

HOUSE OF REPRESENTATIVES

Standing and Sessional Orders

AS AT 20 OCTOBER 2010

DEPARTMENT OF THE HOUSE OF REPRESENTATIVES
CANBERRA

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Chapter 1. Time limits and definitions

Chapter outline

This chapter contains some basic standing orders:

- maximum speaking times for the Chamber and Main Committee,
 - definitions used throughout, and
 - a statement of how the standing orders apply in proceedings.
-

Maximum time limits apply when speaking

1 Maximum speaking times

The maximum time limits that apply to debates, speeches and statements are as follows.

| <i>subject</i> | <i>time (max)</i> |
|--|-------------------|
| <i>Address in Reply</i> Each Member | 20 mins |
| <i>Adjournment of the House or Main Committee – to end the sitting</i> | |
| Whole debate in House on Monday, Tuesday and Wednesday | 1 hour |
| Whole debate in House on Thursday | 30 mins |
| Whole debate in Main Committee | not specified |
| Extended debate (if required by Minister to reply etc) | 10 mins |
| Each Member – no extension of time can be granted | 5 mins |
| Member who has already spoken to the motion may speak again for one period if no other Member rises to speak | 5 mins |
| Minister in extension of debate | 5 mins |
| <i>(standing orders 31 (House) and 191 (Main Committee))</i> | |

| <i>subject</i> | <i>time (max)</i> |
|--|---|
| <i>Bills – Main Appropriation – second reading</i> Mover Leader of Opposition or Member representing | no limit no limit |
| <i>Bills – Other Government – second reading</i> Mover Leader of Opposition or Member representing Minister at conclusion of debate | 30 mins 30 mins 15 mins |
| <i>Bills – Private Members' (All) – presentation</i> Presenter <i>(standing order 41)</i> | 10 mins |
| <i>Bills – Private Members' (Government) – second reading</i> Mover Prime Minister or Member representing Leader of Opposition or Member representing | 30 mins 30 mins 30 mins |
| <i>Bills – Private Members' (Non-Government) – second reading</i> Mover Prime Minister or Member representing | 30 mins 30 mins |
| <i>Bills – All – second reading</i> Any other Member not specified above <i>(standing order 222)</i> | 15 mins or lesser time determined by the Selection Committee |
| <i>Bills – All – consideration in detail</i> <i>Bills – All – consideration of Senate amendments or requests</i> Each Member – unlimited number of periods | 5 mins |

| <i>subject</i> | <i>time (max)</i> |
|--|---|
| <p><i>Censure of or no confidence in the Government</i> <i>(if accepted by the Government under standing order 48)</i></p> <p>Mover 30 mins Prime Minister or Minister representing 30 mins Any other Member 20 mins</p> <p><i>(if otherwise, e.g. under suspension of standing orders, see Other debates – not otherwise provided for)</i></p> | |
| <p><i>Committee and delegation business on Mondays</i></p> <p><i>Announcements of inquiries</i> Committee chair or deputy chair</p> <p><i>Reports</i> Each Member</p> <p style="text-align: right;"><i>(standing orders 39, 40, 192)</i></p> | <p>as determined by the Selection Committee</p> <p>10 mins or lesser time determined by the Selection Committee</p> |
| <p><i>Condolence motion</i> Each Member</p> <p style="text-align: right;"><i>(standing order 49)</i></p> | no limit |
| <p><i>Dissent motion</i> Whole debate 30 mins Mover 10 mins Seconder 5 mins Member next speaking 10 mins Any other Member 5 mins</p> <p style="text-align: right;"><i>(standing order 87)</i></p> | |
| <p><i>Elections of Speaker or Deputy Speakers</i> Each Member</p> <p style="text-align: right;"><i>(standing order 11)</i></p> | 5 mins |
| <p><i>Extension of time</i> On motion, determined without debate, a Member may continue a speech interrupted under this standing order, for one period</p> | 10 mins, but extension may not exceed half of the original period allotted |

| <i>subject</i> | <i>time (max)</i> |
|--|---|
| <i>Grievances</i> Whole debate Each Member (standing order 192B) | 1 hour 10 mins |
| <i>Matter of public importance</i> Whole discussion Proposer Member next speaking Any other Member (standing order 46) | 1 hour 30 mins 15 mins 15 mins 10 mins |
| <i>Members' statements</i> <i>90 second statements</i> Whole period on Mondays, Wednesdays and Thursdays Each Member (but not a Minister or Parliamentary Secretary) (standing order 43) | 15 mins 90 seconds |
| <i>3 minute constituency statements</i> Whole period Each Member (standing order 193) | 30 mins 3 mins |
| <i>Other debates – not otherwise provided for</i> <i>(e.g. censure of a Minister, reference to committee, approval of public works)</i> Mover of a motion Any other Member | 20 mins 15 mins |
| <i>Other statements – by permission from the Speaker</i> <i>(e.g. adding to answer, personal explanation, privilege)</i> Member | at the discretion of the Speaker |
| <i>Other statements – by leave of the House</i> <i>(e.g. ministerial statements and responses to them, committee reports)</i> Member | no limit |

| <i>subject</i> | <i>time (max)</i> |
|---|---|
| <i>Private Members' business on Mondays</i> Whole debate Each Member <div style="text-align: right;"><i>(standing order 41)</i></div> | as determined by the Selection Committee |
| <i>Question Time</i> Each question Each answer <div style="text-align: right;"><i>(standing orders 100 and 104)</i></div> | 45 secs 4 mins |
| <i>Suspension of standing or other orders without notice</i> Whole debate Mover Secunder (if any) Member next speaking Any other Member <div style="text-align: right;"><i>(standing order 47)</i></div> | 25 mins 10 mins 5 mins 10 mins 5 mins |
| <i>Taxation or duty proposal</i> Mover Leader of Opposition or Member representing Any other Member <div style="text-align: right;"><i>(standing orders 178 and 179)</i></div> | 20 mins 20 mins 10 mins |
| <i>Thanks motion</i> Each Member <div style="text-align: right;"><i>(standing order 49)</i></div> | no limit |
| <i>Urgent matters – allotment of time for debate</i> Whole debate Each Member <div style="text-align: right;"><i>(standing order 84)</i></div> | 20 mins 5 mins |

Definitions and application

2 Definitions

The following meanings apply throughout these standing orders.

absolute majority is a majority of the membership of the House (including the Speaker).

amending bill means a bill whose principal purpose is to amend an existing Act or Acts.

Appropriation Bills are bills which appropriate money to fund annual government expenditure (other bills may appropriate money for special purposes).

area of Members' seats means the area of seats on the floor of the Chamber reserved for Members. It does not include seats in the advisers' box or special galleries, but does include the seat where the Serjeant-at-Arms usually sits. The expression is used in *standing orders 128 and 129 (divisions)*. See figure 1.

Assistant Minister see *Minister*.

Chief Government Whip includes another government whip acting on behalf of the Chief Government Whip.

Chief Opposition Whip includes another opposition whip acting on behalf of the Chief Opposition Whip.

Clerk at the Table means the person performing the duties of the Clerk in the Chamber. This term is used when duties are performed during a sitting.

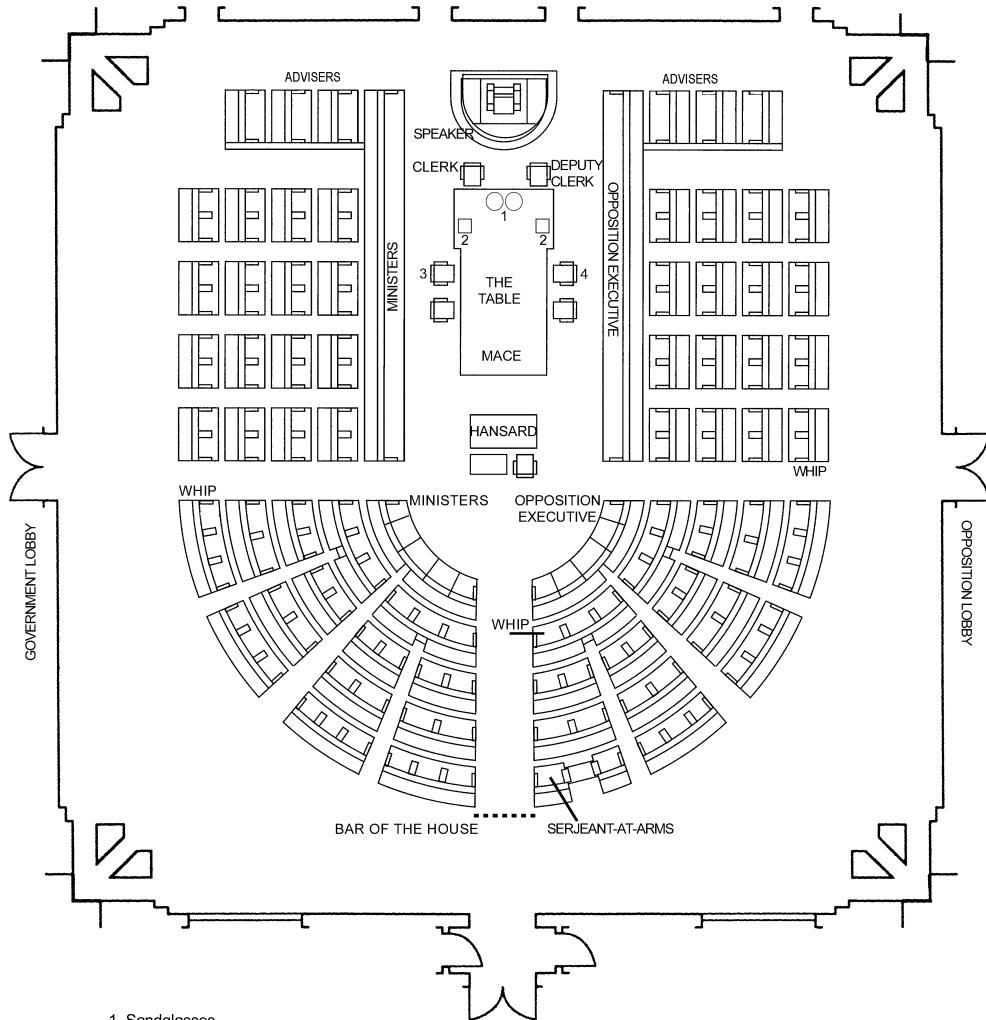
committee includes a House or joint, standing or select committee.

count out is the adjournment of the House because of the lack of a quorum of Members (30 Members).

document means a paper or any record of information, and includes:

- (i) anything on which there is writing;
- (ii) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;
- (iii) anything from which sounds, images or writings can be reproduced with or without the aid of anything else; or
- (iv) a map, plans, drawing or photograph.

Figure 1. The Chamber



1. Sandglasses
2. Despatch Boxes
3. Prime Minister or Minister in charge of business
4. Leader of the Opposition or Member of the Opposition Executive

evidence means the information (whether or not confidential) provided by witnesses (whether or not under oath or affirmation) and inquiry contributors, to the House or a committee. It includes:

- (i) oral or written information provided by a witness in response to questions of the House or a committee, as relevant; and
- (ii) written submissions from inquiry contributors which address the terms of reference of a committee's inquiry and which have been formally accepted by the committee.

Governor-General includes an Administrator of the Commonwealth.

House bill is a bill originating in the House.

laid aside means that the House has decided not to proceed with a particular proposal and has resolved to put an end to it.

leave, by means that no Member present objects.

Main Appropriation Bill means the main bill in a year appropriating money to fund expenditure for the ordinary annual services of government – that is, Appropriation Bill (No. 1).

Member means any Member of the House of Representatives. **Private**

Member means a Member other than the Speaker or a Minister. **Non-**

aligned Member means a Member who is neither a government Member nor an opposition Member.

Minister includes Parliamentary Secretary,* except in *standing order 98* (*questions seeking information*).

notice is a stated intention for a new item of business, such as a notice of motion to be moved or notice of intention to present a bill.

order of the day is a formal agenda item of business on a particular day, including a bill or other matter which the House has ordered to be considered on that day.

Parliamentary Paper means a document in the Parliamentary Papers Series.

Parliamentary Secretary see **Minister**.

petition is a formal request to the House to take action that is within its power to take. A petition for presentation to the House must comply with the standing orders.

petition terms consist of the reasons for the petition and the request for action by the House.

physical limits of the Chamber means the area inside the Chamber walls, on the floor of the Chamber. It does not include the galleries on the upper floors. The expression is used in *standing order 56 (quorum)*.

See figure 1.

