Substantive Motion—	
Mover .....	Unlimited
Principal Speaker in opposition	Unlimited
Mover in reply .....	1 hour
Any other Member .....	20 minutes
(g) Grievance debate under Standing Order No. 265—	
One Minister and Leader of Opposition or Member deputed by him/her...	30 minutes
Any other Member .....	10 minutes

## **114 Limitation on Debate (144a)**

### *Guillotine*

(a) A Minister may, at any time during a sitting of the House, move a motion or motions specifying the time to be allotted to all or any stages of a Bill or the consideration of Legislative Council amendments to the Bill. Such motions may not be amended or debated.

The order with regard to the time allotted to the Committee stage of the Bill may, out of the time allotted, apportion a certain time or times to a particular clause or clauses or to any particular part or parts of the Bill.

### *Motion*

(b) When any motion of any kind whatsoever has been moved, a Minister may, at any time during the sitting of the House or Committee of the whole, move a motion specifying the time to be allotted to the original motion. The Minister's motion may not be amended or debated.

Unless the debate is concluded sooner, immediately at the expiration of the allotted time the Speaker or Chairman of Committees puts from the Chair any questions on any amendment or motion already proposed.

### *Proceedings brought to conclusion*

(c) In order to conclude any proceedings as required under any of the preceding paragraphs of this Standing Order, the Speaker or the Chairman, when the allotted time has expired, immediately puts from the Chair

- 1 any question already proposed, and
- 2 any other question necessary to dispose of the business before the House or Committee, including
- 3 (when considering any Bill in Committee or any Legislative Council amendments or suggested amendments) any amendment, new clauses or schedules, copies of which have been brought to the Table and circulated among Members at least one hour before the expiration of the allotted time. No other amendments, new clauses or schedules may be proposed.

*Where time fixed for commencement of proceedings*

(d) If a time has been specified for the commencement of any proceedings under this Standing Order, when the specified time has been reached,

- 1 whatever business is before the House or Committee is postponed immediately, and
- 2 the first mentioned proceedings are begun, and
- 3 all steps necessary to enable this to be done are taken accordingly.

*Closure not to apply*

(e) Standing Order 151 does not apply to any proceedings to which time has been allotted under this Standing Order.

### **115 Agreement between Leaders (144b)**

Before the House meets for business in any week, the Premier and the Leader of the Opposition (or their nominees) may meet with a view to reaching an agreement on the manner in which the House is to deal with the business of that week.

### **116 The Speaker to prevent a Member speaking twice. Exceptions (145)**

Without waiting for the intervention of the House, the Speaker calls to order any Member who proceeds to speak a second time on the same question. Excepted from the above are

- 1 any Member who speaks to correct a matter of fact on which the Member has been misquoted or misunderstood, and
- 2 the mover of a motion when speaking in reply, and
- 3 any Member who seconds a motion or amendment before the House without speaking to it.

### **117 Reply closes debate (146)**

In all cases the reply of the mover of the original question closes the debate.

### **118 Debates of the same session not to be referred to (147)**

A Member may not refer to a debate on a question or Bill of the same session unless that question or Bill is presently being discussed. With the indulgence of the House, however, a Member may allude to such a debate for personal explanations.

### **119 Reflections upon votes of the House (148)**

A Member may not reflect upon a vote of the House except for the purpose of moving that the vote be rescinded.

### **120 Reference to debate in the other House (149)**

A Member may not refer to any debate in the other House of Parliament or to any measure impending in that House.

**121 Irreverent use of the Sovereign's name or the Governor's name (150)**

A Member may not use offensive or unbecoming words in reference to the Sovereign or the Governor nor may the Sovereign or the Governor be gratuitously referred to for the purpose of influencing the House in its deliberations.

**122 Offensive words against either House (151)**

A Member may not use offensive words against either House of Parliament.

**123 No Member to be referred by name (152)**

Members refer to other Members by the name of their electoral district or their Parliamentary title, and not otherwise.

**124 Members not to use unparliamentary language**

Members may not use unparliamentary language in the Chamber.

**125 Offensive words against Member (153)**

A Member may not use offensive or unbecoming words in reference to another Member. Subject to Standing Order 137, if the Member referred to takes objection to what he/she considers to be offensive or unbecoming words, the Speaker requests the Member uttering the words to withdraw them.

**126 Words to be objected to when used (168)**

A Member indicates his/her objection to words at the time they are used and not after any other Member has spoken.

**127 Digression; personal reflections on Members (154)**

A Member may not

- 1 digress from the subject matter of any question under discussion,
- 2 or impute improper motives to any other Member,
- 3 or make personal reflections on any other Member.

### **128 Irrelevance or repetition (156)**

If a Member indulges in irrelevance or tedious repetition of substance already presented in a debate,

1 the Speaker or Chairman may call the attention of the House or the Committee to that fact, and

2 may direct the Member to cease speaking.

The Member may require that the question be put whether he/she shall be further heard. That question is put without debate.

### **129 When the Speaker rises (157)**

Whenever the Speaker rises during a debate, all Members, including the Member speaking, sit down and the House keeps silent and the Speaker is heard without interruption.

### **130 When the Speaker is putting a question (158)**

When the Speaker is putting a question, no Member may walk out of or across the Chamber.

### **131 Interruption not allowed. Exceptions (159)**

A Member may not interrupt another Member who is speaking except

1 to call attention to a point of order, or

2 to call attention to the lack of a quorum, or

3 to move a motion that is permitted by Standing Orders to be moved at any time.

### **132 Consideration of other question suspended (161)**

All points of order and matters of privilege, whenever they arise, suspend the consideration of the question under discussion until they are decided. The Speaker may, with the concurrence of the House, defer a decision on the point of order or matter of privilege.

### **133 Complaints against media (162)** *Amended Nov 1998*

A Member who complains to the House as a breach of privilege about any statement published, broadcast or issued in any manner whatsoever is to give all details that are reasonably possible and be prepared to submit a substantive motion declaring the person or persons in question to have been guilty of contempt.

### **134 Proceedings on point of order (163)**

Subject to Standing Order 135, when a point of order is taken,

- 1 the Member speaking resumes his/her seat, and
- 2 then the Member who rose to the point of order states the point of order to the Speaker, and
- 3 the Speaker gives a ruling on the point of order.

### **135 Objection to ruling of the Speaker (164)**

If a Member objects to a ruling or decision of the Speaker,

- 1 the Member makes known the objection at once, and
- 2 moves a motion which, if seconded, is proposed to the House.

Debate on the motion is limited to ten minutes each for one speaker in favour and one speaker against the motion. The Speaker may make a statement in defence of the ruling or decision and then the question is put at once.

### **136 Objection to ruling of Chairman of Committees (165)**

If a Member objects to the ruling or decision of the Chairman of Committees,

- 1 the Member makes known the objection at once, and puts it in writing,
- 2 and then the Chairman leaves the Chair and the House resumes, and
- 3 the matter is laid before the Speaker.

When the matter has been disposed of, the proceedings in Committee are resumed where they were interrupted.

### **137 Obstruction (169)**

If any Member

- 1 persistently or wilfully obstructs the business of the House, or
- 2 persistently or wilfully refuses to conform to any Standing Order of the House, or
- 3 refuses to accept the authority of the Chair, or
- 4 having used unparliamentary language refuses either to explain its use to the satisfaction of the Speaker or to withdraw it and, if necessary in the opinion of the Speaker, apologise for its use,

the Speaker names the Member and reports the Member's offence to the House.

### **138 Member named by Chairman (170)**

The Chairman of Committees names any Member who, in a Committee of the whole House, commits any of the offences mentioned in Standing Order 137 and at once suspends proceedings and reports the circumstances to the House.

### **139 Suspension of a Member (171)**

When a Member has been named by the Speaker or the Chairman of Committees,

- 1 the Member has the right to be heard in explanation or apology;
- 2 unless the explanation or apology is accepted by the House, the Member then withdraws from the Chamber;
- 3 if the offence has been committed in the House, the Speaker, on a motion being moved (no amendment, adjournment or debate being allowed), then immediately puts the question, "That the Member be suspended from the service of the House";
- 4 if the offence has been committed in a Committee of the whole House, the Speaker puts the same question without amendment, adjournment or debate, as if the offence had been committed in the House itself.

A Member suspended under this Standing Order,

- 1 on the first occasion, is suspended for the remainder of the day's sitting; or, if the Member is suspended after the commencement of the adjournment debate, the Member is suspended also for the whole of the next day's sitting;
- 2 on the second occasion in the same session, is suspended for three consecutive sitting days;
- 3 on any subsequent occasion in the same session, is suspended for eleven consecutive sitting days.

A Member who is suspended from the service of the House is excluded from the House and its galleries during the period of suspension.

### **140 Speaker may adjourn the House (172)**

In cases of serious disorder, the Speaker may adjourn the House without a question being put or suspend the sitting to a time named by the Speaker.

#### **141 House does not permit quarrels (173)**

The House interferes to prevent quarrels between Members that arises out of debates or proceedings of the House or of any committee of the House.

#### **142 No noise or interruption allowed in debate (174)**

While a Member is speaking, no other Member may make a noise or disturbance or converse aloud or speak so as to interrupt the Member speaking except on a point of order.

#### **143 Rules of debate in Committee (176)**

The rules for maintaining order in debate are observed in every Committee of the whole House.

#### **144 Powers of Speaker**

The Speaker is responsible for the orderly conduct of proceedings of the House and for maintaining its decorum and dignity.

#### **145 Order to be maintained by Chairman in Committee (177)**

Order is maintained in a Committee of the whole House by the Chairman of Committees. Disorder in a Committee may be censured by the House only after receiving a report.

#### **146 Adjournment of debate (178)**

A debate may be adjourned

- 1 on a motion moved by a Member who has not spoken (the motion, if duly seconded, being put without discussion), or
- 2 by leave of the House being granted to a Member then speaking to continue his/her remarks at a future time. The debate thus adjourned may be adjourned either to a later hour of the same day or to another day.

#### **147 Member adjourning debate entitled to be heard first (179)**

The Member upon whose motion any debate is adjourned by the House is entitled to be heard first on the resumption of the debate. A Member who is granted leave to continue his/her remarks and who fails to continue immediately on the resumption of the debate may not speak again at any subsequent stage of the debate.

**148 Mover and seconder of motion for adjourning debate may afterwards address the House (180)**

If a motion for the adjournment of the debate is lost, the mover and seconder do not lose their right to speak in the debate.

**149 Restriction on further motions (181) *Amended Nov 1998***

If a motion for the adjournment of a debate is lost, or if a Member speaking to a question is refused leave to continue his/her remarks at a future time, a new motion for the adjournment of the debate or further request for leave to continue may not be made within fifteen minutes after the original motion or request is made. Excepted from the above are new motions for adjournment or new requests for leave to continue which are made within fifteen minutes before the time fixed for the suspension of the sitting of the House, and new motions for adjournment made at the conclusion of any speech during private Members' business.