* Including Assistant Ministers who are Parliamentary Secretaries.

privilege means the special rights and immunities belonging to the House, its committees and its members in accordance with section 49 of the Constitution, and as qualified by the *Parliamentary Privileges Act 1987*.

present a document means table a document.

prorogation means the formal ending of a session of Parliament by the Governor-General.

question, in relation to a motion, means the matter before the House or Main Committee for decision. The question is proposed from the Chair to the House after a motion has been moved and, if necessary, seconded. During the debate the Speaker states the question to the House between speeches. At the end of the debate the Speaker puts the question by restating the question to the House and asking Members for and against the question to call 'Aye' or 'No'.

Question Time means the period of time set aside at every sitting during which Members may ask questions of Ministers or other Members (*standing order 97*).

quorum of the House is one-fifth of the whole number of Members of the House (i.e. 30 Members).

quorum of the Main Committee is one government Member, one non-government Member and the Chair.

reading of a bill, means the reading of the **title** of a bill.

recess means the period between sessions of a Parliament, or the period between the close of a session by prorogation and dissolution or expiry of the House.

reply is the closing speech of a debate in which the mover of a motion sums up or responds to the debate.

Senate bill is a bill originating in the Senate.

service of the House means attendance in the Chamber. Used in *standing order 26 (leave of absence)*, and *standing order 94(b) (Member suspended)*—but see also *standing order 94(e)*.

session means the period commencing on the first sitting day following a general election or a prorogation, and concluding by prorogation, dissolution or at the expiration of three years from the first meeting of the House.

sitting means the period commencing with the meeting of the House and concluding at the adjournment of the House. (A sitting may extend over more than one day, and it is possible, although unusual, to have more than one sitting on a day.)

Speaker is defined in *standing order 3(d)*.

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

Supply Bills appropriate money to fund government expenditure on an interim basis until Appropriation Bills have passed (now rarely necessary).

title of a bill means the long title, which usually begins 'A Bill for an Act . . . '.

visitor means a person other than a Member or parliamentary official.

voices means the oral votes of Members, 'Aye' or 'No', on a question from the Chair.

witness means a person who attends before the House or a committee to give evidence.

3 Application

(a) These standing orders are the rules of the House made under the power granted by section 50 of the Constitution. They are of continuing effect and apply until changed by the House in this or a subsequent Parliament.

(b) The standing orders apply in general to proceedings taking place inside the Chamber of the House. Some orders expressly provide for other parliamentary matters which take place outside the Chamber and the committees of the House, e.g. matters of privilege and petitions.

(c) The standing orders also apply to committees of the House to the necessary extent, subject:

(i) in the Main Committee, to the orders in Chapter 14 (*standing orders 183–198*), and

(ii) in all other committees, to the orders in Chapter 16 (*standing orders 214–247*).

(d) The Speaker is the principal officeholder of the House. References in the standing orders to the duties and actions for which the Speaker is responsible are to **Speaker**, notwithstanding the practice of relief arrangements under which the Deputy Speaker, the Second Deputy Speaker or a member of the Speaker's panel occupies the Speaker's Chair when the Speaker is not in the Chamber. Similarly, references to the duties and actions for which the Deputy Speaker is responsible in relation to the Main Committee are to the Deputy Speaker notwithstanding relief arrangements.

Some matters are reserved only for the Speaker, or an acting Speaker: role in the election of Deputy Speaker and Second Deputy Speaker (*standing orders 13–14*); selection of the matter of public importance (*standing order 46*); decisions on matters of privilege (*standing orders 51–52*). The power to exercise a casting vote (*standing order 135*) is reserved for the Speaker, Acting Speaker, Deputy Speaker or Second Deputy Speaker.

(e) The Speaker (or other Member presiding) is responsible for ruling whenever any question arises as to the interpretation or application of a standing order and for deciding cases not otherwise provided for. In all cases the Speaker shall have regard to previous rulings of Speakers of the House and to established practices of the House.

Chapter 2. Proceedings when Parliament called together

Chapter outline

This chapter sets out procedures for the meeting of Parliament:

- after a general election of Members
 - for a new session of the same Parliament, and
 - including the Governor-General's speech and the address in reply.
-

First meeting of new Parliament after general election

4 First meeting of new Parliament after general election

When Parliament first meets after a general election, the procedure shall be as follows:¹

- (a) Local Indigenous people shall be invited to conduct a ceremony of welcome prior to Members assembling in the House of Representatives.
- (b) Members shall assemble in the House of Representatives at the time appointed by the Governor-General in the Proclamation calling Parliament together in accordance with section 5 of the Constitution.
- (c) The Clerk shall read the Proclamation to Members, who shall wait for a message inviting them to attend the declaration of the opening of Parliament.
- (d) Members shall proceed to another place to hear the declaration and return to the House.
- (e) The Clerk shall present the returns to writs following the general election.
- (f) Each Member shall swear the oath or make the affirmation of allegiance in accordance with section 42 of the Constitution, both orally and in writing.
- (g) Members shall elect a Speaker under *standing order 11 (Election procedures)*.

¹ A detailed program is issued for each occasion.

- (h) The Prime Minister or another Minister shall inform the House the time when the Governor-General will receive the Members of the House and the Speaker.
- (i) Before any business of the House, the Speaker, leading other Members, shall present himself or herself to the Governor-General at the appointed time. The Speaker and Members shall then return to the House. The Speaker shall resume the Chair and report to the House.
- (j) Finally, a Minister shall inform the House the time when the Governor-General will state the reasons for calling Parliament together. The House may then suspend its sitting until that time, when it shall again assemble and wait for a message from the Governor-General.

Governor-General's speech and reply

5 House attends to hear Governor-General's speech

- (a) When the House receives the message from the Governor-General, Members of the House shall attend at the place appointed by the Governor-General to hear the speech stating the causes for the calling together of Parliament, in which the Government's program may be announced.
- (b) After the speech, the Speaker and the Members shall return to the Chamber.

6 Opening speech reported – Address in Reply

- (a) Before the Governor-General's speech is reported some formal business shall be transacted and the Prime Minister may announce his or her ministry.
- (b) The Speaker shall report the speech to the House.
- (c) A committee shall be appointed to prepare an Address in Reply to the speech and to present it to the House.
- (d) When the committee presents the proposed Address in Reply to the House a Member shall move –

That the Address be agreed to.

7 Presentation of Address

- (a) After the House has agreed to an Address in Reply, the Speaker shall present it to the Governor-General. Any Member may accompany the Speaker for the presentation.
- (b) The Speaker shall then report to the House the Governor-General's reply to the Address.

First meeting for new session—continuing Parliament

8 First meeting for new session following prorogation other than for a new Parliament

On the first meeting of a second or subsequent session of Parliament, instead of the procedure set down in *standing order 4*, the procedure shall be as follows:

- (a) Members shall assemble in the House at the time appointed by the Governor-General in the Proclamation calling Parliament together.
- (b) The Clerk shall read the Proclamation to Members.
- (c) The Speaker shall read Prayers.
- (d) Members shall wait for a message from the Governor-General stating the time when he or she will declare the causes for the calling together of Parliament.
- (e) Subsequent procedure shall follow *standing orders 5–7*.

When Governor-General does not attend

9 When Governor-General does not attend

- (a) If the Queen attends a meeting to declare the causes for the calling together of Parliament, references to the Governor-General in this chapter shall be read as references to Her Majesty.
- (b) If the Governor-General appoints a Deputy in accordance with section 126 of the Constitution to announce the causes for the calling together of Parliament, references to the Governor-General in this chapter shall be read as references to the Deputy.

Chapter 3. Election of Speaker and Deputies

Chapter outline

This chapter sets out procedures for the election of the Speaker, the Deputy Speaker and the Second Deputy Speaker.

Election of Speaker

10 When an election for Speaker takes place

- (a) An election for Speaker shall take place at:
 - (i) the opening of a new Parliament after the Members have been sworn or made an affirmation; or
 - (ii) any time when the office of Speaker is vacant.
- (b) The election shall be conducted by the Clerk acting as Chair, in the manner provided below in *standing order 11*.

11 Election procedures

When electing a Member to fill a vacant office the routine shall be as follows:

Nominees proposed

- (a) The Chair shall invite nominations for the vacant office.
- (b) A Member shall propose the nomination of a Member to the vacant office by moving, without notice, that such Member 'do take the Chair of this House as Speaker'. The Member nominated must be present and the motion must be seconded. The mover and seconder may speak in support of their nominated candidate for no more than 5 minutes each.
- (c) The nominated Member shall inform the House whether he or she accepts the nomination.
- (d) The Chair shall ask:

Is there any further proposal?

and shall ask this again after any further proposal and acceptance.

- (e) If no further proposal is made the Chair shall state:

The time for proposals has expired.

No further nominations may be made.

If only one nominee – nominee elected

(f) If a nominee is unopposed, the Chair, without question put, shall declare the Member, who has been proposed and seconded, to have been elected to the vacant office.

If two or more nominees – debate then ballot

(g) If there are two or more nominees, when the time for proposals has expired, Members who have not yet spoken as mover or seconder may speak on the election, however:

- (i) debate must be relevant to the election; and
- (ii) no Member may speak for more than five minutes.

(h) At any time during debate, and whether any Member is addressing the Chair or not, a Minister may move without notice –

That the ballot be taken now.

The question shall be put immediately and resolved without amendment or debate. If the votes are equal the question shall be negatived, and debate may continue. If the question is carried, or when debate ends, the House shall proceed to a ballot.

Ballot

(i) Each Member voting shall provide a ballot paper to the Chair, containing the name of the nominated Member or Members, as relevant, for whom he or she is voting. The Clerks at the Table shall count the votes:

Election of Speaker

- (i) For the office of Speaker, a nominee must receive a majority of votes. If no nominee has a majority after a ballot, the nominee with the smallest number of votes shall be excluded from later ballots, and a fresh ballot shall be held. This process shall be repeated as often as necessary until one nominee receives a majority of the votes, and this nominee shall be elected Speaker.

Election of Deputy Speaker and Second Deputy Speaker

- (ii) For deciding offices other than Speaker, the nominee who has the most votes shall be elected to the vacant office.

If equal votes in ballot – special ballot

(j) If nominees have equal numbers of votes, making it impossible to calculate which name is to be excluded from later ballots, a special ballot shall take place. At a special ballot, the routine shall be as follows:

- (i) the Chair shall inform the House that the last ballot was inconclusive because nominees had equal numbers of votes;
- (ii) the names of those nominees who received equal numbers of votes shall be proposed;
- (iii) each Member shall write on a ballot paper the name of the nominee he or she wishes to support; and

- (iv) the nominee with the smallest number of votes shall be excluded from later ballots.

When equal votes in first special ballot

- (k) If a first special ballot is inconclusive because nominees have equal numbers of votes, a second special ballot shall be taken, unless a nominee withdraws making further ballots unnecessary.

When equal votes in second special ballot

- (l) If after a second special ballot, nominees again receive equal numbers of votes, the Chair shall declare the equal votes to the House, and the sitting shall be suspended for 30 minutes. When the House resumes, the votes shall be taken again, unless a nominee withdraws making further ballots unnecessary.

When withdrawal of nominee

- (m) A nominee may withdraw from an election after the result of the first ballot is declared or in between ballots. After a withdrawal, the election shall proceed as if the withdrawn Member had not been nominated.
- (n) If a withdrawal leaves only one nominee remaining, that nominee shall be elected to the vacant office.

12 Successful Member is Speaker

- (a) At the conclusion of an election for Speaker, the Clerk shall declare the successful Member to have been elected Speaker.
- (b) The successful Member shall be conducted to the Chair by the proposer and seconder, and take the Chair of the House as Speaker.
- (c) The Speaker shall then acknowledge the honour conferred by the House. Once the Speaker is seated the Mace shall be taken from under the Table, and placed on the Table.
- (d) The Speaker may receive congratulations from the House.

Election of Deputy Speaker and Second Deputy Speaker

13 When Deputy Speaker and Second Deputy Speaker elected

- (a) The Deputy Speaker and Second Deputy Speaker shall be elected at the beginning of each Parliament, or at any time the respective office becomes vacant. Whenever the two offices are vacant at the same time, elections for both offices shall be conducted together.
- (b) The Speaker shall conduct the elections under *standing order 14*, and may not vote in an ordinary ballot.

- (c) Only a non-government Member may be elected as Second Deputy Speaker.
- (d) A Member shall propose the nomination of a Member to the vacant office by moving, without notice, that such Member 'be elected Deputy Speaker (or Second Deputy Speaker)'.

14 Conducting elections of Deputy Speaker and Second Deputy Speaker

Elections of Deputy Speaker and Second Deputy Speaker shall be conducted following the procedures in *standing order 11* as qualified here:

Nominee can be absent

- (a) A nominee does not have to be present at the election or inform the House whether he or she accepts nomination.

When only one nominee

- (b) If only one Member is nominated the Speaker shall declare that Member to be the Deputy Speaker. The House may leave the office of Second Deputy Speaker vacant or may in the future agree to a motion to conduct a ballot for the office.