**150 Debate interrupted (182-185)**

If a debate

- 1 on any motion which has been moved and seconded, or
- 2 on any order of the day, or
- 3 in a Committee of the whole House

is interrupted through lack of a quorum, or by the adjournment of the House, the business thus interrupted is set down on the Notice Paper for the next sitting day at the point where it was interrupted.

**151 Closure (186-187)**

The closure motion, "That the question be now put", moved at any time and seconded, takes precedence over all other business and is at once put from the Chair without amendment or debate. If the motion is carried,

- 1 the House votes on the question before it without further debate, but
- 2 the mover of the matter pending decision may speak in reply (where a reply is allowed) for not more than thirty minutes.

If the motion is lost,

- 1 the discussion on the original question is resumed where it was interrupted, and
- 2 a new closure motion may not be moved within fifteen minutes after the preceding closure motion has been lost.

**152 No Member to speak after question put (188)**

A Member may not speak to any question after the question has been put by the Speaker and the voices have been given on the question.

**153 Speaking to order during division (189)**

When a point of order is taken in a division, the Speaker determines whether it is to be taken into consideration at once or at the conclusion of the division.

## **CHAPTER 14**

### **QUESTIONS PUT FROM THE CHAIR**

#### **154 Questions put before the House by the Speaker (191)**

When a motion has been moved and seconded, a question on the motion is proposed to the House by the Speaker.

#### **155 Division of a complicated question (198)**

The House may order a complicated question to be divided.

#### **156 Question put (199)**

As soon as the debate on a question is concluded, the Speaker puts the question to the House. If the question is not heard, the Speaker states it again to the House.

#### **157 Question determined by the majority of voices (200)**

A question that has been put to the House is resolved in the affirmative or the negative, by the majority of voices, "aye" or "no".

#### **158 The Speaker states the result (201)**

The Speaker states whether, in his/her opinion, the "ayes" or the "noes" have it. If the Speaker's opinion is not accepted by the minority, the question is decided by a division of the House.

#### **159 The same question not to be again proposed (202)**

Except for the purpose of amending or repealing an Act, it is not in order to propose a question which is the same in substance as any question which has been resolved during the same session.

#### **160 Resolution or vote rescinded (203) Amended Nov 1998**

A resolution or other vote of the House may be read and rescinded. No resolution or other vote of the House may be rescinded during the same session except with the concurrence of an absolute majority of the whole House.

When it is moved to rescind a resolution or other vote, the Speaker counts the House and if a majority of all the Members is not present, the bells are rung for up to three minutes, during which time no Member may leave the Chamber, and if a majority of members is still not present, the motion lapses.

## **CHAPTER 15 AMENDMENTS**

### **161 Questions may be amended (204)**

A question that has been proposed may be amended.

### **162 Amendments to be in writing (205)**

An amendment to any motion before the House is put in writing and signed by the mover and the seconder.

### **163 Amendments to be seconded (206)**

An amendment proposed but not seconded is not entertained by the House.

### **164 Question on amendment (207)**

When an amendment has been moved, the question to be proposed is "That the amendment be agreed to".

### **165 Proposed amendment withdrawn (208)**

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

### **166 Amendments to proposed amendments (209)**

Amendments may be proposed to a proposed amendment as if to an original question.

### **167 Amendments, how dealt with (210-211)**

Amendments proposed

- 1 are not put to the House until the debate is closed, and
- 2 are put to the House at once and determined individually in the order in which, if agreed to, they would stand in the amended question.

When amendments have been put but not carried, the original question is at once put from the Chair.

## **CHAPTER 16 DIVISIONS**

### **168 When no division (212)**

A division may not be called for unless a voice or voices have been given for both the "ayes" and the "noes".

### **169 Member calling for a division (213)**

A Member who calls for a division may not leave the House before the division is counted and votes with those who, in the opinion of the Speaker, were in the minority.

### **170 No Member to vote if personally interested (214)**

A Member may not vote in any division on a question in which the Member has a direct pecuniary interest, and the vote of the Member who has such an interest is disallowed.

### **171 Division bell rung (217) **Amended Nov 1998****

As soon as a division is called for, the Clerk rings the division bell. The doors may not be closed until three minutes have passed, as indicated by the sandglass.

### **172 Doors locked after three minutes (218) *Amended Nov 1998***

The doors are closed and locked as soon after the lapse of three minutes as the Speaker directs. No Member may then enter or leave the Chamber until after the division.

### **173 Question put and Members divide to right and left (219)**

When the doors have been locked and Members are in their places, the Speaker again puts the question before the House and then directs the "ayes" to proceed to the right of the Chair and the "noes" to the left, and appoints one teller for each side.

### **174 All and only Members present to vote (220, 215)**

- 1 A Member may not vote in any division unless present in the House or its galleries when the question is put with the doors locked. The vote of any Member who is not so present is disallowed.
- 2 Every Member present in the House or its galleries when the question is again put remains and votes.

**175 If only one Member (221)**

If there is only one Member on a side in a division the Speaker at once declares the resolution arrived at without completing the division.

**176 Members counted and names taken down (222)**

When Members have taken their seats,

- 1 every Member is then counted and his/her name taken down by the tellers on either side;
- 2 each teller then signs his/her list and presents the list to the Speaker;
- 3 the Speaker then declares the result to the House.

**177 Division lists recorded (223)**

The Clerk enters the lists of divisions in the Votes and Proceedings.

**178 In case of error, House again divides (224)**

If there is confusion or error concerning the numbers reported, the House proceeds to another division, unless the confusion or error can be corrected otherwise.

**179 Mistakes corrected in the Journal (225)**

If the numbers have been inaccurately reported to the House, the Speaker, on being informed of the inaccurate report, orders the Votes and Proceedings to be corrected.

**180 When votes are equal, Speaker gives casting vote (226)**

When the votes are equal, the Speaker gives a casting vote. Any reasons that the Speaker gives for the casting vote are entered in the Votes and Proceedings.

**181 Divisions in Committee (227)**

The rule for voting and the requesting and taking of divisions is the same in Committee as in the House.



## CHAPTER 17

### MOTIONS

#### **182 No motion to be made without previous notice (228)**

A Member may move a motion initiating a subject for discussion only if notice of that motion has been openly given at a previous sitting of the House and has been duly entered on the Notice Paper.

#### *Exception*

With leave of the House, however, matters of a procedural nature may be moved without notice and the question put at once without debate.

#### **183 Precedence of motions (229)**

Motions have precedence each day according to the order in which the notices of those motions were given to the Clerk.

#### **184 Business not to be anticipated (230)**

A motion may not attempt to anticipate debate on any matter which appears on the Notice Paper.

#### **185 Motions not called on (231)**

Motions on the Notice Paper for a given day which have not been disposed of at the adjournment on that day are set down, in order, on the Notice Paper as notices of motion for the next sitting day. If, however, immediately on the adjournment a Member in whose name such a motion stands requests the Clerk to do so, the Clerk puts the motion down for some other day nominated by the Member.

#### **186 Postponement of Notice of Motion (Private Members) (119a)**

#### *Amended Nov 1998*

Any Notice of Motion to be moved by a private Member that has not been disposed of when the time for consideration of that Notice expires is set down (without any question being put) as a Notice of Motion for consideration on the next sitting day on which private Members' business would normally have precedence, but if at that time the Member in whose name the motion stands requests the Clerk to do so, the Clerk sets that Notice of Motion down for some other day nominated by the Member.

**187 Motion not seconded (234)**

A motion that is not seconded may not be further debated. Such a motion is not entered in the Votes and Proceedings.

**188 Restrictions on withdrawal of motions (235)**

A motion that has been moved is considered to be in the possession of the House and may be withdrawn only

1 if leave is granted, and

2 if any amendment that has been proposed is either withdrawn or put and decided.

**189 Motion withdrawn again brought on (236)**

A motion that has been withdrawn by leave of the House may be moved again during the same session.

**190**

*Repealed Nov 1998*

## **CHAPTER 18**

### **ORDERS OF THE DAY**

#### **191 Order of the day defined (238)**

An order of the day is a Bill or other matter which the House has ordered to be taken into consideration on a particular day.

#### **192 Order of the day, postponement (240)**

Consideration of an order of the day on the Notice Paper for a future day may, on a motion duly seconded and without discussion, be postponed until some other future day.

#### **193 Disposal of orders of the day (242)**

Unless otherwise ordered, orders of the day are disposed of in the order in which they stand upon the Notice Paper.

#### **194 Orders of the day (Government Business) (243)**

*Amended Nov 1998*

Any orders of the day on the Notice Paper that have not been disposed of at the adjournment of the House on that day are set down in order on the Notice Paper for the next sitting day. If, however, a Minister requests the Clerk to do so, the Clerk sets it down for some other sitting day nominated by the Minister.

#### **195 Order discharged (244)**

An order of the day may be read and discharged.

**196**

*Repealed Nov 1998*

#### **197 Postponement of Orders of the Day (Private Members) (245a)**

*Amended Nov 1998*

Any Order of the Day introduced by a private Member that has not been disposed of when the time for consideration of that Order expires is set down (without any question being put) as an Order of the Day for consideration on the next sitting day on which private Members' business would normally have precedence, but if at that time the Member in whose name the Order of the Day stands requests the Clerk to do so, the Clerk puts that Order of the Day down for some other day nominated by the Member.

## **CHAPTER 19**

### **PAPERS AND RETURNS**

#### **198 Papers, etc. ordered (246)**

- 1 Accounts and papers may be ordered to be laid before the House;
- 2 the Clerk communicates all orders for papers made by the House;
- 3 such papers are laid upon the Table by a Minister.

#### **199 Addresses for papers (247)**

When the Royal prerogative is concerned in any account or paper, an address is presented requesting that the account or paper be laid before the House.

#### **200 Form of such addresses (248)**

Motions for

- 1 the production of despatches or other correspondence addressed to the Governor, or
  - 2 for any information that comes from the Governor,
- are to be in the form. "That an address be presented to His Excellency" to that effect.

#### **201 Presented by command (249)**

Other papers may be presented in accordance with statute or by command of the Governor.

#### **202 Papers presented are public (250)**

- 1 All papers and documents laid upon the Table of the House, and
  - 2 all papers when received by the Speaker in accordance with Standing Order 204
- are considered public. Papers not ordered to be published may be inspected at the office of the House at any time (a) by Members and (b), unless ordered otherwise by the Speaker, by other persons. Copies of, or extracts from, these papers and documents may be made.

### **203 Publishing of papers (251)**

When any paper is laid before the House, it is in order to move that it be published. If necessary, a day may be appointed for the consideration of the paper.

### **204 After session papers (252)**

- 1 All papers and other documents ordered by the House during a session and not returned before prorogation, and
- 2 such other official reports and returns as are customarily laid before Parliament and published

are forwarded to the Speaker in print as soon as completed. Such papers and documents,

- 1 if received within two months after the prorogation, are distributed by the Clerk amongst Members and bound with the Votes and Proceedings;
- 2 if not received within that time, are laid upon the Table on the first day of the next session.