Nominee with most votes is Deputy Speaker

- (c) If two or more Members are nominated, the nominee with the most votes shall be the Deputy Speaker, and the nominee with the next greatest number of votes shall be the Second Deputy Speaker.

When Speaker has casting vote

- (d) If two or more Members are nominated and it is impossible to determine the position of Deputy Speaker because nominees have received equal numbers of votes:
 - (i) If two nominees are equal, the Speaker shall give a casting vote. The nominee for whom the Speaker votes shall be the Deputy Speaker and the other nominee shall be the Second Deputy Speaker.
 - (ii) If more than two nominees are equal, a special ballot shall take place, as provided in *standing order 11(j), (k) and (l)*.
- (e) If two or more Members are nominated and it is impossible to determine the position of Second Deputy Speaker because nominees have received equal numbers of votes:
 - (i) If two nominees are equal, the Speaker shall give a casting vote. The nominee for whom the Speaker votes shall be the Second Deputy Speaker.
 - (ii) If more than two nominees are equal, a special ballot shall take place, as provided in *standing order 11(j), (k) and (l)*.

Speaker declares successful nominee elected

- (f) At the conclusion of voting for each office the Speaker shall declare the nominee with the most votes to be elected to the vacant office.

Chapter 4. The Speaker and administration in the Chamber

Chapter outline

This chapter provides for:

- the Speaker and deputies
 - the Clerk and some clerical duties
 - Members' attendance in the Chamber, and
 - public record of proceedings.
-

The Speaker and other offices

15 Members elect Speaker

Members shall elect a Speaker at the beginning of every Parliament or when a vacancy occurs in accordance with section 35 of the Constitution, using the procedure set out in *standing order 11*.

16 Deputy Speaker and Second Deputy Speaker

(a) In each Parliament, the House shall elect a Deputy Speaker and a Second Deputy Speaker, using the procedure set out in *standing order 14*.

(b) The Deputy Speaker shall take the Chair of the House whenever asked to do so by the Speaker, and shall chair the Main Committee.

(c) The Second Deputy Speaker shall take the Chair of the House whenever asked to do so by the Speaker, act as Deputy Speaker in the absence of the Deputy Speaker, and assist the Deputy Speaker in the Main Committee.

17 Speaker's panel

(a) At the beginning of every Parliament the Speaker shall nominate a panel of at least four Members. The Speaker may nominate other Members or revoke the nomination of a Member at any time during the Parliament.

(b) The Speaker or the Deputy Speaker may call on a member of the Speaker's panel to take the Chair of the House.

(c) The Deputy Speaker may call on a member of the Speaker's panel to take the Chair of the Main Committee.

18 House informed of absences

(a) If the Speaker is absent the Deputy Speaker shall be the Acting Speaker. If both the Speaker and the Deputy Speaker are absent, the Second Deputy Speaker shall be the Acting Speaker.

(b) If the Speaker, the Deputy Speaker and the Second Deputy Speaker are all absent, the Clerk must inform the House. The House may adjourn until the next sitting or, if a quorum is present, the Members may immediately elect another Member to perform the duties of the Speaker, as Acting Speaker, during the absence, using the procedure set out in *standing order 11*.

19 Vacancy in office of Speaker

(a) If the office of Speaker falls vacant during a session the Clerk must report the vacancy to the House at its next sitting. The House shall proceed to the election of a new Speaker either immediately or at its next sitting, using the procedure set out in *standing order 11*.

(b) If the office of Speaker falls vacant during a recess the Clerk shall report the vacancy to the House at the opening of the next session when the House returns from hearing the Governor-General's speech, or from the declaration of the opening of the session, as the case may be. The House shall proceed to the election of a new Speaker immediately, using the procedure set out in *standing order 11*.

20 When Deputy Speaker may set time of meeting

If the office of Speaker falls vacant during an adjournment of the House and the date and hour of the next meeting would otherwise be set by the Speaker, the Deputy Speaker shall set the date and hour of the next meeting.

The Clerk

21 Absence of Clerk

If the Clerk is absent, the Clerk's duties shall be performed by the Deputy Clerk or, if the Deputy Clerk is also absent, by a Clerk Assistant.

22 Vacancy in office of Clerk

During any vacancy in the office of Clerk all powers, functions, and duties of the Clerk shall be exercised and performed by the Deputy Clerk.

Members' seats and attendance

23 Seats for Ministers

Seats in the front row of the Chamber, nearest to the right hand of the Speaker, shall be reserved for Ministers.

24 Seats for Members

- (a) A Member may keep the seat he or she occupied at the end of the previous Parliament, unless there is a change of government.
- (b) The Speaker shall determine any dispute about the seats occupied by Members.

25 Members' roll

The Clerk shall keep a Members' roll for each State and Territory showing the name of the Member elected for each electoral division and the date he or she:

- (a) is elected;
- (b) makes the oath or affirmation; and
- (c) ceases to be a Member, and the reason.

26 Leave of absence

- (a) A Member may be granted leave of absence from the House, on motion moved without notice, stating the reason for leave and the period of absence. The motion shall have priority over all other business.
- (b) A Member with leave of absence is excused from the service of the House or on any committee. The leave is forfeited if the Member attends in the Chamber of the House before the end of the period of leave.

Public record of proceedings

27 Votes and Proceedings

The Clerk shall keep and sign the official record of the proceedings of the House, the Votes and Proceedings. This record shall contain the:

- (a) proceedings and decisions of the House;
- (b) proceedings and decisions of the Main Committee; and
- (c) attendance of Members in the House, including any leave.

28 Custody of records

Under the direction of the Speaker, the Clerk shall have custody of the Votes and Proceedings, records, and all documents presented to the House.

Chapter 5. Meeting and adjournment of the House

Chapter outline

This chapter sets out:

- meeting and adjournment times of the House, and
 - rules about meeting and adjournment.
-

Times of meeting

29 Set meeting and adjournment times

- (a) The House shall meet each year in accordance with the program of sittings for that year agreed to by the House, unless otherwise ordered and subject to *standing order 30*.
- (b) When the House is sitting it shall meet and adjourn at the following times, subject to *standing orders 30, 31 and 32*:

| 1 | 2 | 3 | 4 |
|------------|--------------------------|-----------------------------|-----------------------|
| day | meeting commences | adjournment proposed | House adjourns |
| Monday | 10.00 am | 9.30 pm | 10.30 pm |
| Tuesday | 2.00 pm | 9.30 pm | 10.30 pm |
| Wednesday | 9.00 am | 7.00 pm | 8.00 pm |
| Thursday | 9.00 am | 4.30 pm | 5.00 pm |

30 Changes to meeting times

The Speaker or a Minister may initiate a change to the meeting times of the House in the following circumstances:

- (a) At any time, a Minister may move without notice a motion to set the next meeting of the House.
- (b) A Minister may move on notice a motion to set a future meeting or meetings of the House.
- (c) When the House is not sitting, the Speaker may set an alternative day or hour for the next meeting, and must notify each Member of any change.

Adjournment

31 Automatic adjournment of the House

(a) At the time set for the adjournment to be proposed in *standing order 29, column 3 (set meeting and adjournment times)* the Speaker shall propose the question —

That the House do now adjourn.

This question shall be open to debate and no amendment may be moved.

(b) If this question is before the House at the time set for adjournment in *standing order 29, column 4 (set meeting and adjournment times)* the Speaker shall interrupt the debate and immediately adjourn the House until the time of its next meeting.

(c) The following qualifications apply:

Division is completed

(i) If there is a division at the time set for the adjournment to be proposed in *standing order 31(a)*, that division, and any consequent division, shall be completed.

Minister may require question to be put

(ii) If a Minister requires the question to be put immediately it is proposed under paragraph (a), the Speaker must put the question immediately and without debate.

Minister may extend debate

(iii) When the Speaker interrupts the adjournment debate under paragraph (b), a Minister may ask for the debate to be extended by 10 minutes to enable Ministers to speak in reply to matters raised during the debate. After 10 minutes, or if debate concludes earlier, the Speaker shall immediately adjourn the House until the time set for its next meeting.

Question negatived

(iv) If the question is negatived, the House shall resume proceedings from the point of interruption.

Unfinished business

(v) If the business being debated is not disposed of when the adjournment of the House is proposed, the business shall be listed on the Notice Paper for the next sitting.

32 Adjournment otherwise

(a) A Minister may move adjournment of the House without notice, and no amendment may be moved to the motion.

- (b) The Speaker may adjourn the House without putting a question if:
- (i) there is no quorum of Members and there has been a count out, as provided in *standing order 57*; or
 - (ii) disorder arises, as provided in *standing order 95 (grave disorder)*.

33 Limit on business after normal time of adjournment

The normal time of adjournment is the latest time specified in *standing order 29, column 4 (set meeting and adjournment times)*. No new business may be taken after the normal time of adjournment unless by order of the House before that time.

Chapter 6. Business and proceedings of the House

Chapter outline

This chapter sets out the House's order of business and describes arrangements for:

- general order of business
 - committee and delegation business
 - private Members' business
 - government business
 - discussion of matter of public importance
 - suspension of orders, and
 - censure of or no confidence motion in the Government.
-

General

34 Order of business

The order of business to be followed by the House is shown in figure 2.

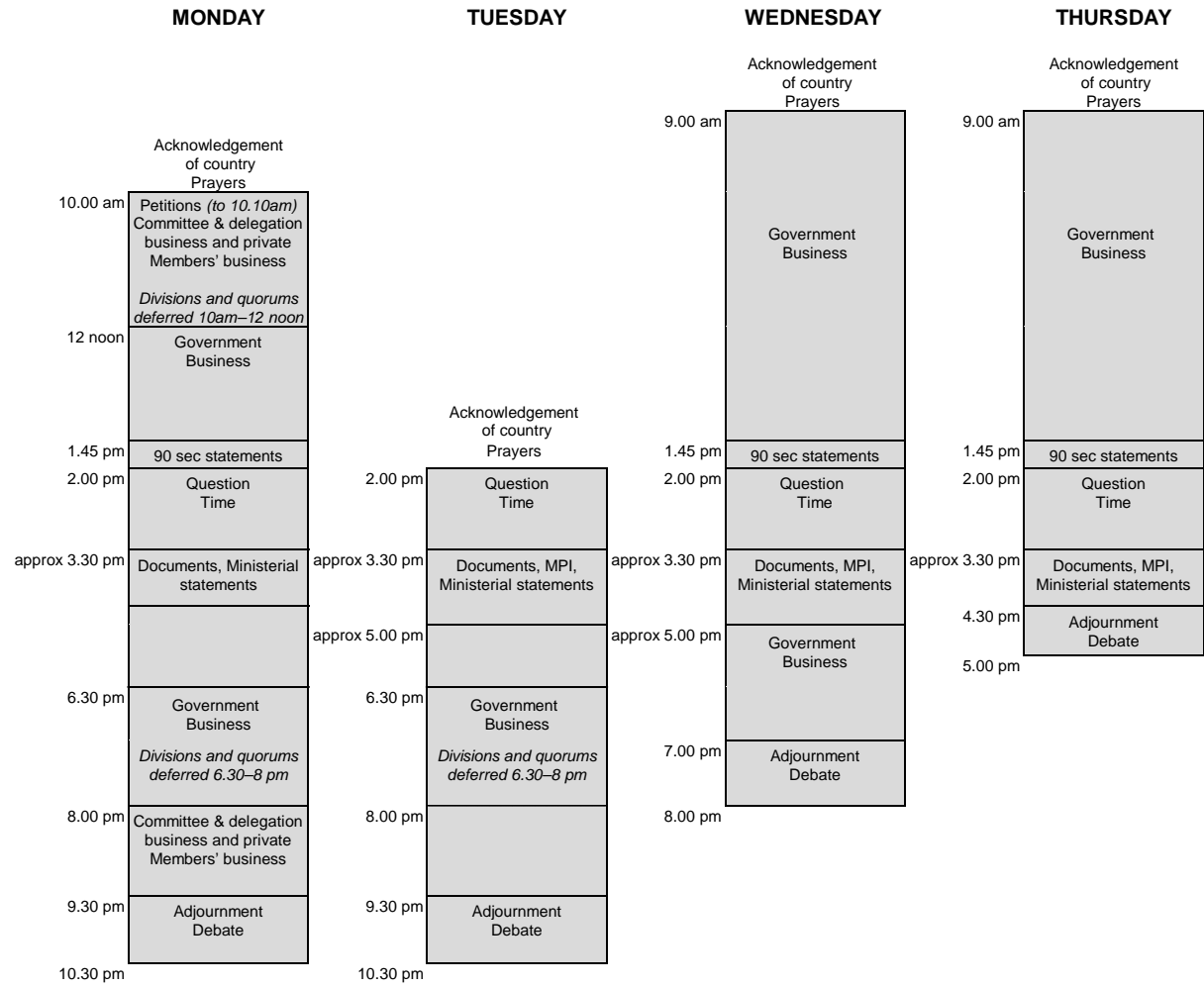
35 Priority of business

Government business shall have priority over committee and delegation business and private Members' business except on Mondays as provided by *standing orders 34 (order of business) and 192 (Main Committee's order of business)*.