### **205 Members of Council allowed to obtain Assembly papers (253)**

On application to the Clerk of the House, Members of the Legislative Council may obtain copies of any paper published by order of the House of Assembly.

## **CHAPTER 20**

### **ADDRESSES TO THE SOVEREIGN OR THE GOVERNOR**

#### **206 How proposed (254)**

An address to the Sovereign or the Governor is proposed on motion after notice in the usual manner.

#### **207 Address to the Royal Family, how proposed (255)**

Addresses of congratulation or condolence to Members of the Royal Family are proposed in a similar manner.

#### **208 Addresses to the Sovereign sent to the Governor by the Speaker (256)**

Addresses to the Sovereign are transmitted to the Governor by the Speaker with a request that the Governor have the address forwarded for presentation.

#### **209 Addresses to the Governor presented by Speaker (257)**

Addresses to the Governor are presented by the Speaker unless the House orders otherwise.

#### **210 When presented by the whole House (258)**

When it is ordered that an address be presented by the whole House,

- 1 the Speaker and the House proceed to Government House;
- 2 when they are admitted to the Governor's presence, the Speaker reads the address to the Governor, with the Members who moved and seconded the address being on the Speaker's left.

#### **211 Governor's reply to an address from the whole House (259)**

The Governor's answer to any address from the whole House is reported by the Speaker.

## **CHAPTER 21**

### **MESSAGES FROM THE GOVERNOR**

#### **212 Reception of messages from Governor (260-263)**

When a messenger from the Governor is announced by the Serjeant- at-Arms,

- 1 the business of the House is suspended at once, and
- 2 the bearer of the message, if not a Member, is introduced to deliver the message at the Bar, and
- 3 the message is received by the Clerk who takes it immediately to the Speaker,
- 4 the Speaker immediately reads the message to the House,
- 5 if necessary, the message may then be either (a) taken into consideration at once, or (b) a future day fixed for its consideration,
- 6 as soon as the message has been read by the Speaker, the messenger withdraws.

#### **213 How sometimes communicated (264)**

A message from the Governor may be communicated to the House by a Minister from his/her seat in the House, but not during a debate, nor so as to interrupt a Member who is speaking.

**CHAPTER 22**  
**COMMUNICATIONS BETWEEN THE TWO HOUSES**  
**(See also Joint Standing Orders 1-9)**

**214 Modes of communication (265)**

Communication with the Legislative Council is by message, by conference or by committees conferring with each other.

**BY MESSAGE**

**215 Moved without notice (266)**

A motion to communicate any resolution of the House of Assembly to the Legislative Council may be moved without notice at any time.

**216 To be signed by Speaker and delivered by a clerk (267)**

A message from the House of Assembly to the Legislative Council is put in writing and signed by the Speaker and delivered by a clerk during the sitting of the House, unless otherwise ordered.

**217 Messages from Legislative Council, how received (268)**

- 1 A message from the Legislative Council to the House of Assembly is received without delay by a clerk at the Bar;
- 2 it is then reported by the Speaker as soon as is convenient;
- 3 a future time is then appointed for its consideration, unless the House orders it to be dealt with immediately;
- 4 if the message is such that it requires consideration without delay and the Speaker is in the Chair, the business before the House may be interrupted to enable the message to be reported at once by the Speaker.

The House may resolve that the Speaker receive a message from the Council in his/her office when the House is not sitting. The message is reported to the House by the Speaker forthwith at its next sitting.

## **BY CONFERENCE**

### **218 Conference requested by message (269)**

When the House of Assembly wishes a conference with the Legislative Council, the request is made by message.

### **219 Object of conference and number of managers to be stated (270)**

The message from the Assembly requesting the conference states in general terms the object of the conference and the number of managers proposed for the conference.

### **220 Managers nominated, but may be appointed by ballot (271)**

A motion to request a conference contains the names of the Members whom the mover proposes as managers for the House of Assembly. If when the motion is moved a Member requests it, the managers for the Assembly are selected by ballot.

### **221 Time for holding conference (272)**

Conferences may be held during any adjournment of the Assembly but, when held during a sitting of the House, the business of the House is suspended, unless otherwise ordered.

### **222 By whom conference requested (273)**

The House of Assembly may not request a conference on the subject of a Bill or motion which is in the possession of the Legislative Council.

### **223 If by Legislative Council, number of managers (274)**

The number of managers to represent the House of Assembly in a conference requested by the Legislative Council is the same as the number of managers for the Council.

### **224 House agreeing to conference to name time and place (275)**

- 1 When the Legislative Council requests a conference, the time and place is appointed by the House of Assembly;
- 2 when the Assembly requests a conference, it agrees to the time and place appointed by the Council;
- 3 the appointment or agreement is communicated by message.

## **225 When House of Assembly receives managers (276)**

At all conferences requested by the Legislative Council, the managers for the House of Assembly assemble at the time and place appointed and receive the managers for the Council.

## **226 Proceedings at conference (278)**

- (a) When the conference is requested by the House of Assembly,
- 1 the managers for the Assembly present to the managers for the Legislative Council any resolution adopted by the Assembly together with the Bill (when amendments to a Bill are the subject of the conference);
  - 2 they may then speak freely with the managers for the Council;
  - 3 they attempt to obtain a withdrawal of the point in dispute between the two Houses;
  - 4 failing this, they attempt to obtain a modification of the point in dispute by way of further amendment;
  - 5 but they may not propose or agree to any amendment to any words to which both Houses have so far agreed, unless these are immediately affected by the disagreement in question.

- (b) When the conference is requested by the Council,
- 1 the managers for the Assembly receive from the managers for the Council any resolution adopted by the Council together with the Bill (when amendments to a Bill are the subject of the conference);
  - 2 the majority of the managers for the Assembly may agree to recommend to their House that solution to the question which, in the opinion of that majority, is most likely to secure the final agreement of the two Houses;
  - 3 but the managers for the Assembly may not propose or agree to any amendment in any words to which both Houses have so far agreed, unless these words are immediately affected by the disagreement in question.

## **227 Proceedings to be reported (279)**

When the conference is ended, the managers for the House of Assembly immediately report the result to the Assembly in writing.

**228 Not more than one conference (280)**

There may not be more than one conference on any Bill or other matter.

**IN CONFERENCES OF SELECT COMMITTEES**

**229 Select committees confer only by order of House of Assembly (281-282)**

- 1 A select committee of the House of Assembly may not confer with a select committee of the Legislative Council without an order of the Assembly made on motion.
- 2 When such an order has been made, it is communicated by message to the Council with the request that leave be granted to the select committee of the Council to confer with the select committee of the Assembly.

**230 Select committees reports proceedings (283-284)**

A select committee of the House of Assembly that is directed to confer with any select committee of the Legislative Council

- 1 may speak freely, unless the Assembly directs otherwise, and
- 2 reports the proceedings of the conference in writing to the Assembly.



## **CHAPTER 23 PUBLIC BILLS INITIATION**

### **231 Initiation of Bill (285)**

A public Bill, unless transmitted by the Legislative Council, is initiated by a motion on notice for leave to bring in the Bill and specifying its intended title.

### **232 Money Bills to be introduced by Minister (286)**

A Bill which imposes a tax, rate, duty or impost or authorises the borrowing or expenditure of money (including expenditure out of money to be provided subsequently by Parliament) is introduced by a Minister.

### **233 Annual financial Bills (287)**

An Appropriation Bill or a Supply Bill may be introduced into the House without notice. Related estimates of expenditure are tabled immediately before the introduction of an Appropriation Bill.

### **234 Clauses to come within title (289)**

No clause may be included in a Bill which introduces matters inconsistent with the title of the Bill. If any such clause is included afterwards, the title of the Bill is altered accordingly.

### **235 If irregular, to be withdrawn (291)**

A Bill not prepared in accordance with the order of leave or according to the Rules and orders of the House is withdrawn by order of the Speaker.

## **FIRST READING**

### **236 First reading (294)**

When a Bill is presented by a Member or received from the Legislative Council for the concurrence of the House, the Bill is read a first time without a question being put.

### **237 Sufficient to read title (295)**

On every order for the reading of a Bill the title only is read.

## SECOND READING

### 238 Second reading (296)

After the first reading,

- 1 the Bill is published;
- 2 the second reading may then be moved at once or made an order of the day for a later time or a future day;
- 3 if the second reading of the Bill is moved immediately after its first reading, the debate on the Bill is at once adjourned until a future day.

239

*Repealed Nov 1998*

### 240 Reading of second reading speech of Member may be dispensed with (299a)

By leave of the House, a Member moving the second reading of a Bill may dispense with the reading of the speech either in whole or in part. The whole speech is included in *Hansard* whether or not it has been read in its entirety to the House.

### 241 Question for second reading (299)

After the order of the day for the second reading of a Bill has been read, the question to be proposed is, "That this Bill be now read a second time".

### 242 Constitution Bills, procedure (298) Amended Nov 1998

As soon as the debate is concluded on the second or third reading of a Bill to alter the constitution of either House of the Legislature,

- 1 the bells are rung for three minutes;
- 2 before the question for the second or third reading of the Bill is put from the Chair, the Speaker counts the House;
- 3 if the question is carried by less than an absolute majority of all the Members of the House, the Bill is read a second or third time, as the case requires, but is not further proceeded with and may not be revived during the same session.

### **243 Amendments to the question (300)**

To the question, "That this Bill be now read a second time", the only amendments that may be moved are

- 1 to leave out "now read a second time" and to insert "deferred indefinitely"; or
- 2 to be in the form of a resolution, of which notice has been given, strictly relevant to the objects of the Bill; or
- 3 an amendment relating to public affairs when the Bill is an Appropriation or Supply Bill for the ordinary annual services of the Government.

## **COMMITTAL AND CONSIDERATION IN COMMITTEE OF THE WHOLE HOUSE**

### **244 Committal (301)**

When a Bill has been read a second time,

- 1 the Bill stands committed, except (a) when Standing Order 242 applies or (b) when by leave it is not committed;
- 2 unless the Bill is referred to a select committee on a motion with notice or by Standing Orders, the Speaker immediately leaves the Chair and the House resolves itself into a Committee of the whole to consider the Bill; but
- 3 if a notice of instruction has been given, that instruction is disposed of first.

### **245 Speaker leaves Chair without question put (302)**

When the order of the day has been read for the Committee on a Bill or other matter,

- 1 the Speaker leaves the Chair without a question being put;
- 2 the House then resolves itself into a Committee of the whole; but
- 3 if notice of an instruction has been given, that instruction is disposed of first.

## **246 Procedure to be followed (314)**

Except in the case of Appropriation Bills, the following order is observed in considering or reconsidering a Bill:

- 1 clauses, including proposed new clauses, one by one, in order,
- 2 postponed clauses (but not those that have been specially postponed to other clauses),
- 3 schedules, including proposed new schedules, one by one, in order,
- 4 Preamble (if any),
- 5 Title.