36 Notice Paper

Business before the House shall be published on the Notice Paper for each sitting, in accordance with standing and sessional orders.

Figure 2. House order of business



37 Orders of the day

- (a) The Notice Paper shall state the sequence in which orders of the day are called on.
- (b) An order may be postponed on motion moved without notice by the Member in charge of the order or, in his or her absence, by another Member he or she has asked.
- (c) After an order has been read, the Member in charge of the order may move, without notice, that the order be discharged.
- (d) If any orders of the day on the Notice Paper have not been called on before the adjournment of the House, they shall be listed on the Notice Paper for the next sitting.

38 Acknowledgement of country and prayers

On taking the Chair at the beginning of each sitting, the Speaker shall make an acknowledgement of country in the following terms:

I acknowledge the Ngunnawal and Ngambri peoples who are the traditional custodians of the Canberra area and pay respect to the elders, past and present, of all Australia's Indigenous peoples.

The Speaker shall then read the following prayers:

Almighty God, we humbly beseech Thee to vouchsafe Thy blessing upon this Parliament. Direct and prosper our deliberations to the advancement of Thy glory, and the true welfare of the people of Australia.

Our Father, which art in Heaven: Hallowed be Thy Name. Thy Kingdom come. Thy will be done in earth, as it is in Heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive them 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, for ever and ever. Amen.

Committee and delegation business

39 Announcements concerning inquiries and presentation of reports

- (a) The Chair or Deputy Chair of a committee may make a statement to inform the House of matters relating to an inquiry during the periods for committee and delegation business on Mondays (*standing*

order 34). The Selection Committee shall recommend time limits for such statements.

- (b) Members may present reports of committees or delegations:
 - (i) as determined by the Selection Committee, during the periods for committee and delegation business on Mondays (*standing order 34*); or
 - (ii) at any time when other business is not before the House.
- (c) Members may make statements in relation to these reports:
 - (i) during the periods for committee and delegation business on Mondays in the House and Main Committee (*standing orders 34 and 192*); the Selection Committee shall determine time limits for statements, of not more than 10 minutes for each Member; or
 - (ii) at any other time, by leave of the House.
- (d) The Member presenting a report may move without notice, a specific motion in relation to the report. Debate on the question shall be adjourned to a future day.
- (e) If, on Mondays, the Speaker presents a report referred to in this standing order, the following steps are deemed to have occurred in respect of the report – a motion to take note of the report, debate on the motion to be adjourned to a later hour and the order of the day to be referred to the Main Committee for further consideration within any parameters determined by the Selection Committee.
- (f) Unless otherwise ordered, a report presented in accordance with this standing order shall be made a Parliamentary Paper.

40 Resumption of debate on reports

- (a) After presentation of reports on Mondays proceedings may be resumed on motions in relation to committee and delegation reports moved on an earlier day.
- (b) For debate in accordance with paragraph (a) the Selection Committee shall determine:
 - (i) the order in which motions are to be considered;
 - (ii) time limits for the whole debate; and
 - (iii) time limits for each Member speaking, of not more than 10 minutes.
- (c) During the periods provided by *standing order 192* proceedings may be resumed in the Main Committee on motions in relation to committee and delegation reports referred that day or on an earlier day.

Private Members' business

41 Private Members' business

(a) In the periods set for committee and delegation business and private Members' business under *standing orders 34 and 192*, private Members' notices and orders of the day shall be considered in the order shown on the Notice Paper. When the time set by *standing orders 34 or 192* or determined by the Selection Committee ends, the Speaker shall interrupt proceedings and the matter shall be listed on the Notice Paper for the next sitting.

Private Members' bills – priority

- (b) The Selection Committee, in making determinations:
- (i) shall give priority to private Members' notices of intention to present bills over other notices and orders of the day; and
 - (ii) shall set the order in which the bills are to be presented.

First reading

(c) When each notice is called on by the Clerk, the Member in whose name the notice stands may present the bill, together with an explanatory memorandum (if available), and may speak to the bill for no longer than 10 minutes. The bill shall be then read a first time and the motion for the second reading shall be set down on the Notice Paper for the next sitting.

(d) If, on Mondays, the Speaker presents a bill for which notice has been given by a private Member, the first reading of the bill is deemed to stand referred to the Main Committee. When the bill is called on in the Main Committee by the Clerk, the Member sponsoring the bill may present an explanatory memorandum (if available), and may speak to the bill for no longer than 10 minutes. The bill shall be then read a first time and the motion for the second reading shall be set down on the Notice Paper for the next sitting.

Second reading

(e) The Selection Committee may determine times for debate of the second reading. If the motion for the second reading is agreed to by the House, further consideration of the bill shall be accorded priority over other private Members' business and the Selection Committee may determine times for consideration of the remaining stages.

Alternation of notices

(f) Subject to paragraph (b)(i), the Selection Committee shall provide for the consideration of private Members' notices to alternate between those of government and non-government Members.

Private Members' motions

(g) If, on Mondays, the Speaker presents a copy of the terms of a motion for which notice has been given by a private Member, the

following steps are deemed to have occurred – the motion is deemed to have been moved and debate on the motion adjourned to a later hour and the order of the day referred to the Main Committee for further consideration in accordance with any parameters determined by the Selection Committee.

Participation of Speaker and Deputy Speaker

(h) The Speaker and Deputy Speaker may participate in Private Members' business.

41A ★ ★ ★ ★

42 Removal of business

The Clerk shall remove from the Notice Paper items of private Members' business and orders of the day relating to committee and delegation reports which have not been called on for eight consecutive sitting Mondays.

43 Members' statements

At 1.45 pm on Mondays, Wednesdays and Thursdays, the Speaker shall interrupt business and call on statements by Members. The Speaker may call a Member, but not a Minister (or Parliamentary Secretary*), to make a statement for no longer than 90 seconds. The period allowed for these statements shall extend until 2 pm.

Government business

44 ★ ★ ★ ★

45 Order of government business

The Leader of the House may arrange the order of notices and orders of the day for government business on the Notice Paper as he or she thinks fit.

Other business

46 Discussion of definite matter of public importance

(a) On Tuesdays, Wednesdays and Thursdays a Member may propose a definite matter of public importance be put to the House for discussion.

(b) The Member must give a written statement of the matter to be discussed to the Speaker by 12 noon. If the Speaker decides that it is in

* Including Assistant Ministers who are Parliamentary Secretaries.

order, the Speaker shall read the statement to the House at the time provided in *standing order 34 (order of business)*.

(c) The proposed discussion must be supported by eight Members, including the proposer, standing in their places. The Speaker shall then call on the Member who proposed the matter to speak first.

(d) If more than one matter is received for the same day, the Speaker shall select the matter to be read to the House that day.

(e) At any time during the discussion, any Member may move –

That the business of the day be called on.

This question shall be put immediately and decided without amendment or debate. If agreed to, the business of the day shall be proceeded with immediately.

(f) A motion to adjourn the discussion or to move a closure of the question is not in order.

47 Motions for suspension of orders

(a) A Member may move, with or without notice, the suspension of any standing or other order of the House.

(b) If a suspension motion is moved on notice, it shall appear on the Notice Paper and may be carried by a majority of votes.

(c) If a suspension motion is moved without notice it:

(i) must be relevant to any business under discussion and seconded; and

(ii) can be carried only by an absolute majority of Members.

(d) Any suspension of orders shall be limited to the particular purpose of the suspension.

48 Censure of or no confidence in the Government

A motion on notice or an amendment of a motion which expresses censure of or no confidence in the Government shall have priority of all other business until it is disposed of by the House, if it is accepted by a Minister as a motion or amendment of censure or no confidence.

49 Motion of condolence or thanks

As a courtesy, the House will ordinarily grant precedence to a motion moved without notice for a motion of condolence or thanks of the House.

50 Motion of Minister to discuss special matter

(a) At any time when other business is not before the House a Minister may state to the House a proposal to discuss a matter of special interest in preference to moving a specific motion.

(b) The Minister may first move a motion specifying the time to be allotted to the debate. The Minister must then move –

That [stating subject matter] be considered by the House.

(c) At the end of the time allotted to the debate, a Minister may withdraw the motion, without leave.

Chapter 7. Privilege

Chapter outline

This chapter sets out rules governing matters of privilege.

51 Privilege matter raised when House is sitting

- (a) At any time during a sitting, a Member may raise a matter of privilege. The Member shall be prepared to move, without notice, immediately or subsequently, a motion, declaring that a contempt or breach of privilege has been committed, or referring the matter to the Committee of Privileges and Members' Interests.
- (b) The Speaker may:
 - (i) give the matter precedence and invite the Member to move a motion as stated in paragraph (a); or
 - (ii) reserve the matter for further consideration.
- (c) If the matter is given precedence, consideration and decision of every other question shall be suspended until the matter of privilege is disposed of, or debate on any related motion is adjourned.
- (d) The Speaker may grant precedence to a privilege motion over other business if satisfied that:
 - (i) a *prima facie* case of contempt or breach of privilege has been made out; and
 - (ii) the matter has been raised at the earliest opportunity.
- (e) If a matter of privilege related to the proceedings of the Main Committee is raised in the Main Committee, the Deputy Speaker must suspend the proceedings and report to the House at the first opportunity.

52 Privilege matter raised when House not sitting

- (a) When the House is not sitting and is not expected to meet for at least two weeks, a Member may raise with the Speaker a matter of privilege which has arisen since the House last met and which the Member proposes be referred to the Committee of Privileges and Members' Interests.
- (b) The Speaker must refer the matter to the Committee of Privileges and Members' Interests immediately, if satisfied that:
 - (i) a *prima facie* case of contempt or breach of privilege has been made out; and
 - (ii) the matter requires urgent action.

(c) The Speaker must report the referral to the House at its next sitting. Immediately after the Speaker's report, the Member must move that the referral be endorsed by the House. If the motion is not agreed to, the Committee of Privileges and Members' Interests shall take no further action on the matter.

53 Complaint against publication

If a Member cites a statement in a published document, in connection with a contempt or breach of privilege, he or she must present to the House an extract of the publication containing the statement and be able to identify the author, printer or publisher.

Chapter 8. Debate, order and disorder

Chapter outline

This chapter sets out general rules to establish orderly debate and behaviour in the Chamber and in the Main Committee.

The matters covered include:

- quorum of the House
- order in the Chamber
- leave of the House
- manner and right of speech
- references to other matters
- matters not open to debate
- adjournment of debate
- closure of debate
- debate of urgent matters
- point of order and Speaker's ruling, and
- disorder.

Quorum of the House

54 Bells at start of meeting of the House

At each sitting the bells shall be rung for five minutes before the appointed meeting time, calling Members to the meeting. The Speaker shall take the Chair and, if a quorum of 30 Members is present, commence the meeting as provided by *standing order 38* (*acknowledgement of country and prayers*). If a quorum is not present *standing order 57* (*count out*) shall apply.

55 Lack of quorum

(a) When the attention of the Speaker is drawn to the state of the House and the Speaker observes that a quorum is not present, the Speaker shall count the Members present in accordance with *standing order 56*.

(b) On Mondays, if any Member draws the attention of the Speaker to the state of the House between 10 am and 12 noon, the Speaker shall announce that he or she will count the House at 12 noon, if the Member then so desires.

(c) On Mondays and Tuesdays, if any Member draws the attention of the Speaker to the state of the House between the hours of 6.30 pm and 8 pm, the Speaker shall announce that he or she will count the House at 8 pm, if the Member then so desires.

(d) If a quorum is in fact present when a Member draws attention to the state of the House, the Speaker may name the Member in accordance with *standing order 94(b) (sanctions against disorderly conduct)*.

56 Procedures for counting Members present

When the Speaker is counting the Members present:

- (a) the bells shall be rung for four minutes;
- (b) the doors of the Chamber shall remain unlocked;
- (c) every Member within the physical limits of the Chamber, including the Speaker, shall be counted; and
- (d) no Member may leave the Chamber while the bells are ringing, or until a quorum is present.

57 Count out

If a quorum is not present at the conclusion of the ringing of the bells, the Speaker may:

- (a) adjourn the House to the next sitting; or
- (b) if satisfied there is likely to be a quorum within a reasonable time, state the time at which he or she will resume the Chair. If at that time a quorum is not present, the Speaker shall adjourn the House to the next sitting.

58 No quorum at division

If a quorum of Members has not voted in a division, the House has not made a decision on the question, and *standing order 57 (count out)* shall apply.

59 Resumption of interrupted proceedings after count out

Proceedings that are adjourned by a count out may be resumed at a later sitting, on motion moved on notice, at the point where they were interrupted.

Order

60 Order kept by Speaker or Chair

- (a) The Speaker, or the occupier of the Chair of the House at the time, shall keep order in the House.
- (b) The Deputy Speaker, or the occupier of the Chair of the Main Committee at the time, shall keep order in the Committee. The House may address disorder in the Committee after receiving a report from the Deputy Speaker.

61 Members to recognise authority of the Speaker

- (a) If the Speaker stands during a debate, any Member then speaking or seeking the call shall sit down and the House shall be silent, so the Speaker may be heard without interruption.
- (b) When the Speaker is putting a question no Member may walk out of or across the Chamber.

62 Members moving in the Chamber

A Member in the Chamber must:

- (a) take his or her seat promptly;
- (b) bow to the Speaker on entering or leaving the Chamber;
- (c) not remain in the aisles; and
- (d) not pass between the Speaker and any Member who is speaking.

Leave of the House or Main Committee

63 Leave

The House or Main Committee may grant leave to a Member to act in a manner, not expressly provided for in, or contrary to, orders of the House. Leave may be granted only if no Member present objects.

Manner and right of speech

64 No Member to be referred to by name

In the House and the Main Committee, a Member shall not be referred to by name, but by one of the following forms, as appropriate:

- (a) the Member's ministerial office (e.g. Prime Minister, Minister for Defence, Attorney-General);
- (b) the Member's parliamentary office (e.g. Leader of the House, Leader of the Opposition, Chief Government Whip);
- (c) the Member's electoral division (e.g. Member for Adelaide).

65 Members wishing to speak

- (a) A Member wishing to speak shall rise and, when recognised by the Speaker, address the Speaker. If a Member is unable to rise, he or she will be permitted to speak while seated.
- (b) When a Member is speaking, no Member may converse aloud or make any noise or disturbance to interrupt the Member.
- (c) If two or more Members rise to speak, the Speaker shall call on the Member, who in the Speaker's opinion, rose first. If the Speaker's selection is challenged, a motion may be moved –

That [Member who was not called] be heard now.

The question must be put immediately and resolved without amendment or debate.

66 When interruption of Member allowed

A Member may only interrupt another Member to:

- (a) call attention to a point of order;
- (b) call attention to a matter of privilege suddenly arising;
- (c) call attention to the lack of a quorum;
- (d) call attention to the unwanted presence of visitors;
- (e) move –

That the Member be no longer heard;

- (f) move –

That the question be now put;

- (g) move –

That the business of the day be called on; or

- (h) make an intervention as provided in the standing orders.

66A Interventions in the Main Committee

During consideration of any order of the day in the Main Committee a Member may rise and, if given the call, ask the Deputy Speaker whether the Member speaking is willing to give way. The Member speaking will either indicate his or her:

- (a) refusal and continue speaking, or
- (b) acceptance and allow the other Member to ask a short question immediately relevant to the Member's speech –

Provided that, if, in the opinion of the Deputy Speaker, it is an abuse of the orders or forms of the House, the intervention may be denied or curtailed.

67 Question is stated

At any time, except when another Member is addressing the House, a Member may request the Speaker to state the question or matter under

discussion. This requirement shall not apply when the terms of the question or matter have been circulated among Members.

68 Personal explanation

A Member may explain how he or she has been misrepresented or explain another matter of a personal nature whether or not there is a question before the House. The following conditions shall apply:

- (a) the Member must rise and seek permission from the Speaker;
- (b) the Member must not interrupt another Member addressing the House; and
- (c) the matter must not be debated.

69 Member may speak further in limited circumstances

A Member may not speak a second or further time to a question except:

- (a) during consideration in detail of a bill;
- (b) during consideration of amendments to a bill made or requested by the Senate;
- (c) having moved a substantive motion or the second or third reading of a bill, the Member shall be allowed a reply confined to matters raised during the debate;
- (d) during the adjournment debate, if no other Member rises; or
- (e) to explain some material part of his or her speech which has been misquoted or misunderstood. In making this explanation the Member may not interrupt another Member addressing the House, debate the matter, or introduce any new matter.

70 Seconded may speak immediately or later

A Member seconding a motion or amendment may speak immediately, or inform the House that he or she reserves the right to speak later during the debate.

71 Reply closes debate

When the Member who moved the original motion replies, the debate shall close except during consideration in detail of a bill or consideration of amendments to a bill made or requested by the Senate.

72 Member not to speak after question put

A Member must not speak to a question after it has been put and decided.

References to other matters

73 References to other debates or proceedings

Unless the reference is relevant to the discussion, a Member must not refer to debates or proceedings of the current session of the House.

74 Reflections on votes of House

A Member must not reflect adversely on a vote of the House, except on a motion that it be rescinded.

75 Irrelevance or tedious repetition

(a) The Speaker, after having called attention to the conduct of a Member who has persisted in irrelevance or tedious repetition, either of his or her own arguments or of the arguments used by other Members in debate, may direct the Member to discontinue his or her speech.

(b) The Member may then ask the Speaker to put the question –

That the Member be further heard.

The question shall be put immediately and resolved without amendment or debate.

76 Exceptions to confining debate to the question

A Member must speak only on the subject matter of a question under discussion. There are three exceptions:

- (a) on the question for the adjournment of the House to end the sitting, or for the adjournment of the Main Committee;
- (b) on the debate of the address in reply to the Governor-General's speech;
- (c) on the motion for the second reading of the Main Appropriation Bill, and Appropriation or Supply Bills for the ordinary annual services of government, when public affairs may be debated.

77 Anticipating discussion

During a debate, a Member may not anticipate the discussion of a subject listed on the Notice Paper and expected to be debated on the same or next sitting day. In determining whether a discussion is out of order the Speaker should not prevent incidental reference to a subject.

Matters not open to debate

78 Matters not open to debate

The following questions and motions are not open to debate, must be moved without comment and must be put immediately and resolved without amendment:

- (a) motion that a Member's time be extended (*standing order 1*);
- (b) motion that the business of the day be called on (*standing order 46(e)*);
- (c) motion that a Member be heard now (*standing order 65*);
- (d) motion that a Member be further heard (*standing order 75*);
- (e) motion that debate be adjourned (*standing order 79*);
- (f) motion that a Member be no longer heard (*standing order 80*);
- (g) motion that the question be now put (*standing order 81*);
- (h) question that the bill or motion be considered urgent, following a declaration of urgency (*standing orders 82 to 83*);
- (i) motion that a Member be suspended (*standing order 94*);
- (j) question that amendments made by the Main Committee be agreed to (*standing order 153*);
- (k) question that a bill reported from the Main Committee be agreed to (*standing order 153*);
- (l) motion that further proceedings on a bill be conducted in the House (*standing order 197*);
- (m) question in the Main Committee that a bill be reported to the House (*standing order 198*).

Should any of these questions be negatived, no similar proposal shall be received if the Speaker is of the opinion that it is an abuse of the orders or forms of the House, or is moved for the purpose of obstructing business.

Adjournment of debate

79 Adjournment of debate

- (a) Only a Member who has not spoken to the question or who has the right of reply may move the adjournment of a debate. Unless a Member requests that separate questions be put, the time for the resumption of the debate may be included in the adjournment question. The question must be put immediately and resolved without amendment or debate.
- (b) If the question is resolved in the affirmative, the Member who moved the adjournment may speak first on the resumption.
- (c) If the question is negatived, the Member who moved the adjournment may speak at a later time during the debate.

Closure of debate

80 Closure of a Member speaking

If a Member is speaking, other than when giving a notice of motion or moving the terms of a motion, another Member may move –

That the Member be no longer heard.

The question must be put immediately and resolved without amendment or debate.

81 Closure of question

After a question has been proposed from the Chair, a Member may move without notice, and whether or not any other Member is speaking –

That the question be now put.

The question must be put immediately and resolved without amendment or debate.

Debate of urgent matters

82 Urgent bill

(a) A Minister may declare a bill to be urgent at any time.

(b) When a bill is declared urgent, the question –

That the bill be considered urgent –

must be put immediately and resolved without amendment or debate.

(c) If the question is agreed to, a Minister may move at any time, except when a Member is speaking, a motion specifying times for any stage of the bill. Any motion shall be subject to *standing orders 84 (limited debate on allotment of time) and 85 (proceedings on urgent matter)*.

(d) The order for the consideration in detail stage may allocate times to particular clauses or parts of the bill.

83 Urgent motion

(a) Once a motion has been moved, a Minister may declare the motion to be urgent.

(b) When a motion is declared urgent, the question –

That the motion be considered urgent –

must be put immediately and resolved without amendment or debate.

(c) If the question is agreed to, a Minister may immediately move a motion specifying times for the urgent motion. Any motion is subject to *standing orders 84 (limited debate on allotment of time) and 85 (proceedings on urgent matter)*.

84 Limited debate on motion for allotment of time

- (a) The maximum times for debate on a motion for allotment of time are: whole debate 20 minutes; each Member 5 minutes.
- (b) After 20 minutes, or if debate concludes earlier, the Speaker must immediately put the question on any amendment or motion already proposed from the Chair.

85 Proceedings on urgent matter

- (a) If a time has been set for the start of an urgent matter, at the set time the business before the House or the Main Committee must be interrupted and all necessary steps taken so that the urgent matter can proceed.
- (b) At the end of the times allotted for particular proceedings the Speaker must conclude the proceedings:
 - (i) First the Speaker shall immediately put any question already proposed from the Chair, and then put any other question required to dispose of the urgent matter.
 - (ii) If the Government has circulated copies of amendments, new clauses and schedules, and modifications to a bill, at least two hours before the end of the allotted time, they shall be treated as if they have been moved.
- (c) *Standing order 81*, providing for the closure of a question, shall not apply to any proceedings for which time has been allotted.

Point of order and Speaker's ruling

86 Point of order

- (a) Subject to *standing order 104*, a Member may raise a point of order with the Speaker at any time. After the question of order has been stated to the Speaker by the Member rising to the question of order, consideration and decision of every other question shall be suspended until the matter is disposed of by the Speaker giving a ruling thereon.
- (b) A Member interrupted by a point of order must resume his or her seat.
- (c) During a division, Members may speak while seated to a point of order arising out of or during the division.

87 Dissent from ruling of Speaker

If a Member dissents from a ruling of the Speaker, the objection or dissent must be declared at once. A Member moving a motion of dissent must submit the motion in writing. If the motion is seconded, the Speaker shall then propose the question to the House, and debate may proceed immediately.

Disorder

88 Use of certain names

A Member must not refer disrespectfully to the Queen, the Governor-General, or a State Governor, in debate or for the purpose of influencing the House in its deliberations.

89 Offensive words

A Member must not use offensive words against:

- (a) either House of the Parliament or a Member of the Parliament; or
- (b) a member of the Judiciary.

90 Reflections on Members

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

91 Disorderly conduct

A Member's conduct shall be considered disorderly if the Member has:

- (a) persistently and wilfully obstructed the House;
- (b) used objectionable words, which he or she has refused to withdraw;
- (c) persistently and wilfully refused to conform to a standing order;
- (d) wilfully disobeyed an order of the House;
- (e) persistently and wilfully disregarded the authority of the Speaker; or
- (f) been considered by the Speaker to have behaved in a disorderly manner.

92 Intervention by Speaker

- (a) The Speaker can intervene:
 - (i) to prevent any personal quarrel between Members during proceedings; and
 - (ii) when a Member's conduct is considered offensive or disorderly.
- (b) When the Speaker's attention is drawn to the conduct of a Member, the Speaker shall determine whether or not it is offensive or disorderly.

93 Member ordered to attend House

A Member who wilfully disobeys an order of the House may be ordered to attend the House to answer for his or her conduct. A motion to this effect can be moved without notice.

94 Sanctions against disorderly conduct

The Speaker can take action against disorderly conduct by a Member:

Direction to leave the Chamber

(a) The Speaker can direct a disorderly Member to leave the Chamber for one hour. The direction shall not be open to debate or dissent, and if the Member does not leave the Chamber immediately, the Speaker can name the Member under the following procedure.

Member named and suspended

(b) The Speaker can name a disorderly Member. Immediately following a naming, on a motion being moved, the Speaker shall put the question –

That the Member be suspended from the service of the House.

The question must be resolved without amendment, adjournment or debate.

Urgent action

(c) If the Speaker determines there is an urgent need to protect the dignity of the House, the Speaker can order a grossly disorderly Member to leave the Chamber immediately. When the Member has left, the Speaker must immediately name the Member and paragraph (b) shall apply; except that the Speaker shall put the question for suspension without a motion being necessary. If the question is resolved in the negative, the Member may return to the Chamber.