## **247 Consideration of clauses (306)**

In Committee on a Bill,

- 1 each clause is read separately by the Chairman, beginning with the first enacting clause;
- 2 then the question is put by the Chairman for each clause, "That the clause stand as published"; provided that, by leave of the Committee, clauses may be taken en bloc.

## **248 Question may be divided**

The Chairman, if he/she considers it appropriate, may divide any questions to be put and put them as separate questions.

## **249 In what manner (307)**

In reading the clauses of a Bill it is sufficient to read the numbers and marginal notes only.

## **250 Amendments (308)**

Any amendment may be made to a Bill

- 1 if the amendment is relevant to the subject matter of the Bill as disclosed by its clauses, or
- 2 if the amendment is made in accordance with an instruction, and
- 3 if the amendment is otherwise in conformity with the rules and orders of the House.

If any amendment is not within the title of the Bill, the Committee amends the title accordingly and makes a special report of the amendment of title to the House.

## **251 All amendments to be in Committee (309)**

Only in Committee of the whole House may

- 1 any clause, or
- 2 schedule, or
- 3 amendment in substance

be proposed for addition to, or made in, any Bill in the possession of the House.

## **252 Clauses put as amended (310)**

If a clause is amended, a further question is put, "That the clause as amended be agreed to".

## **253 Reconsideration (311)**

After all clauses and schedules have been considered, the reconsideration of any of them may be moved.

## **254 Clauses postponed (312)**

The consideration of a clause may be postponed unless the clause has been considered and amended.

## **255 Council Bill containing clauses in erased type (313)**

If a Bill is received from the Legislative Council containing clauses published in erased type,

- 1 the Bill is issued to Members still containing the clauses in erased type; but
- 2 the clauses do not form part of the Bill\* ;
- 3 such clauses or similar clauses may be moved by the Minister in charge of the Bill if considered necessary to perfect the measure.

## **256 Verbal or formal amendments (317)**

Amendments that touch merely on the wording or form may be made on motion in any part of a Bill at any time during its progress through the Committee of the whole House.

## **257 Temporary laws (318)**

The precise duration of a temporary Bill is expressed in a separate clause at the end of the Bill.

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\* See Constitution Act 1934, sec 62 (4)

### **258 Title agreed to (319)**

After any preamble has been agreed to, the title is read. If any amendment has been made in the Bill that does not come within the original title of the Bill, the title is amended. A question is put, "That this be the title of the Bill". The amendment of the title is specially reported to the House.

### **259 Proceedings in Committee not to be debated till reported (320)**

No debate may take place on any proceedings of a Committee of the whole House or a select committee on a Bill until the proceedings have been reported.

## **REPORTS ON BILLS IN COMMITTEES OF THE WHOLE HOUSE**

### **260 Bill to be reported (321)**

When the consideration of a Bill, clause by clause, has been completed, the Chairman reports the Bill to the House without a question being put.

### **261 Restriction on reference to a select committee (322)**

A motion for referring the Bill to a select committee may not be entertained after the Chairman of the Committee of the whole House has reported the Bill.

### **262 Chairman of Committees to sign copy of Bill and amendments (323)**

The Chairman signs a copy of every Bill to be reported, with the amendments legibly written on the copy. The Chairman also initials any amendments made or clauses added in Committee. The Bill so signed is given by the Chairman to the Clerk when the Chairman reports to the House.

### **263 Adoption of report (324)**

When a Bill or estimates are reported from a Committee of the whole House,

- 1 the report is deemed to have been adopted by the House;
- 2 unless the Bill is recommitted, the third reading may be moved forthwith or may be made an order of the day for another sitting day.

## **264 Recommittal of Bill on adoption of report (325-326)**

In certain circumstances, namely

- 1 after a Bill has been reported by the Chairman,
- 2 or, if a Bill has been set down for a third reading, after the order of the day for the third reading has been read by the Clerk and before the question, "That this Bill be now read a third time", is proposed,

then,

- 1 the whole Bill may, on motion, be recommitted,
- 2 or the Bill may be recommitted for the purpose of considering certain clauses or schedules or proposed new clauses or schedules, which are indicated by the Member moving for recommittal.

If the Bill is recommitted, the third reading is postponed until after the recommittal.

## **APPROPRIATION BILLS - FURTHER CONSIDERATION**

### **265 Grievances (288)**

*Amended Nov 1998*

Unless it is ordered that an Appropriation or Supply Bill be referred to Estimates Committees, when an Appropriation or Supply Bill has been read a second time, a Member may discuss grievances on the motion, moved by a Minister, "That the House note grievances".

## 266 Estimates and Appropriation Bill: Committee Rules (315)

In a Committee of the whole House, the following special rules apply to the consideration of the estimates and the clause or schedule containing the proposed payments in an Appropriation Bill

- 1 Each proposed payment listed in such a clause or schedule is considered separately and in the given order, together with the relevant estimate (but the consideration of any proposed payment may be postponed).
- 2 (a) For each proposed payment in the clause or schedule a question is proposed in the form "That the proposed payment ... be agreed to".  
(b) An amendment may be moved to such a question to leave out the words "be agreed to" and to add relevant words in their place.  
(c) No amendment may be entertained
  - (i) which increases a proposed payment, or
  - (ii) which alters the destination or purpose of a proposed payment,  
unless the increase or alteration of destination or purpose has been previously recommended to the House by the Governor.
- 3 A proposed amendment to a proposed payment may not be put for decision until the debate on the proposed payment is closed.
- 4 (a) An amendment to omit or reduce any proposed payment may be moved;  
(b) Members may speak only to such a question until it has been disposed of;  
(c) when several amendments are offered, they are taken in the order in which, if agreed to, they would appear in the estimates.
- 5 After a question for amending any proposed payment has been disposed of, no debate or amendment is allowed on any preceding proposed payment.
- 6 When consideration of the estimates and relevant Appropriation Bill has been completed, (a) the question is put, without amendment or debate, "That the Bill and estimates (with or without amendment) be reported to the House and the Chairman do now leave the Chair", and (b) the Chairman reports the Bill and estimates to the House.

## **267 Referral to Estimates Committees**

An Appropriation Bill may be ordered to be referred to Estimates Committees (in which case the Bill is not considered in Committee of the whole House). The following procedures are followed if such a Bill is to be referred to Estimates Committees:

- 1 the Bill is referred on a motion moved by a Minister at the conclusion of the second reading;
- 2 Members may then discuss grievances on a motion moved by a Minister, "That the House note grievances";
- 3 when this motion has been passed, the proposed payments for the departments and services contained in the schedules to the Bill are referred to Estimates Committees;
- 4 the referral is made on a motion moved by a Minister and includes a timetable by which (subject to Standing Order 268) the Committee orders its business.

## **268 Consideration in Estimates Committee**

If a Bill is referred to Estimates Committees, the following rules apply:

- 1 There are to be two Estimates Committees to be known as Estimates Committee A and Estimates Committee B;
- 2 the Committees may not vote on, but may examine and report upon, the proposed payments contained in the schedules;
- 3 a Committee may ask for explanations from a Minister relating to the items of the proposed payment;
- 4 the Minister who is asked for explanations may be assisted where necessary by officers in the provision of factual information;
- 5 the report of a Committee may contain a resolution or expression of opinion of the Committee but may not vary the amount of a proposed payment.
- 6 The Speaker may, at the request of the Chairman of an Estimates Committee, and on giving one day's notice, reallocate any proposed payments from one Committee to another, or vary the timetable if in his/her opinion such reallocation or variation is necessary to facilitate the examination of the proposed payment.

## **269 Membership of Estimates Committees**

- 1 Each Estimates Committee consists of seven Members including the Chairman;
- 2 the Members to serve on each Committee are nominated by the mover, but if any one Member demands it they are elected by ballot;
- 3 a Member may be discharged from an Estimates Committee at any time, except during a division of a Committee;
- 4 a Member's discharge from a Committee is effective immediately on his/her delivering to the Speaker or the Clerk a written request to be discharged;
- 5 a Member who wishes to be discharged from a Committee may nominate another Member in substitution provided that the Member to be substituted indicates his/her willingness to serve in the same notice;
- 6 if a vacancy occurs in the membership of a Committee, the Speaker may nominate a Member in substitution, but in so doing has regard to the composition of the Committee as elected by the House;
- 7 a Committee may proceed with business despite a vacancy in its membership.
- 8 at the commencement of its first meeting, a Committee elects one of its Members as Chairman who has a casting vote only;
- 9 any Member of the Committee takes the Chair temporarily when requested to do so by the Chairman of the Committee during the sitting of that Committee;
- 10 in the absence of the Chairman or on his or her discharge from the Committee, the Committee appoints another Member to act as Chairman: provided that on the return of the Chairman, or on his or her reappointment to the Committee, he or she assumes the Chair;
- 11 the quorum of a Committee is four, of whom one is the Chairman or Acting Chairman;
- 12 if at any time a quorum is not present, the Chairman suspends the proceedings of the Committee until a quorum is present or adjourns the Committee;
- 13 Members of the House who are not Members of the Committee may, at the discretion of the Chairman, participate in proceedings of the Committee but may not vote, move any motion or be counted for purposes of a quorum.

## **270 Sitting times**

An Estimates Committee meets only in accordance with the timetable adopted by the House or as varied by the Speaker. If a Committee is sitting on any day

- 1 at 1.00 p.m., the sitting is suspended for an hour, unless otherwise ordered;
- 2 at 6.00 p.m., the sitting is suspended for an hour and a half, unless otherwise ordered; or
- 3 at 10.00 p.m., the sitting is adjourned.

## **271 Proceedings of an Estimates Committee**

Consideration of proposed expenditures in an Estimates Committee follows as far as possible the procedure observed in a Committee of the whole House.

## **272 Naming of Member**

If any Member persistently disrupts the business of an Estimates Committee, the Chairman

- 1 names the Member and,
- 2 if the Member named is a Member of the Estimates Committee, suspends the sittings of the Estimates Committee until he or she has reported the offence to the House;
- 3 if the Member named is not a Member of the Estimates Committee, orders that Member's withdrawal from the sittings of the Committee until he or she has reported the offence to the House.

As soon as practicable, the Chairman advises the Speaker who then gives notice that the House is to meet at 9.30 a.m. on the next day.

## **273 Disagreement with Chairman's ruling**

If any objection is taken to a ruling or decision of the Chairman,

- 1 the objection must be taken at once and stated in writing;
- 2 the Chairman, as soon as practicable, advises the Speaker who gives notice that the House is to meet at 9.30 a.m. the next day;
- 3 the Estimates Committee may continue to meet but may not further examine the vote then under consideration.