Term of suspension

(d) If a Member is named and suspended, the term of the suspension shall be:

- (i) on the first occasion, for the 24 hour period from the time of suspension;
- (ii) on the second occasion during the same calendar year, for the three consecutive sittings following the day of suspension; and
- (iii) on a third or later occasion during the same calendar year, for the seven consecutive sittings following the day of suspension.

A suspension in a previous session or a direction to leave the Chamber for one hour shall be disregarded in the calculation of these terms.

Exclusion from Chamber and Main Committee

(e) A Member who is subject to a direction to leave the Chamber for one hour, or a suspension for 24 hours or more, shall be excluded from the Chamber, its galleries and the room in which the Main Committee is meeting.

Removal of Member

(f) If a Member refuses to follow the Speaker's direction, the Speaker may order the Serjeant-at-Arms to remove the Member from the Chamber or the Main Committee or take the Member into custody.

95 If grave disorder, House suspended or adjourned

In the event of grave disorder occurring in the House, the Speaker, without any question being put, can:

- (a) suspend the sitting and state the time at which he or she will resume the Chair; or
- (b) adjourn the House to the next sitting.

96 Serjeant-at-Arms to remove persons

- (a) If a visitor or person other than a Member disturbs the operation of the Chamber or the Main Committee, the Serjeant-at-Arms can remove the person or take the person into custody.
- (b) If a visitor or other person is taken into custody by the Serjeant-at-Arms, the Speaker must report this to the House without delay.

Chapter 9. Questions seeking information

Chapter outline

This chapter provides for Members to ask questions:

- orally and without notice during Question Time, and
 - placed on the Notice Paper.
-

Oral and written questions

97 Daily Question Time

- (a) Question Time shall begin at 2 pm on each sitting day, at which time the Speaker shall interrupt any business before the House and call on questions without notice.
- (b) The business interrupted shall be dealt with in the following manner:
- (i) if a division is in progress at the time, the division shall be completed and the result announced; or
 - (ii) the Speaker shall set the time for resumption of debate.

98 Questions to Ministers

- (a) A Member may ask a question in writing of a Minister (but not a Parliamentary Secretary*), to be placed on the Notice Paper for written reply.
- (b) During Question Time, a Member may orally ask a question of a Minister (but not a Parliamentary Secretary*), without notice and for immediate response.
- (c) A Minister can only be questioned on the following matters, for which he or she is responsible or officially connected:
- (i) public affairs;
 - (ii) administration; or
 - (iii) proceedings pending in the House.
- (d) Questioners must not ask Ministers:
- (i) for an expression of opinion, including a legal opinion; or

* Including Assistant Ministers who are Parliamentary Secretaries.

- (ii) to announce government policy, but may seek an explanation about the policy and its application, and may ask the Prime Minister whether a Minister's statement in the House represents government policy.

99 Questions to other Members

During Question Time, a Member may ask a question orally of another Member who is not a Minister (or Parliamentary Secretary*). Questions must relate to a bill, motion, or other business of the House or of a committee, for which the Member asked is responsible.

100 Rules for questions

The following general rules apply to all questions:

- (a) Questions must not be debated.
- (b) A question fully answered must not be asked again.
- (c) For questions regarding persons:
 - (i) questions must not reflect on or be critical of the character or conduct of a Member, a Senator, the Queen, the Governor-General, a State Governor, or a member of the judiciary: their conduct may only be challenged on a substantive motion; and
 - (ii) questions critical of the character or conduct of other persons must be in writing.
- (d) Questions must not contain:
 - (i) statements of facts or names of persons, unless they can be authenticated and are strictly necessary to make the question intelligible;
 - (ii) arguments;
 - (iii) inferences;
 - (iv) imputations;
 - (v) insults;
 - (vi) ironical expressions; or
 - (vii) hypothetical matter.
- (e) Questions must not refer to debates in the current session, or to proceedings of a committee not reported to the House.
- (f) The duration of each question is limited to 45 seconds.

101 Speaker's discretion about questions

The Speaker may:

- (a) direct a Member to change the language of a question asked during Question Time if the language is inappropriate or does not otherwise conform with the standing orders;

* Including Assistant Ministers who are Parliamentary Secretaries.

- (b) allow supplementary questions to be asked to clarify an answer to a question asked during Question Time; and
- (c) change the language of a question in writing if the language is inappropriate or does not otherwise conform with the standing orders.

102 Lodging questions in writing

- (a) A Member lodging a question for the Notice Paper must deliver it in writing to the Clerk at the Table or to the Table Office.
- (b) The question must be authorised by the Member.
- (c) Questions for the next Notice Paper shall be lodged by the cut off time determined by the Speaker, otherwise they will be included in the Notice Paper for the following sitting.

103 Questions to Speaker

At the conclusion of Question Time, Members may ask questions orally of the Speaker about any matter of administration for which he or she is responsible.

Replies to questions

104 Answers

- (a) An answer must be directly relevant to the question.
- (b) A point of order regarding relevance may be taken only once in respect of each answer.
- (c) The duration of each answer is limited to 4 minutes.

105 Replies to written questions

- (a) A Minister's written reply to a question must be delivered to the Clerk. The Clerk shall provide a copy of the reply to the Member who asked the question, and the question and reply shall be published in Hansard.
- (b) If a reply has not been received 60 days after a question first appeared on the Notice Paper, the Member who asked the question may, at the conclusion of Question Time, ask the Speaker to write to the Minister concerned, seeking reasons for the delay in answering.

Chapter 10. Motions

Chapter outline

This chapter deals with:

- notices of motion
 - motions
 - questions on motions, and
 - amendments.
-

Notices of motion

106 Giving notice

- (a) A Member giving a notice of motion must deliver it in writing to the Clerk at the Table.
- (b) The notice may specify the day proposed for moving the motion and must be signed by the Member and a seconder.
- (c) A notice of motion which expresses censure of or no confidence in the Government, or a censure of any Member, must be reported to the House by the Clerk at the first convenient opportunity.

107 Notice given for an absent Member

A Member may give a notice of motion on behalf of, and at the request of, another Member who is absent. The notice must show both the absent Member's name and the signature of the Member acting for him or her.

108 Order of notices

The Clerk shall enter notices on the Notice Paper in the order in which they are received, and before orders of the day. *Standing orders 41 (private Members' business), 42 (removal of business), 45 (order of government business), 113 (motion not moved) and 222 (Selection Committee)* also apply to the order of notices. A notice of motion becomes effective only when it appears on the Notice Paper.

109 Speaker amends notice

If a notice:

- (a) contains inappropriate language or does not conform with the standing orders, the Speaker must amend the notice; or

- (b) contains matters which are not relevant to each other, the Speaker may divide the notice.

110 Member may change notice

A Member who has given a notice of motion may:

- (a) change the terms of the notice by notifying the Clerk in writing in time for the change to be published on the Notice Paper before the motion is called on;
- (b) change the day proposed for moving the motion to a later day by notifying the Clerk in writing before the motion is called on; or
- (c) withdraw the notice by notifying the Clerk in writing before the motion is called on.

Proceeding with motions

111 When a motion may be moved

A Member must not move a motion unless:

- (a) he or she has given a notice of motion and the notice has appeared on the Notice Paper; or
- (b) he or she has leave of the House; or
- (c) as otherwise specified in the standing orders.

112 Order of motions

The order in which motions are called on is the order in which they appear on the Notice Paper. A Member who gave notice of a motion may move its postponement without notice.

113 Motion not moved when called on

A motion not moved when called on shall be removed from the Notice Paper except if the Member who gave notice, or another Member at his or her request, sets a future time for moving the motion.

114 Same motion

- (a) A motion which has been withdrawn by leave of the House, or removed from the Notice Paper before being decided, may be moved again during the same session.
- (b) Subject to *standing order 150(e)*, the Speaker may disallow any motion or amendment which he or she considers is the same in substance as any question already resolved in the same session.

115 Motions not called on

If any motions on the Notice Paper have not been called on before the adjournment of the House, they shall be set down on the Notice Paper for the next sitting, following the motions of which notice has been given for that day.

116 Seconding of motions

- (a) Unless otherwise provided, a motion must be seconded. A motion which is not seconded when required must not be debated, and shall not be recorded in the Votes and Proceedings.
- (b) A motion moved by a Minister does not require a seconder.
- (c) A motion moved by the Chief Government Whip does not require a seconder if it relates to:
 - (i) the sitting arrangements of the House or the Main Committee; or
 - (ii) the conduct of business of the House or the Main Committee, but not including any stage of a government bill.

Questions on motions

117 Question proposed and put by the Speaker

- (a) After a motion has been moved and seconded, the Speaker shall propose the question to the House.
- (b) After the question on the motion has been proposed from the Chair, the motion is in the possession of the House, and cannot be withdrawn without leave.
- (c) At the conclusion of debate, the Speaker shall put the question to the House for decision.

118 Question put following amendments

- (a) If amendments to a question have been made, the main question shall be put as amended.
- (b) When amendments have been moved but not made, the question shall be put as originally proposed.

119 Complicated question divided

A Member may move that a complicated question be divided.

120 Resolution or vote rescinded

A resolution or other vote of the House may be rescinded during the same session. If the purpose of the rescission is to correct irregularities or mistakes the corrections may be made at once by leave of the House

or when one day's notice has been given. In all other cases the rescission may only be made on seven days' notice.

Amendments

121 Form of amendments and seconding

- (a) Once the Speaker has proposed a question on a motion to the House, the question may be amended by:
- (i) omitting certain words; and/or
 - (ii) inserting or adding words.
- (b) An amendment must be in writing and be signed by the mover and a seconder. If the amendment is not seconded (if necessary), it must not be debated and shall not be recorded in the Votes and Proceedings. Amendments moved during the consideration in detail of a bill (*standing order 151*) or during the consideration of Senate amendments to a bill (*standing order 159*) do not require seconds.
- (c) The amendment must be relevant to the question it proposes to amend.
- (d) A proposed amendment may be withdrawn by leave.

122 Questions put on proposed amendments

- (a) The Speaker shall put a question reflecting the purpose of a proposed amendment.
- (i) If the purpose is to omit certain words, the question shall be –
That the words proposed to be omitted stand part of the question.
 - (ii) If the purpose is to omit certain words in order to insert or add other words, the question shall be –
That the words proposed to be omitted stand part of the question.
If this question is resolved in the affirmative, the amendment is disposed of: if negatived, the Speaker shall put a further question –
That the words proposed be [inserted, or added].
 - (iii) If the purpose is to insert or add certain words, the question shall be –
That the words proposed be [inserted, or added].
- (b) If no Member objects, instead of the questions in paragraph (a), the Speaker may put the question –
That the amendment be agreed to.

123 Restrictions on amendments to be moved

- (a) A proposed amendment must not be inconsistent with a previous decision on the question.

- (b) An amendment may not be moved to an earlier part of the question
 - (i) after a later part has been amended, or
 - (ii) after an amendment to a later part has been proposed and the proposal has not, by leave, been withdrawn.
- (c) When it is moved to omit words in the main question in order to insert or add others, no amendment to the words proposed to be inserted or added may be moved until the question 'that the words proposed to be omitted stand part of the question' has been determined.
- (d) Only an amendment which adds other words may be moved to words which the House has resolved stand part of the question, or which have been inserted in, or added to, a question.
- (e) Each proposed amendment shall be disposed of before another amendment to the original question can be moved.

124 Amendments to proposed amendments

Amendments may be moved to a proposed amendment as if the proposed amendment were an original question (*see standing order 121*).

Chapter 11. Voting

Chapter outline

This chapter provides for voting by Members on:

- the voices
 - divisions, and
 - ballots.
-

On the voices

125 Question determined by a majority of voices

The Speaker shall put the question by stating its terms to the House and asking Members in favour of the question to say 'Aye' and those against 'No', and the question shall be resolved by the majority of Members calling either 'Aye' or 'No'. The Speaker shall then state whether the 'Ayes' or the 'Noes' have it. If the Speaker's opinion is challenged by more than one Member, the question must be decided by division of the House.

Divisions

126 When division may be taken

A division of the House may take place only after more than one Member challenges the Speaker's opinion about whether a question was resolved for the 'Ayes' or the 'Noes' and calls for a division. If only one Member calls for a division, that Member may tell the Speaker he or she wishes his or her dissent to be recorded, and the dissent must be recorded in the Votes and Proceedings and in Hansard.

127 Four or fewer Members on a side

If, after the doors are locked, there are four or fewer Members on one side in a division, the Speaker shall declare the decision of the House immediately, without completing the count. The names of the Members who are in the minority shall be recorded in the Votes and Proceedings.

128 Members calling for division

Members calling for a division must not leave the area of Members' seats and they must vote with those Members who, in the Speaker's opinion, were in the minority when the Members called 'Aye' or 'No'.

129 Procedures for a division

- (a) If the House is to divide, the Clerk must ring the division bells for four minutes and the doors must remain open (*see standing order 131* in relation to successive divisions). A Member may leave the area of Members' seats unless he or she called for the division.
- (b) After four minutes have elapsed the doors shall be locked and no Member may enter or leave the Chamber until after the division.
- (c) Upon the doors being locked, the Speaker shall:
 - (i) state the question to the House;
 - (ii) direct the Members voting 'Aye' to move to the right side of the Chair, and the Members voting 'No' to move to the left; and
 - (iii) appoint tellers for each side.
- (d) No Member may move from his or her place from the commencement of the count until the result of that division is announced.

130 Procedures for counting and reporting the vote

- (a) The respective tellers shall:
 - (i) record the name of each Member voting;
 - (ii) count the total number of Members voting;
 - (iii) sign their records; and
 - (iv) present their records to the Speaker.
- (b) The Speaker shall then declare the result of the division to the House.

131 Successive divisions

- (a) If a division is called following a division and there is no intervening debate, the Speaker shall appoint tellers immediately and the bells shall be rung for one minute.
- (b) If there is a successive division, Members who wish to vote in the same way as in the previous division must remain seated until the result of the division is announced. The tellers shall record each Member's vote as being the same as it was in the previous division unless a Member reports to them. A Member must report to the tellers if he or she:
 - (i) wishes to vote differently to his or her vote in the previous division; or

- (ii) voted in the previous division and does not wish to vote in the current division; or
 - (iii) did not vote in the previous division and wishes to vote in the current division.
- (c) The vote shall be counted as in *standing order 130* if:
- (i) in the Speaker's opinion most Members wish to vote differently to their votes in the previous division; or
 - (ii) any confusion or error occurs in the count by the tellers.

132 New division in case of confusion, error or misadventure

- (a) If confusion, or error concerning the numbers reported by the tellers, occurs and cannot be corrected, the House shall divide again.
- (b) If a division has miscarried through misadventure caused by a Member being accidentally absent or some similar incident, any Member may move without notice and without the need for a seconder –

That standing orders be suspended to enable the House to divide again.

If this matter is agreed to the question shall be put again and the result of the subsequent division shall be the decision of the House.

133 Deferred divisions on Mondays and Tuesdays

- (a) On Mondays, any division called for between the hours of 10 am and 12 noon shall be deferred until 12 noon.
- (b) On Mondays and Tuesdays, any division called for between the hours of 6.30 pm and 8 pm shall be deferred until 8 pm.
- (c) The Speaker shall put all questions on which a division has been deferred, successively and without amendment or further debate.
- (d) This standing order does not apply to a division called on a motion moved by a Minister on Mondays and Tuesdays, during the periods specified in this standing order.

134 Member with pecuniary interest not to vote

- (a) A Member may not vote in a division on a question about a matter, other than public policy, in which he or she has a particular direct pecuniary interest.
- (b) The vote of a Member may be challenged on the grounds of the pecuniary interest by means of a substantive motion moved immediately after a division is completed. If the motion is carried, the Member's vote shall be disallowed.

135 Recording of division

- (a) The Clerk shall record lists of divisions in the Votes and Proceedings.
- (b) If a Member complains to the House that a division has been wrongly recorded, the Speaker may direct the record to be corrected.
- (c) Any reasons given by the Speaker for exercising a casting vote in accordance with section 40 of the Constitution, must be entered in the Votes and Proceedings.

Ballots

136 Ballot taken after bells rung

- (a) A ballot to elect a Member to a position or to perform a function may be taken whenever the House thinks fit.
- (b) Before the House proceeds to a ballot, the bells shall be rung for four minutes.

137 Manner of taking ballot

Unless otherwise provided, a ballot shall be taken in the following manner:

- (a) Each Member present shall vote by giving the Clerk a list of Members he or she thinks should be chosen at the ballot. If the list does not contain the exact number of names to be chosen, the vote is invalid and shall be rejected.
- (b) When all the lists are collected, the Clerk shall count the votes and report the names of the Members having the most votes to the Speaker. These Members shall be declared chosen.
- (c) If nominees with the most votes receive equal votes, their names shall be put to a further ballot.

Chapter 12. Bills

Chapter outline

This chapter sets out the stages bills go through:

- House bills
 - Senate amendments to House bills
 - bills the Senate may not amend
 - Senate bills and House amendments
 - bills altering the Constitution
 - lapsed bills, and
 - Governor-General's consideration of bills.
-

House bills

138 Initiation of bills

A House bill may be initiated:

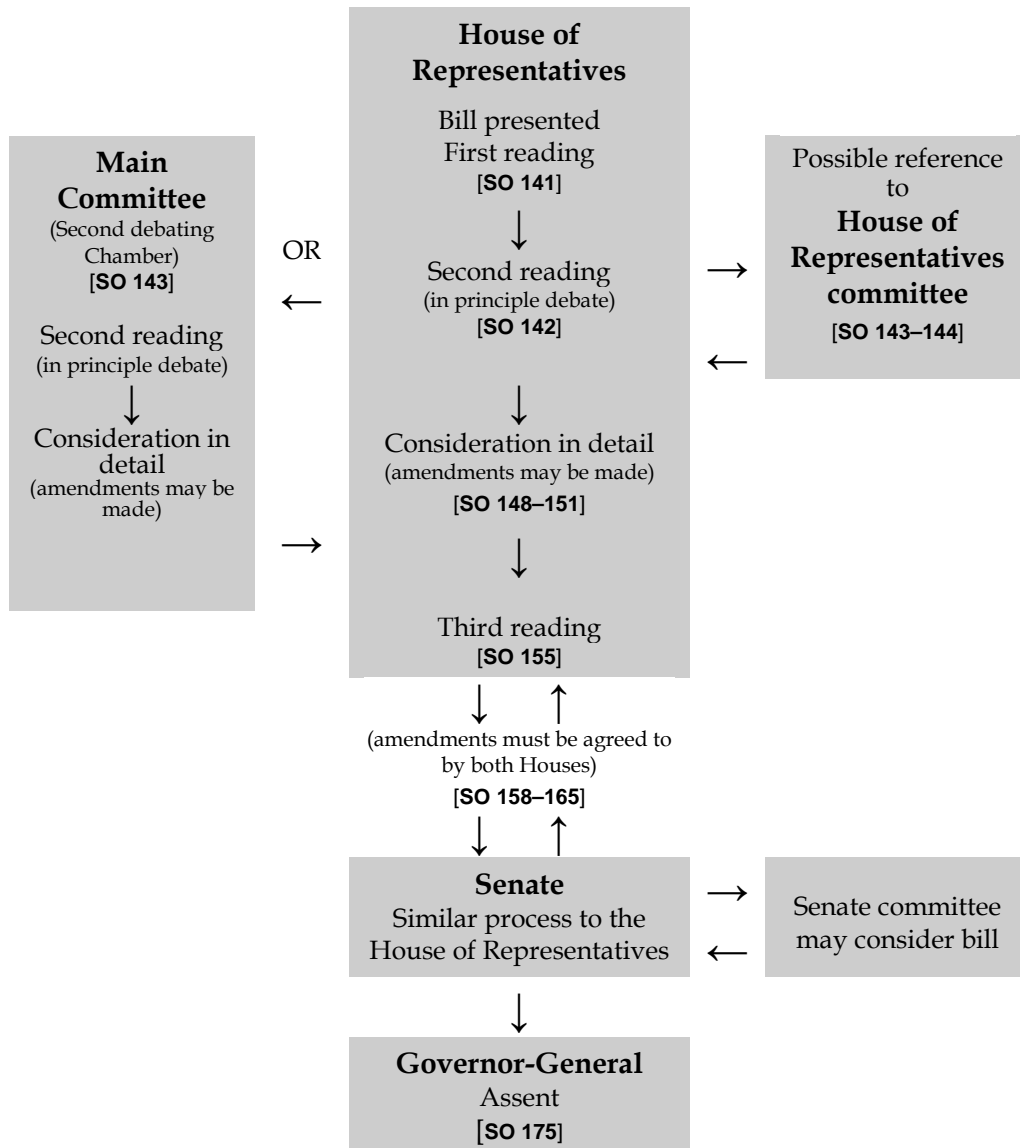
- (a) by the calling on of a notice of intention to present a bill;
- (b) by an order of the House;
- (c) without notice by a Minister under *standing order 178 (Appropriation Bill or bill dealing with taxation)*; or
- (d) by presentation under *standing order 41(d)*.

A bill not prepared according to the standing orders of the House shall be ordered to be withdrawn.

139 Notice of intention to present bill

- (a) A Member giving a notice of intention to present a bill must deliver the notice in writing to the Clerk at the Table.
- (b) The notice must:
 - (i) specify the title of the bill and the day for presentation; and
 - (ii) be signed by the Member and at least one other Member.
- (c) A notice of intention to present a bill shall be treated as if it were a notice of motion.

Figure 3. Stages a House bill goes through



140 Signed copy of bill presented

- (a) A Member presenting a bill must sign a legible copy of the bill and give it to the Clerk at the Table, or to the Speaker for the purposes of *standing order 41(d)*.
- (b) The title of a bill must agree with the notice of intention to present it, and every clause must come within the title.

First reading

141 First reading and explanatory memorandum

- (a) Subject to *standing order 41(d)*, when a bill is presented to the House, or a Senate bill is first received, the bill shall be read a first time without a question being put. A Member presenting a bill during private Members' business may speak to the bill, before it is read a first time, for no longer than 10 minutes.
- (b) For any bill presented by a Minister, except an Appropriation or Supply Bill, the Minister must present a signed explanatory memorandum. The explanatory memorandum must include an explanation of the reasons for the bill.

Second reading

142 Second reading

- (a) If copies of the bill are available to Members, the Member presenting the bill may move immediately after the first reading, or at a later hour –

That this bill be now read a second time.

At the conclusion of the Member's speech the debate on the question must then be adjourned to a future sitting.

After the first reading of a bill presented during private Members' business, the motion for the second reading shall be set down on the Notice Paper for the next sitting.

- (b) If copies of the bill are not available, a future sitting shall be appointed for the second reading and copies of the bill must then be available to Members.

[Sessional order]

142A Questions during second reading debate

- (a) At the end of each Member's speech during the second reading debate of a government bill, the Member may be questioned by other Members in relation to his or her speech.

- (b) The Member is not obliged to take questions, and may indicate this during his or her speech.
- (c) After each speech, questions and answers may continue for up to five minutes. Each question may take up to 30 seconds and each reply may take up to 2 minutes.
- (d) This standing order shall not apply to the Minister's second reading speech and a Minister's speech closing the debate or to the speech of the main opposition speaker.

143 Bill referred to committee

After the first reading but before the resumption of debate on the motion for the second reading:

- (a) a motion may be moved without notice to refer a bill to the Main Committee for further consideration as provided by *standing order 183*; or
- (b) a determination may be made by the Selection Committee as provided by *standing order 222* to refer a bill to a committee for an advisory report. The determination may specify a date by which the committee is to report to the House. After an advisory report has been presented to the House, the bill may then be referred to the Main Committee under paragraph (a).

144 Report on bill referred to committee

When a standing or select committee has presented a report on a bill, the Member in charge of the bill shall move a motion without notice to set a time for the consideration in detail of the bill.

145 Second reading amendment

- (a) An amendment to the question –
 - That this bill be now read a second time –***
 - (i) must be relevant to the bill;
 - (ii) may propose to omit words from the question in order to substitute other words (see *standing order 122(a)(ii)*)
 - (iii) must not propose the addition of words to the question; and
 - (iv) must not anticipate an amendment which may be moved during consideration in detail.
- (b) For Appropriation or Supply Bills for the ordinary annual services of government, an amendment to the motion may relate to public affairs beyond the scope of the bill.

146 Six month amendment

An amendment may be moved to the question –

That this bill be now read a second time –

by omitting 'now' and adding 'this day six months', which, if carried, shall finally dispose of the bill. No amendment may be moved to this amendment.

147 Message recommending appropriation

Immediately after the second reading of a bill, other than an Appropriation or Supply Bill where *standing order 180(b)* applies, the Speaker shall announce any message from the Governor-General in accordance with section 56 of the Constitution recommending an appropriation in connection with the bill.

Consideration in detail

148 Consideration in detail

The House or the Main Committee shall consider the bill in detail immediately following the second reading or after the Speaker has announced a message from the Governor-General under *standing order 147*, except that a bill referred to a standing or select committee under *standing order 143(b)* shall not be considered in detail until the committee has reported.

A bill shall not be considered in detail if:

- (a) the bill is before the House and the House grants leave for the question to be moved immediately –
That this bill be now read a third time; or
- (b) the bill is before the Main Committee and the Main Committee grants leave for the question to be put immediately –
That this bill be reported to the House without amendment.