## **274 Meeting of House**

- 1 For the purposes of Standing Orders 272 and 273, it is sufficient notice of a meeting of the House for the Speaker to have notices of meeting placed on the Notice board before 10.00 p.m. on the day of the dispute;
- 2 if the House meets in accordance with Standing Orders 272 and 273, the House, after the Speaker has read the prayers, hears the report of the Chairman who requested the meeting;
- 3 where a Member has been named, the House proceeds with the matter as if the naming had occurred in a Committee of the whole House. (For the purposes of the suspension of any Member, the sittings of an Estimates Committee are considered as a sitting of the House.); or
- 4 where a Chairman's ruling has been disagreed with, the House resolves the matter in accordance with Standing Order 135;
- 5 if any proceedings are taken in accordance with this Standing Order, a motion may be proposed by a Minister to alter the timetable relating to that Estimates Committee's consideration of the proposed expenditures;
- 6 the motion is put forthwith, without debate but no other business may be entered upon during the sitting.

## **275 Hansard Report**

A *Hansard* Report of Estimates Committee proceedings is circulated, in a manner similar to that used for the House *Hansard*, as soon as practicable after the Committee's proceedings.

## **276 Report of an Estimates Committee**

- 1 A report of an Estimates Committee is presented by the Chairman of that Committee or a Member deputed by him or her and contains any resolution or expressions of opinion of that Committee;
- 2 when the reports of the Estimates Committees are presented, they may, subject to Standing Order 278, be taken into consideration at once or a future day may be appointed for their consideration.

## **277 Question proposed**

- 1 In considering the reports from the Estimates Committees, a Minister moves "That the proposed expenditures referred to Estimates Committees A and B be agreed to (and that the resolutions or expressions of opinion agreed to by the Committees in relation to those expenditures be noted)";
- 2 an amendment moved to the question does not require a seconder;
- 3 when the consideration of reports of Estimates Committees A and B has been completed, the question is proposed and put forthwith without debate, "That the remainder of the Bill be agreed to";
- 4 when the Bill has been agreed to by the House, the third reading may be taken into consideration at once or made an order of the day for the next sitting day.

## **278 Time limits**

The following time limits apply in relation to the following questions:

- 1 "That the House note grievances":  
One Minister and the Leader of the Opposition or Member deputed by him or her – 30 minutes  
Any other Member – 10 minutes;
- 2 "That the proposed expenditures referred to Estimates Committees A and B be agreed to":  
One Minister and the Leader of the Opposition or Member deputed by him or her – unlimited  
Any other Member – 20 minutes

## **THIRD READING AND PASSING**

### **279 Question for third reading (328)**

After the order of the day for the third reading has been read, the question for the third reading of a Bill to be proposed is, "That this Bill be now read a third time"

### **280 Amendment (329)**

The only amendment which may be moved to the question, "That this Bill be now read a third time", is to leave out "now read a third time" and to insert "postponed indefinitely".

### **281 Certificate that Bill has passed (331)**

When a Bill originated in this House has passed, the Clerk certifies on the top of the first page "That this Bill originated in the House of Assembly; and, having been this day passed, is now ready for presentation to the Legislative Council for its concurrence".

### **282 Certificate on Bill for altering constitution (332)**

Whenever any Bill by which it is proposed to alter the constitution of the Legislative Council or the House of Assembly has passed its second and third reading in the Assembly with the concurrence of an absolute majority of the whole number of the Members of the Assembly, the Clerk certifies the fact on the Bill accordingly.

### **283 Clerical errors (333)**

Clerical and typographical errors may be corrected in any Bill by the Chairman of Committees at any time during its progress through the House.

### **284 Certificate on money Bills (334)**

Whenever any Bill which has been recommended to the House by the Governor\* has been passed by the House, the Clerk certifies accordingly.

## **TRANSMISSION TO COUNCIL**

### **285 Bill sent to Legislative Council (335)**

After a Bill that has been passed is certified by the Clerk, it is sent with a message requesting the concurrence of the Legislative Council.

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\* See Constitution Act 1934, sec 59

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## AMENDMENTS BETWEEN THE HOUSES

### **286 All messages considered in Committee (336)**

Messages from the Legislative Council that transmit or deal with amendments

- 1 are considered in Committee of the whole House, either immediately or at a future time appointed by the House, and
- 2 if not considered immediately, are published together with the amendments.

### **287 Speaker leaves the Chair (336a)**

When the consideration of such messages is called on, the Speaker immediately leaves the Chair, and the House resolves itself into a Committee of the whole House without putting a question.

### **288 Penalties, forfeitures and fees (337)**

When any pecuniary penalty, forfeiture or fee is authorised, imposed, appropriated, regulated, varied or removed

- 1 by any Bill brought to the House from the Legislative Council, or
- 2 by any amendments to a Bill returned to the House by the Council,

the House does not insist on its privileges in the following cases:

- 1 when the object of the pecuniary penalty or forfeiture is to secure the execution of the Act or the punishment or prevention of offences;
- 2 when the fees are imposed in respect of benefit taken, or service rendered under the Act, and in order to secure the execution of the Act.

### **289 Amendments to be relevant (338)**

An amendment may not be proposed to an amendment of the Legislative Council that is not strictly relevant to the Council's amendment.

### **290 Amendments to Bill restricted (339)**

An amendment may not be proposed to any words of a Bill which have been agreed to by both Houses, unless that amendment is strictly relevant to, or consequent upon, the acceptance, amendment or rejection of a previous amendment, as provided below.

### **291 When amendments agreed to (340)**

Whenever the House of Assembly agrees to an amendment made by the Legislative Council, a message is sent

- 1 to inform the Council of the agreement, and
- 2 to return the Bill if the Bill is a Council Bill.

### **292 When amendments disagreed to (341)**

Whenever the House of Assembly disagrees to an amendment made by the Legislative Council, the Bill is returned with a message informing the Council that the Assembly does not agree to the amendment and requesting reconsideration of the Bill.

### **293 When amendments amended (342)**

Whenever the House of Assembly

- 1 agrees to an amendment of the Legislative Council with amendment, or
  - 2 makes any further amendment to a Bill,
- the Bill is returned with a message transmitting a schedule of the amendment or amendments and requesting the concurrence of the Council to the amendment or amendments.

## **AMENDMENTS IN BILLS ORIGINATED IN THE HOUSE OF ASSEMBLY**

### **294 Council's amendments, how dealt with (343)**

When the Legislative Council returns a Bill with amendments, the amendments may be

- 1 agreed to, with or without amendments, and with any necessary consequent amendment to the Bill; or
  - 2 disagreed to; and if so wished, further amendments may be made to the Bill in the words reinstated by disagreement; or
  - 3 deferred indefinitely;
- or the Bill may be ordered to be laid aside.

## **295 Further proceedings (344)**

In the event that the Legislative Council again returns the Bill with a message informing the House of Assembly of its requirements,

1 if the Council insists on its original amendments to which the Assembly has disagreed,

then the Assembly may (i) agree, with or without amendments, to the amendments to which it has previously disagreed and may make any necessary consequent amendments to the Bill; or (ii) may insist on its disagreement to such amendments;

2 if the Council disagrees to amendments made by the Assembly,

then the Assembly may insist on its amendments;

3 if the Council agrees to amendments made by the Assembly with further amendments, or if the Council proposes further amendments in place of and relevant to the amendments disagreed to by the Assembly,

then the Assembly may (i) agree, with or without amendments, to such further amendments of the Council and make any necessary consequent amendments to the Bill or (ii) may disagree to such further amendments.

The Assembly requests a conference or orders the Bill to be laid aside

1 if the Assembly insists or disagrees in the cases set out above,  
or

2 if the Bill, in cases of further amendment set out above, is again returned by the Council with any of the requirements of the Assembly still disagreed to or with further amendments upon such amendments to which the Assembly will not agree.

## **296 Final agreement communicated (345)**

If the House of Assembly resolves not to insist upon any of its requirements, a message is sent to the Legislative Council informing the Council of this fact.

**297 Clerk to certify every stage of the passing of the Bill (346)**

In whatever way the House of Assembly disposes of a Bill returned with amendments by the Legislative Council, the Clerk of the Assembly at every stage certifies accordingly on the first page of every Bill.

**BILLS RECEIVED FIRST TIME FROM THE  
LEGISLATIVE COUNCIL**

**298 Bills coming the first time from the Legislative Council (347)**

Bills which come to the House of Assembly from the Legislative Council the first time are proceeded with in all respects as are similar Bills that are presented in accordance with the orders of the Assembly.

**299 Certificate, when returned to the Council (348)**

When any such Bill has been passed by the House of Assembly, it is returned to the Legislative Council by message, with the Clerk's certificate that "This Bill has been agreed to by the Assembly without amendment" or "with the amendments indicated by the annexed schedule", as the case requires.

## **AMENDMENTS IN BILLS ORIGINATED IN THE LEGISLATIVE COUNCIL**

### **300 Further proceedings (349)**

(a) When the Legislative Council disagrees to amendments made by the House of Assembly, in a Bill originating in the Council, then the Assembly

1 may insist or not insist on its amendments, and may make amendments in place of and relevant to those to which the Council has disagreed, or

2 may order the Bill to be laid aside.

(b) When the Council

1 agrees to amendments made by the Assembly with amendments, or

2 proposes amendments in respect of words reinstated by disagreement,

then the Assembly

1 may agree to the Council's amendments with or without amendments and make any consequent amendments to the Bill if necessary, or

2 may disagree to the amendments or proposed amendments and insist on its own amendments, or

3 may order the Bill to be laid aside.

### **301 Final decision communicated (350)**

If the House of Assembly insists or does not insist on its amendments, a message is sent to the Legislative Council informing the Council of the decision of the Assembly and returning the Bill.

### **302 Procedure after conference (351)**

In the event that a conference is held with the Legislative Council, the Bill is brought back by the managers.

1 If the recommendations from the conference are not adopted by the House of Assembly, or if no recommendation is reported by the managers, then the Assembly either (a) resolves not to insist further on its requirements or (b) orders the Bill to be laid aside.

2 If the recommendations are adopted, or if the Assembly does not further insist on its requirements, then a message is sent accordingly to the Council.

### **303 Clerk to certify at every stage of passing the Bill (352)**

In whatever way the Assembly disposes of a Bill returned by the Council after amendment by the Assembly, as described in the Standing Orders above, the Clerk of the Assembly at every stage certifies accordingly on the first page of the Bill.

## **SCHEDULES**

### **304 Schedules of amendments (353)**

Every schedule of amendments that is to be sent to the Legislative Council

1 contains a specific reference (a) to the page and the line of the Bill where words are to be inserted, added or left out or (b) to the amendment of the Council which is proposed to be amended, and

2 sets out each proposed amendment.

The schedule is signed by the Clerk and annexed to the Bill.

## AMENDMENTS IN MONEY BILLS

### **305 Suggested amendments by Legislative Council (355)**

If a Bill is returned from the Legislative Council with suggested amendments\*,

- 1 the message with the suggested amendments is considered by a Committee of the whole House at once or at a time that the House orders;
- 2 the amendments suggested by the Council are (a) agreed to, with or without amendments, and are made accordingly in the Committee Bill by the Chairman, or (b) disagreed to, or (c) deferred indefinitely;
- 3 if amendments suggested by the Council are agreed to by the House of Assembly without amendment, a message is sent to inform the Council of the agreement;
- 4 if the Council's amendments are agreed to with amendments, the Bill is returned with a schedule of the Assembly's amendments in a message requesting the Council's agreement to the Assembly's amendments;
- 5 if the Council's amendments are disagreed to, either (a) the Bill is returned to the Council with a message requesting that the Council reconsider the Bill, or (b) the Bill is ordered to be laid aside;
- 6 if a conference is requested by the Council and granted by the Assembly, the procedure at the conference is as provided in the Standing Orders referring to conferences.

### **306 Clerk to certify at every stage of Bill (360)**

In whatever way the Assembly disposes of a Bill returned by the Legislative Council with suggested amendments, as set out in the Standing Orders above, the Clerk of the Assembly at every stage certifies accordingly on the first page of the Bill.

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\* See Constitution Act 1934, sec 62 #

## **PRESENTATION FOR ASSENT**

### **307 Bills finally passed, certified and presented to the Governor (361)**

Every Bill originated in the House of Assembly (a) which passes the Legislative Council without amendment or (b) which is returned to the Assembly with amendments to which the Assembly finally agrees, is republished and four copies are presented to the Governor by the Speaker for assent, provided that

- 1 the Clerk of the Assembly has certified in writing at the end of the Bill that he/she has examined the reprint and found it to correspond in all respects with the Bill passed by both Houses, and
- 2 the Speaker of the Assembly has certified that it originated in the Assembly and has been passed by both Houses.

## **AMENDMENTS PROPOSED BY THE GOVERNOR**

### **308 Amendments proposed by the Governor (362)**

Whenever the Governor transmits by message to the House of Assembly any amendment which is to be made at the Governor's request in any Bill presented by the Speaker for assent\*, the amendment is treated in the same manner as amendments proposed by the Legislative Council.

### **309 To be forwarded to Council if agreed to (363)**

If the Assembly agrees to any amendment proposed by the Governor with or without amendment, the amendment proposed by the Governor (together with any amendments or necessary consequent alterations) is forwarded to the Legislative Council for its agreement.

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\* See Constitution Act 1934, sec 56

### **310 When amendment finally agreed to, Bill again presented to the Governor**

When any amendment proposed by the Governor in any Bill originated in the House of Assembly has been agreed to by both Houses with or without amendment, the Bill is republished and presented by the Speaker to the Governor for assent after being certified in the manner provided in Standing Order 307;

When disagreed to

but if the amendment proposed by the Governor is disagreed to, or if no agreement between the two Houses on the amendment is reached, the Speaker again presents the Bill to the Governor for assent. The Bill is presented in the form in which it was first presented by the Speaker for that purpose.

### **311 Consideration of such amendments received through Council (365)**

Amendments by the Governor in Bills originated in the Legislative Council which are agreed to by the Council and forwarded for the concurrence of the House of Assembly are proceeded with in the same manner as amendments made by the Council on the Assembly's amendments on Bills first received from the Council.

## **LAPSED BILLS**

### **312 Bill revived (366-367)**

- 1 A Bill which has passed its second reading in either House but which has not been finally disposed of at the close of the session may, in the next session of the same Parliament, be restored to the stage reached at the previous session by carrying a motion after notice that the Bill be restored to the Notice Paper.'
- 2 The motion is put to the House without debate.
- 3 For the purposes of this and the following Standing Orders, and until otherwise defined by law, the word "Parliament" refers to the period between a general election for the Assembly and the next dissolution or expiry of that House.

### **313 Bill may be republished with certain alterations (368)**

A Bill restored to the Notice Paper as provided in Standing Order 312 may be republished with any consequential alteration to the number of the year in its short title.

### **314 Further proceedings (369)**

Any Bill restored to the Notice Paper as provided in Standing Order 312

1 is then proceeded with as if its passage had not been interrupted by a prorogation, and

2 if finally passed, is presented to the Governor for assent.

### **315 If not restored Bill may be brought in (370)**

If a Bill lapses in the House in which it originated and if the motion for its restoration to the Notice Paper is not agreed to, the Bill may be brought in and proceeded with in the ordinary manner.

## **ACTS**

### **316 Copy of Act with records (371)**

One copy of each Act bearing the signature of the Governor is handed to the Clerk of the Assembly for deposit amongst the records of the House.

**CHAPTER 24**  
**SELECT COMMITTEES**  
**(See also Joint Standing Orders 1-9)**

**317 Five Members to constitute committee (372)**

All select committees consist of five Members, unless otherwise ordered.

**318 Members nominated (373)**

The Members to serve on a select committee are nominated by the mover, but if any Member demands it, they are elected by ballot.

**319 Bells rung before ballot (374)**

Before the House proceeds to a ballot for a select committee, the bells are rung as in a division.

**320 Procedure in case of ballot (375)**

The ballot for the election of Members to a select committee is conducted in the following way:

- 1 each Member present is issued with a list of all Members that has been initialled by the Clerk;
- 2 a Member votes by placing a cross against the names of any five Members (or such other number of Members as the House orders);
- 3 if any list contains a larger or smaller number of such votes than is required, it is void and rejected;
- 4 the Speaker appoints two Members as scrutineers;
- 5 the scrutineers together with the Clerk ascertain and report to the Speaker the names of the required number of Members who have the highest number of votes;
- 6 these Members compose the committee;
- 7 if two or more Members have the same number of votes, and if there is doubt as to who is to serve on the committee, the Speaker determines by lot which Members are chosen.

**321 No interested Member to be on committee (376)**

A Member may not sit on a committee if that Member has a direct pecuniary interest in the inquiry before that committee.

### **322 Members discharged and added (377)**

Members may be discharged from attending a select committee, and other Members added, after notice has been given.

### **323 Secretary appointed**

The Clerk of the House appoints an officer of the House as secretary to the Committee.

### **324 Advisers may be appointed**

The Committee may, by resolution, appoint advisers to assist it in its enquiry.

### **325 Day of reporting (378)**

When a committee has been appointed,

- 1 a day is fixed for the reporting of their proceedings to the House;
- 2 on that day the final report of the committee is brought up by the Chairman, unless further time is moved for and granted;
- 3 the Chairman may bring up the report before the day fixed by the House.

### **326 First meeting (379)**

The mover of the committee fixes the time for the first meeting of the committee.

### **327 Quorum in committee (380)**

In all select committees, unless otherwise ordered, three forms a quorum.

### **328 Chairman appointed, casting vote (381)**

Before the commencement of business, every committee elects one of its number to be Chairman. The Chairman has a casting vote only.

### **329 Record of meetings and divisions (382)**

In the proceedings of any select committee are recorded:

- 1 the names of the Members who attend each committee meeting,
- 2 every motion or amendment proposed in the committee,
- 3 the name of the mover of each motion or amendment,
- 4 in every division that takes place in the committee, the names of the Members who voted in the division and the side of the question on which each Member voted.

A motion or amendment proposed in the committee need not be seconded.

### **330 When no meeting takes place (383)**

If there is no quorum 15 minutes after the time fixed for the meeting of a select committee, the Members present may enter their names in the minutes and retire. The secretary to the Committee then convenes a meeting for the next business day.

### **331 When no quorum present (384)**

If at any time during a select committee there is no quorum,

- 1 the secretary calls the Chairman's attention to the fact;
- 2 the Chairman then either (a) suspends the proceedings of the committee until a quorum is present, or (b) adjourns the committee to another day.

### **332 Adjournment of committee (385)**

A select committee may adjourn from time to time and, by leave of the House, from place to place, and may sit on those days over which the House is adjourned. The House may order that the Committee have power to act during the recess.

### **333 Committees suspend business when Speaker takes Chair (386,387)**

Select committees may not sit during sittings of the House unless leave is granted by the House.

### **334 Report from time to time (388)**

By leave of the House, a committee may from time to time report

- 1 its opinions or observations, or
- 2 the minutes of evidence only, or
- 3 its proceedings.

**335 Powers to send for persons and records (389)**

Whenever necessary, the House may give a committee power to send for persons, papers and records.

**336 Secretary to the committee to summon witnesses (390)**

The Chairman of a select committee directs the secretary to summon the witnesses to be examined before that committee.

**337 Examination of witnesses (391)**

The Chairman decides how witnesses are to be questioned. A written transcript of the questions and answers is made.

**338 Admission of strangers (392)**

When a committee is examining witnesses, persons other than Members of the committee and its advisers may be admitted but are excluded at the request of any Member or at the discretion of the Chairman of the committee and are always excluded when the committee is deliberating.

**339 Evidence not to be disclosed (395)**

The evidence taken by any select committee of the House, and documents presented to that committee which have not been reported to the House, may not be disclosed or published by any Member of that committee or by any other person.

**340 Chairman to prepare report (396)**

The Chairman of a select committee is responsible for the preparation of the report of that committee.

**341 Member may submit draft (397)**

If a Member of a select committee other than the Chairman submits a draft report to that committee, the committee first decides upon which report it will proceed.

### **342 Consideration of draft report (398)**

- 1 The Chairman distributes the whole of the draft report to the committee convened to consider that report;
- 2 if a Member requests it, a subsequent day is fixed for consideration of the report;
- 3 when the committee wishes to take the report into consideration, the Chairman presents the report paragraph by paragraph and puts the question to the committee at the end of each paragraph, "That it do stand as part of the report";
- 4 a Member who objects to any portion of the report proposes his/her amendment at the time that the paragraph to be amended is under consideration.

### **343 Reconsideration (399)**

After the draft report has been considered, the whole report or any part of it may be reconsidered.

### **344 Recommendation**

Every report of a committee contains a recommendation.

### **345 Chairman to sign report (400)**

Every report of a committee is signed by its Chairman.

### **346 Report brought up (401)**

When a report of a select committee has been brought up,

- 1 the report is published;
- 2 the report may be read;
- 3 to permit debate on the report, a motion is moved (no amendment being allowed) "That the report be noted".

If the committee has met to consider a Bill,

- 1 the House may proceed immediately, by unanimous leave, to appoint a future day for the third reading if the committee has recommended no amendment to the Bill, or
- 2 the Speaker leaves the Chair without a question being put and the House resolves itself into a Committee of the whole House if the committee has recommended any amendment to the Bill or if a Member requests it.

If the committee has met to consider other than a Bill, any measure or proceeding that is necessary on the report of that committee is brought under the consideration of the House by a specific motion, of which notice is given in the usual manner.

### **347 Payment of certain witnesses before committees (404)**

A select committee may pay professional or other witnesses employed to assist the committee in its enquires. The Chairman's certificate on the account, countersigned by the Clerk, is sufficient authority for its payment. Every payment, together with details of the sum paid, the services rendered and the name of the party paid, is entered in the minutes of the proceedings of the committee.

### **348 List of Members serving (405) Amended Nov 1998**

Lists of all the members serving on each select committee are published in the Notice Paper and displayed on the Notice board.

## **CHAPTER 25**

### **SESSIONAL COMMITTEES**

#### **349 Appointment of committees (406)**

Until otherwise ordered, on the first day of every session the House appoints the following committees:

- 1 a Standing Orders Committee, consisting of the Speaker and four other Members, and
- 2 a Publishing Committee, consisting of five Members. The names of those appointed are communicated to the Legislative Council by message, published in the Notice Paper and displayed on the Notice board.

#### **350 Members nominated (407)**

The Members of the committees above, other than the Speaker, are nominated by the mover, but if any Member requests it, they are elected by ballot, as provided for select committees.

#### **351 Power to act during recess and to confer (408)**

The committees above may act during the recess and may confer or sit as joint committees with similar committees of the Legislative Council and may report to the House from time to time.

#### **352 Quorum in committee (409)**

Unless otherwise ordered, the quorum of the committees above is three Members.

#### **353 Papers referred to Publishing Committee (410)**

Unless their publishing is moved by a Minister, all papers laid on the Table of the House are referred to the Publishing Committee. The Publishing Committee from time to time reports which of the papers referred to it ought to be published, and whether in whole or in part.

### **354 Adoption of report (411)**

When the report of the Publishing Committee has been received, the Chairman of the committee moves for its adoption, but the details of any individual papers are not open for discussion on that motion.

#### *Notice for publishing*

A Member who wishes the publishing of any paper which the Committee has not recommended for publishing may move for its publishing in the usual manner.

### **355 Report on unrepresented papers (412)**

The Publishing Committee reports annually whatever papers have not been presented to the House as required by any Act of Parliament.

## **CHAPTER 26**

### **OTHER COMMITTEES OF THE WHOLE HOUSE**

#### **356 Quorum (413)**

The quorum in Committee of the whole House consists of the same number of Members, inclusive of the Chairman, as is required to form a quorum of the House.

#### **357 House resolves into a Committee (414)**

Except where otherwise provided, a Committee of the whole House is appointed by resolution, "That the Speaker do now leave the Chair and the House resolve itself into a Committee of the whole". When such a resolution is agreed to, the Speaker leaves the chair.

#### **358 The Chairman takes the Chair (415)**

As soon as the Speaker leaves the Chair, the Chairman takes the Chair of the Committee at the Table and the mace is placed under the Table.

#### **359 Committee to consider only matters referred (416)**

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

#### **360 Questions decided by majority (417)**

A question in Committee is decided in the same manner as in the House itself.

*Chairman has casting vote*

The Chairman has only a casting vote and any reasons stated by the Chairman for the use of the casting vote are entered in the Votes and Proceedings. The Speaker may vote in Committee.

#### **361 Motions need not be seconded (418)**

A motion made in Committee need not be seconded.

#### **362 Amendment to increase taxation to be moved only by Minister (420)**

No amendment for the imposition, or for the direct or indirect increase, of a tax, rate, duty or impost may be proposed except by a Minister.

### **363 Amendments involving numerals (421)**

In amendments involving numerals, the lowest figure is taken first.

### **364 Time limits (422)**

In Committee (except when considering Appropriation Bills),

- 1 a Member other than the Member in charge of the Bill, motion or amendment may not speak more than three times on any one question, nor for more than fifteen minutes on any one occasion;
- 2 debate is confined to the motion, clause or amendment before the Committee.

### **365 When later part of a question amended (423)**

An amendment may not be proposed in an earlier part of a question

- 1 after a later part of the question has been amended, or
- 2 after an amendment has been proposed to a later part of that question, unless the proposed amendment has been withdrawn by the mover, by leave of the Committee.

### **366 No amendment to words agreed to (424)**

It is not in order to propose an amendment to any words which the Committee has resolved are to stand part of the question, except to propose to add other words following those words.

### **367 Uncontested amendments (425)**

The Chairman may put one question, "That the amendments be agreed to", to cover an uninterrupted series of related amendments moved by one Member, unless any Member requests that the questions on those amendments be proposed separately.

### **368 Order in Committee (426-427)**

Except as otherwise provided in these Standing Orders,

- 1 the rules as to the conduct of Members and the regulation of debate, procedure and the general conduct of business are the same in Committee as in the House itself; and
- 2 the Chairman of Committees is invested with the same authority as the Speaker for the preservation of order; but
- 3 if any disorder arises in Committee, the Speaker resumes the Chair without a question being put.

### **369 When lack of a quorum disclosed by a report of a division (428)**

If it appears on the report of the tellers in a division of a Committee that there is no quorum,

- 1 the Chairman leaves the Chair without a question being put, and
- 2 informs the Speaker of the lack of a quorum, and
- 3 makes no further report.

No decision is considered to have been reached by that division.

### **370 When lack of a quorum noticed (429) Amended Nov 1998**

If a Member takes notice that there is no quorum,

- 1 the bells are rung, as for a division, and
- 2 if there is no quorum within three minutes, the Chairman leaves the Chair, and
- 3 informs the Speaker of the lack of a quorum, but
- 4 makes no further report.

No Member may leave the Chamber while the bells are ringing.

### **371 Chairman leaves the Chair without a question being put (430)**

The Chairman leaves the Chair without a question being put,

- 1 whenever a message is brought from the Governor, or
- 2 when the time has come for holding a conference or for doing anything which the House has ordered to be done at a stated time, or
- 3 for the purposes of reporting matters of order or lack of a quorum.

When the cause of the interruption (other than the lack of a quorum) is disposed of, any unfinished business of the Committee is resumed in Committee at the point where it was interrupted.

### **372 Report (431)**

When decisions on all matters referred to a Committee have been made, the Chairman leaves the Chair and reports the decisions to the House.

### **373 Motion to report progress (432)**

A motion may be made during the proceedings of a Committee that progress be reported and that leave be sought to sit again.

### **374 Report brought without question (434)**

A report of a Committee of the whole House is brought up without a question being put.

### **375 Resolutions reported from Committee (435)**

In the case of resolutions reported from a Committee, the House may

- 1 agree or disagree to them, or
- 2 agree to them with amendments, or
- 3 recommit them to the Committee, or
- 4 postpone further consideration of them.

## **CHAPTER 27**

### **INSTRUCTIONS TO COMMITTEE OF THE WHOLE HOUSE**

#### **376 Effects of an instruction (436)**

An instruction empowers a Committee of the whole House to consider matters not otherwise referred.

#### **377 Scope of an instruction on Bill (437)**

An instruction to a Committee of the whole House on a Bill to amend an existing Act is to be relevant to that Act.

#### **378 How Committees to amend Bills (438)**

It is an instruction to all Committees of the whole House to which any Bill is committed that

- 1 they have the power to make such amendments in that Bill as they think fit, provided the amendments are relevant to the subject matter of the Bill; but
- 2 if any amendments are not within the title of a Bill, they amend the title of the Bill accordingly, and
- 3 report the change of title specially to the House.

#### **379 Debate on instruction on Bill (439)**

Debate on a motion for an instruction

- 1 is to be strictly relevant to that instruction;
- 2 may not be directed to the objects of the Bill to which the instruction relates;
- 3 may not anticipate the discussion of a clause of the Bill.

#### **380 What instructions may be moved (440)**

No instruction may be moved

- 1 which orders a Committee of the whole House to make provision in a Bill, or
- 2 which empowers such a Committee to make such a provision, if the Committee already has that power.

**381 Notice required—Time for moving (441)**

An instruction to a Committee of the whole House requires notice and may be moved (a) at the time of the committal of the matter in question, or (b) when the order of the day for resuming the Committee on the matter is read.

**INSTRUCTION TO A SELECT COMMITTEE**

**382 To select committee (442)**

An instruction to a select committee extends or restricts the order of reference, and may be moved after notice on any day before the committee reports.

## **CHAPTER 28**

### **WITNESSES**

#### **383 Witness summoned by Speaker or Secretary to the Committee (443)**

Witnesses are summoned to attend before the House by summons under the hand of the Speaker; or before a Committee, by summons under the hand of the secretary to the Committee.

#### **384 By select committee (445-446)**

If a select committee wishes a Member to attend as a witness, the Chairman makes a request in writing to the Member to attend. If the Member refuses to attend, or refuses to give evidence or information as a witness to the committee, the committee takes no further action except to report the matter to the House and does not again summon the Member to attend the committee.

#### **385 Committee not to entertain charges against Members (447)**

If any allegations are made before any committee against any Member of the House, the committee may direct that the House be informed of the allegations but may not itself proceed further with the matter.

#### **386 Attendance of Member or officer of Legislative Council to be examined (448)**

When it is wished that a Member of the Legislative Council or any officer of that House attend to be examined by the House or any committee of the House, a message is sent to the Council to request the Council to give leave to the Member or officer to attend to be examined on the matters stated in the message.

#### **387 Attendance of Members or officers of the House of Assembly before committee of the Legislative Council (449)**

If the Legislative Council makes a request by message for the attendance of a Member of the House before a select committee of the Council, the House may authorise that Member to attend, if the Member thinks fit. The House, if similarly requested by the Council, may also instruct any of its own officers to attend such committees, if the House thinks fit.

**388 When intended witness in prison (450)**

When a witness is in the custody of the keeper of any prison, the keeper may be ordered to bring the witness, in safe custody, to be examined; and from time to time, as often as the attendance of the witness is thought necessary; and the Speaker may be ordered to issue the warrant accordingly.

**389 Witnesses examined on oath only in certain circumstances (451)**

Witnesses may not be examined on oath by the House or by any committee of the House, except in cases provided by law.

**390 Witnesses entitled to protection (452)**

Witnesses examined by the House or by a committee of the House are entitled to the protection of the House in respect of anything they say in evidence.

**391 Witnesses at the Bar (453)**

When a witness is examined by the House or a Committee of the whole House, the Bar is kept drawn.

**392 Witnesses before the House examined by Speaker (454)**

When a witness appears before the House, the Speaker examines the witness. Members may put questions to the witness only through the Speaker.

**393 Before Committee by a Member (455)**

In Committee of the whole House, any Member may put questions to a witness.

**394 Witness withdraws if question objected to (456)**

If any question is objected to, or if any other matter arises, the witness withdraws while the question or other matter is under discussion.

**395 Member examined in his/her place (457)**

When a Member is to be examined by the House, the Speaker orders the Member to attend in his/her place. The Member is then examined in his/her place.

### **396 Judges, how introduced (458)**

Judges are brought in and announced to the House by the Serjeant-at-Arms and have chairs placed for them within the Bar.

### **397 Officers not to give evidence without leave (459)**

A clerk or officer of the House or Hansard reporter employed to take minutes of evidence before the House or any committee of the House may not give evidence elsewhere in respect of any proceedings or examination held at the Bar, or before any committee of the House, without the special leave of the House.

## **CHAPTER 29**

### **SUSPENSION OF STANDING ORDERS**

#### **398 Motion for suspension without notice (460)**

In cases of urgent necessity, any Standing Order or sessional order may be suspended on motion without notice, provided that the motion has the concurrence of an absolute majority of all the Members of the Assembly.

#### **399 Speaker to count House (461) Amended Nov 1998**

When it is moved without notice to suspend any Standing or sessional order or orders, the Speaker counts the House and if a majority of all of the Members is not present, the bells are rung for up to three minutes, during which time no Member may leave the Chamber, and if a majority of Members is still not present the motion lapses.

#### **400 Motion for suspension with notice (462)**

When a motion for the suspension of any Standing or sessional order or orders appears on the Notice Paper, that motion may be carried by the majority of voices.

#### **401 Limitation of debate (463)**

The mover is in every case limited to ten minutes (including right of reply) in stating the reasons for seeking the suspension. One other Member may speak, subject to the same time limit. No further discussion is allowed.

#### **402 Limitation of operation (464)**

The suspension of the Standing Order or Orders is limited in its operation to the particular purpose for which the suspension was sought and, unless otherwise ordered, is limited to that day's sitting of the House.

#### **403 Limitations as to motion (465)**

After the orders of the day have been called on, no motion for suspension without notice may be entertained until the consideration of such orders is concluded, unless the motion for suspension is moved for the purpose of expediting the progress of a Bill or otherwise facilitating the business of the House.

## **DURATION OF STANDING ORDERS**

### **404 In force until altered (466)**

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

J. K G Oswald, Speaker

G. D. Mitchell, Clerk of the House of Assembly

## **JOINT STANDING ORDERS**

Agreed to by Legislative Council 6 and 22 October 1903 and by House of Assembly 21 October 1903 and approved by Governor 30 October 1903.

Amended 4 and 20 August and 1 September 1914 and approved by Governor 17 September 1914.

Further amended 2 and 15 October 1924 and approved by Governor 23 October 1924.

Further amended 19 and 28 July 1938 and approved by Governor 11 August 1938.

Further amended 21, 28 and 29 November 1951 and approved by Governor 17 January 1952.

## JOINT COMMITTEES

### **1 Procedure in the one House.**

Whenever either House desires the appointment of a joint committee it shall inform the other House by message of the object of such committee; and of the number of Members and of the quorum which it has appointed to serve thereon; and shall desire the concurrence of the House thereto.

### **2 And in the Other House.**

The House whose concurrence is so desired shall, if it agrees to the appointment of the proposed committee, notify its consent to the other House by message, and name the number of the quorum which it has appointed.

### **3 Members from each House to be equal in number.**

The number of Members appointed by each House shall be the same.

### **4 Quorum appointed by each House.**

Each House shall fix the quorum of its Members necessary to be present at all sittings of the committee; but, subject hereto, a joint committee may fix its own quorum.

### **5 Power to send for persons, etc.**

The committee shall have power to send for persons, papers, and records, and shall report to the House with all due dispatch.

### **6 Chairman to vote; but no decision in case of tie.**

The Chairman of the committee shall be entitled to a vote upon every question, but when the votes are equal the question shall pass in the negative.

### **7 Instructions.**

Instructions to joint committees must have the concurrence of both Houses.

**8 Report, how presented.**

The report of the committee shall be presented to each House in writing by Members nominated by the committee for that purpose.

**9 Proceedings regulated by Standing Orders relating to select committees.**

The procedure of every joint committee shall, except where herein otherwise ordered, be regulated by the Standing Orders of the Legislative Council relating to select committees.

## **JOINT ADDRESSES**

**10 Procedure.**

Whenever either House desires that a joint address should be presented from both Houses, and a form of address shall have been agreed to (a blank being left for the title of the other House), a message shall be sent to the other House, transmitting the address, and desiring its concurrence thereto.

**11 How signed.**

The address, when finally agreed upon by both Houses, shall be signed by the President of the Legislative Council and by the Speaker of the House of Assembly.

**12 How presented to Her Majesty, etc.**

Joint addresses to Her Majesty, to any Member of the Royal Family, and to either House of the Imperial or Commonwealth Parliament, shall be forwarded for presentation in such manner as shall be agreed upon between the President of the Legislative Council and the Speaker of the House of Assembly.

**13 How presented to Governor.**

Joint addresses to the Governor, if presented in a body by both Houses, shall be read by the President of the Legislative Council, with the Speaker on his left hand, but if by a deputation of Members from both Houses, then by such Member of the deputation as shall be named by the President if the proposal for the address originated in the Legislative Council, or by the Speaker if it originated in the House of Assembly.

## NUMBERING AND DATING OF ACTS

### **14 Acts to be numbered consecutively and dated.**

The Public Acts passed by the Legislature in each year shall be numbered in Arabic figures and in regular arithmetical series, commencing from the number one in each year, in the order in which His Excellency the Governor shall have assented, or shall have signified the Queen's Assent, thereto. All such Acts assented to by the Governor shall have the date of such Assent and the number of the year printed within parentheses immediately following the title, and, in cases where the bills for such Acts have been reserved, shall bear both the date of such reservation and of the proclamation of the Royal Assent.

Every Act shall bear as part of its short title the number of the year in which the bill for that Act was introduced or, where the bill for that Act was a lapsed bill restored to the notice paper then the year in which the bill was so restored; and every Act shall be numbered as an Act of the year mentioned in its short title.

### **15 Repeal.**

The Joint Standing Order of 1875, relating to the numbering of Acts, and Standing Order 344 (old number) from the commencement down to and including the word "and" in the last line but three are hereby repealed.

## ELECTION OF SENATORS

### **16 Procedure in case of joint sittings of the two Houses.**

All joint sittings of the Legislative Council and House of Assembly held, pursuant to section 15 of the Commonwealth of Australia Constitution Act, for the election of a Senator shall be summoned by the President of the Legislative Council, or, in his absence, by the Speaker of the House of Assembly, by not less than seven days' notice to the Members of the Council and of the House of Assembly, and shall be presided over by the said President, or, in his absence, by the Speaker, or, in the absence of both President and Speaker, by some other Member chosen by the Members of both Houses present to preside. The procedure of such joint sittings shall be that of the Legislative Council so far as applicable to the circumstances.

## **BILL NOT ASSENTED TO BEFORE PROROGATION**

### **17 Bill not assented to lapses, but may be passed in next session without delay.**

If a prorogation of Parliament takes place before the Governor shall have notified to Parliament or by proclamation his assent to, or reservation of, any bill which has been agreed to by both Houses during the session then closed, such bill having thereby lapsed, may, on being introduced in the next session of the same Parliament in the originating House, be passed through all stages in both Houses without delay.

## **CONSOLIDATION BILLS**

### **18 Referred to joint committee.**

Every bill for the consolidation of law shall, after its second reading in the originating House, be referred to a joint committee.

#### **Duty of joint committee.**

The said committee shall inquire whether the bill makes any alteration in the law; and it shall be an instruction to all such committees that, wherever it shall appear to them that any such alteration is made, they do amend the bill in conformity with what they hold to be the law.

#### **Report.**

If the bill be reported without amendment, the report may be at once adopted, and the bill may be read a third time without delay; but, if with amendment, a time shall be fixed for the consideration of the report.

#### **Committee of the Whole.**

Whenever the Bill is referred to a Committee of the Whole, its consideration therein shall be limited to amendments made by the joint committee, and to any further amendments which may seem to the Committee of the Whole necessary to determine the true interpretation of the law.

#### **Transmission to other House.**

The bill, when transmitted by the originating House to the other, shall show by italic and erased type whatever amendments may have been made thereto.

## **JOINT COMMITTEE ON SUBORDINATE LEGISLATION**

### **19 Interpretation.**

In Joint Standing Orders No. 20 to No. 31 inclusive -

"regulation" means regulation, rule, by-law, order or proclamation which under any Act is required to be laid before Parliament and which is subject to disallowance by the resolution of either House or both Houses of Parliament.

### **20 Constitution of Committee.**

There shall be a joint committee to be called "The Joint Committee on Subordinate Legislation".

The committee shall consist of three members of each House.

### **Quorum.**

A quorum of the committee shall consist of two Members from each House.

For the purpose of this order an ex-member of a House who remains a member of the committee by virtue of Joint Standing Order No. 23 shall, while he is a member of the committee, be deemed to be a member of the House which appointed him to the committee.

### **21 Manner of appointment.**

The Members to serve on the Committee shall be nominated in each House by the Member moving the motion for their appointment; but if any Member in either House so demands, the Members of the Committee for that House shall be elected by ballot.

### **22 Time for appointment.**

Notwithstanding any Standing Order of either House, the Members of the Committee shall be appointed by each House forthwith after every general election of the House of Assembly:

Provided that the Members of the first Committee to be appointed may be appointed as soon as may be after this Joint Standing Order is approved by the Governor.

**23 Term of appointment.**

Every Member of the Committee shall, whether or not he has ceased to be a Member of Parliament, hold office as a Member of the Committee until the House by which he was appointed appoints his successor pursuant to Joint Standing Order No. 22:

Provided that this order shall not prevent the resignation or lawful removal from office of any Member.

**24 Chairman.**

The Committee shall appoint a Chairman.

**Voting.**

The Chairman shall be entitled to vote on every question, but when the votes are equal, the question shall pass in the negative.

**25 Duties of committee.**

It shall be the duty of the Committee to consider all regulations.

If the regulations are made whilst Parliament is in session, the Committee shall consider the regulations before the end of the period during which any motion for disallowance of those regulations may be moved in either House.

If the regulations are made whilst Parliament is not in session, the Committee shall consider the regulations as soon as conveniently may be after the making thereof.

**26 Consideration of regulations.**

The Committee shall with respect to any regulations consider—

- (a) whether the regulations are in accord with the general objects of the Act, pursuant to which they are made;
- (b) whether the regulations unduly trespass on rights previously established by law;
- (c) whether the regulations unduly make rights dependent upon administrative and not upon judicial decisions; and
- (d) whether the regulations contain matter which, in the opinion of the Committee, should properly be dealt with in an Act of Parliament.

## **27 Report of committee.**

If the Committee is of opinion that any regulations ought to be disallowed—

- (a) it shall report that opinion and the grounds thereof to both Houses before the end of the period during which any motion for disallowance of those regulations may be moved in either House; and
- (b) if Parliament is not in session, it may report its opinion and the grounds thereof to the authority by which the regulations were made.

If the Committee is of opinion that any other matter relating to any regulations should be brought to the notice of Parliament, it may report that opinion and matter to both Houses.

## **28 Presentation of report.**

A report of the Committee shall be presented to each House in writing by a Member of the Committee nominated for that purpose by the Committee.

## **29 Duty of under Secretary.**

The Under Secretary shall forthwith upon any regulations being made, or in the case of by-laws made by a municipal council or district council, forthwith upon their being certified by the Crown Solicitor or a Judge forward sufficient copies thereof to the Clerk of the Parliaments for the use of the Members of the Committee.

## **30 Power to send for persons, etc.**

The Committee shall have power to act and to send for persons, papers, and records, whether Parliament is in session or not.

## **31 Procedure**

The procedure of the Committee shall, except where herein otherwise ordered, be regulated by the Standing Orders of the Legislative Council relating to select committees



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*AND*  
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