149 Order in considering bill

- (a) A bill shall be considered in the following order:
 - (i) clauses and proposed clauses, in numerical order;
 - (ii) schedules and proposed schedules, in numerical order;
 - (iii) postponed clauses which have not been postponed to a specific point;
 - (iv) preamble; and
 - (v) title.
- (b) By leave, a bill may be considered as a whole.
- (c) The Speaker shall propose a question on each clause or schedule or the preamble or title –

That the [clause or schedule or preamble or title] be agreed to.

No question shall be put on the words of enactment at the head of the bill.

- (d) With the following types of bill schedules shall be considered before clauses:
- (i) an Appropriation or Supply Bill – schedules of services for which an appropriation is to be made shall be considered before the clauses and proposed expenditures in a schedule shall be considered, in the order in which they appear, unless the House otherwise orders;
 - (ii) a bill imposing taxation; and
 - (iii) an amending bill – items within a schedule shall be considered in their numerical order, and consecutive items which amend the same section of an Act shall be considered together, unless the House otherwise orders.

150 Amendments to bills during consideration in detail

- (a) An amendment may be moved to any part of a bill, if the amendment is within the title or relevant to the subject matter of the bill and conforms to the standing orders.
- (b) Debate shall be relevant to the clause or amendment before the House or the Main Committee.
- (c) If a clause or schedule is amended, the Speaker shall propose a further question –

That the [clause or schedule], as amended, be agreed to.

Consideration of this question may be postponed.

- (d) If an amendment has been made and an amendment of the title is necessary, the title shall be amended, and the question proposed –

That the title, as amended, be the title of the bill.

If the bill has been considered in the Main Committee the amendment of the title shall be reported to the House.

- (e) No amendment, new clause or new schedule may be moved if it is:
- (i) substantially the same as one already negatived by the House or the Main Committee; or
 - (ii) inconsistent with one agreed to already by the House or the Main Committee.

If the bill is reconsidered an amendment, new clause or new schedule may be moved.

151 Detail amendments not seconded

As an exception to *standing order 121*, an amendment moved during consideration in detail need not be seconded.

Report from Main Committee

152 Bill reported to the House

- (a) After a bill is returned from the Main Committee, the Speaker shall report the bill when other business is not before the House. Any Governor-General's messages, schedules of amendments or unresolved questions shall also be reported at that time.
- (b) When a bill is reported from the Main Committee with amendments or with unresolved questions, the report may be considered immediately if copies of the amendments or unresolved questions are available to Members. If copies are not available, a future time shall be set for considering the report and copies of the amendments or unresolved questions must then be available to Members.

153 Questions to be put

- (a) If a bill is reported from the Main Committee without amendment or unresolved questions the question shall be put immediately –

That the bill be agreed to.

The question must be decided without amendment or debate.

- (b) If a bill is reported with amendment or unresolved question, matters shall be dealt with in the following order:
- (i) A separate question shall be proposed on each unresolved question and each shall be open to amendment or debate.
- (ii) A single question shall be proposed, if necessary –
That the amendments made by the Main Committee be agreed to.
The question must be decided without amendment or debate.
- (iii) New amendments may only be moved as a consequence of the resolution by the House of any unresolved question.
- (iv) The question shall be proposed –
That the bill [as amended] be agreed to.
The question must be decided without amendment or debate.

Reconsideration

154 Reconsideration

Before the third reading of a bill is moved, a Member may move without notice that a bill be reconsidered in detail, in whole or in part, by the House.

Third reading and passing the House

155 Question for third reading

(a) When a bill has been agreed to, the House may grant leave for the motion for the third reading to be moved immediately, or a future sitting may be set for the motion.

The question shall be proposed on the motion –

That this bill be now read a third time.

(b) The only amendment which may be moved to this question is by omitting 'now' and adding 'this day 6 months', which, if carried, shall dispose of the bill.

(c) After the third reading the bill has passed the House and no further question may be put.

156 Corrections to a bill

Under the authority of the Deputy Speaker, the Clerk may correct clerical or typographical errors in a bill.

157 Bill certified and sent to Senate

(a) When the House passes a House bill, the Clerk shall certify that the bill originated in the House, the date on which it passed, and any accompanying schedules.

(b) After the bill is certified, it shall be sent to the Senate with a message asking the Senate to agree to the bill.

Senate amendments to House bills

158 Bills returned by Senate with amendments

(a) If a House bill is returned from the Senate with amendments, the amendments shall be made available to Members and a time set for the House to consider them.

(b) The House may:

- (i) agree to any Senate amendment ;
- (ii) make an amendment, which shall be relevant to the Senate amendment, to any Senate amendment;
- (iii) disagree to any Senate amendments;
- (iv) postpone consideration of any Senate amendments; or
- (v) order the bill to be laid aside.

159 Motion on Senate amendments not seconded

A motion for consideration of amendments to a bill made or requested by the Senate need not be seconded.

160 Further amendments to a bill must be relevant

The House may only amend a House bill which has been returned from the Senate if its further amendment is relevant to or consequent on the Senate amendments or requests for amendments.

161 Messages and reasons

- (a) If the House agrees without amendment to Senate amendments to a House bill, the House shall inform the Senate by message.
- (b) If amendments to Senate amendments are agreed to by the House, the House shall send a message returning the bill with a schedule of the House amendments and asking the Senate to agree to the House amendments.
- (c) If the House disagrees to Senate amendments to a House bill, a Member shall:
 - (i) move—
That the amendment[s] be disagreed to; and
 - (ii) present to the House written reasons for the House not agreeing to the Senate amendments; and
 - (iii) immediately move—
That the reasons be adopted.

The House shall send a message returning the bill for reconsideration, with a schedule listing amendments disagreed to and the reasons.

162 Continued Senate disagreement on amendments

- (a) If the Senate returns a House bill insisting on the original Senate amendments to which the House has disagreed, the House may:
 - (i) agree, with or without amendment, to the Senate amendments to which the House had previously disagreed, and make any necessary consequential amendments to the bill; or
 - (ii) insist on its disagreement to the Senate amendments and make any necessary amendments relevant to the rejection of the Senate amendments.
- (b) If the Senate returns a House bill disagreeing to House amendments, the House may:
 - (i) withdraw its amendments and agree to the original Senate amendments;
 - (ii) make further amendments to the bill consequent upon the rejection of its amendments;
 - (iii) make new amendments as alternative to its amendments to which the Senate has disagreed; or
 - (iv) insist on its amendments to which the Senate has disagreed.
- (c) If the Senate returns a House bill with further amendments to the bill or to House amendments, the House may:

- (i) agree, with or without amendment, to the further Senate amendments, making consequential amendments to the bill, if necessary; or
 - (ii) disagree to the further Senate amendments and insist on its own amendments which the Senate has amended.
- (d) In the situations described in paragraphs (a), (b) and (c) the House may:
- (i) return the bill to the Senate;
 - (ii) order the bill to be laid aside; or
 - (iii) ask for a conference.

If the House returns the bill to the Senate, and the Senate returns the bill still disagreeing with any of the requirements of the House, the House shall set a time for consideration of the Senate message. On its consideration, the House can order the bill to be laid aside or ask for a conference.

163 Final agreement sent by message

If the House has agreed to the requirements of the Senate in the bill, the House shall inform the Senate by message.

164 Clerk to certify House bill

At every stage, when the House concludes its consideration of Senate amendments to a House bill, the Clerk shall certify the bill and any accompanying schedules.

Bills the Senate may not amend

165 Senate requests

The Senate may return to the House a bill which the Senate may not amend, and by message, request the omission or amendment of any items or provisions. The House may consider the requests immediately, or set a time for considering them. When they are considered:

- (a) The House may agree to the requested amendments, with or without its own amendment. The Clerk shall then incorporate the amendments in the bill.
- (b) The bill shall be returned to the Senate with a message, stating how the House has dealt with the requests and asking the Senate to agree to the bill.
[Section 53 of the Constitution]

Senate bills

166 Procedures for Senate bill

A Senate bill coming to the House for the first time shall proceed, to the necessary extent, as if it were a House bill.

167 Clerk to certify when Senate bill agreed to

When the House passes a Senate bill:

- (a) The Clerk shall certify that the bill has been agreed to by the House, without amendment or with amendments shown in any accompanying schedules, and the House shall return the bill to the Senate by message.
- (b) If the House amends the bill, the schedule of amendments shall refer to the clause, page, and line of the bill as amended.

168 Senate amendments to House amendments

If the Senate disagrees to or amends the House amendments to a Senate bill and returns the bill to the House:

- (a) the Speaker shall announce the Senate message returning the bill;
- (b) the House shall set a time for considering the message; and
- (c) any schedule with the message shall be made available to Members.

169 Senate disagreement with House amendments

(a) If the Senate disagrees to House amendments to a Senate bill, the House may:

- (i) insist, or not insist, on its amendments;
- (ii) make further amendments to the bill consequent upon the rejection of its amendments;
- (iii) make new amendments alternative to the amendments to which the Senate has disagreed; or
- (iv) order the bill to be laid aside.

(b) If the Senate agrees to House amendments with amendments, the House may:

- (i) agree to the Senate's amendments, with or without amendment, making any consequential amendments to the bill;
- (ii) disagree to the Senate's amendments and insist on its own amendments; or
- (iii) order the bill to be laid aside.

(c) Except when a bill is laid aside, the House shall inform the Senate by message of its decision under paragraph (a) or (b). On any further

return of the bill from the Senate with any of the requirements of the House still disagreed to, the House may order the bill to be laid aside.

170 House disagrees to or amends Senate amendments

(a) If the House amends any Senate amendments to original House amendments to a Senate bill, the House must prepare a schedule of further amendments. The schedule must list each Senate amendment amended by the House and the further amendment made by the House.

(b) If the House disagrees to Senate amendments to House amendments, a Member shall:

(i) move—

That the amendment[s] be disagreed to; and

(ii) present to the House written reasons for the House not agreeing to the Senate amendments.

The message returning the bill to the Senate shall contain the reasons.

171 Clerk to certify Senate bill

At every stage, when the House concludes its consideration of a Senate bill returned from the Senate after amendment by the House, the Clerk shall certify the bill and any accompanying schedules.

172 Amendments to words agreed to

The House may not amend any words of a bill which both Houses have agreed to, unless:

(a) the words have been the subject of, or directly affected by, some previous amendment; or

(b) the proposed House amendment is consequent upon an amendment previously agreed to or made by the House.

Bills altering the Constitution

173 Absolute majority required

If, in accordance with section 128 of the Constitution, an absolute majority of the House does not agree to the third reading of a bill which proposes an alteration of the Constitution, the bill shall be laid aside immediately and may not be revived during the same session of Parliament.

Lapsed bills

174 Restoration after prorogation

- (a) A bill shall lapse if Parliament is prorogued before the bill has reached its final stage.
- (b) Proceedings on the bill may be resumed in the next session, at the stage reached in the preceding session, if:
 - (i) a periodical election for the Senate, or a general election has not taken place between the two sessions; and
 - (ii) the House in which the bill originated agrees to the resumption of proceedings.

The House in possession of the bill may resolve to restore it to the Notice Paper. When a bill is in the possession of the House in which it did not originate, that House may not resolve to restore the bill unless it has received a message from the originating House asking for consideration of the bill to be resumed.

- (c) A bill restored to the Notice Paper shall proceed as if it had not been interrupted by prorogation.
- (d) If the House in which the bill originated does not ask for the resumption of proceedings, the bill may be re-introduced.

Governor-General's consideration of bills

175 House bills presented to Governor-General

When a House bill has finally passed both Houses, the Clerk shall certify this and the Speaker shall present the bill to the Governor-General for the Queen's assent in accordance with section 58 of the Constitution.

176 Governor-General's proposed amendments to House bills

- (a) If the Governor-General returns a bill recommending amendment in accordance with section 58 of the Constitution, the House shall deal with the amendment in the same manner as Senate amendments.
- (b) The House may agree to an amendment proposed by the Governor-General, with or without amendment, and may make any consequential amendments. The House shall send any amendment to the Senate for its agreement.
- (c) If the Senate makes an amendment, the House shall deal with it in the manner provided for Senate amendments to House bills in *standing orders 158 to 164*.
- (d) If the Governor-General's recommendations have been agreed to by both Houses, with or without amendment, any amendments shall

be incorporated, the Clerk shall certify the bill, and the Speaker shall present it to the Governor-General.

(e) If the House disagrees to the Governor-General's proposed amendment, or if the two Houses cannot agree on the proposed amendment before the last day of the session, the Speaker shall again present the bill in the form as before presented to the Governor-General for assent.

177 Governor-General's proposed amendment of Senate bills

If the Senate has agreed to amendments recommended by the Governor-General in accordance with section 58 of the Constitution to a Senate bill, the House shall deal with the amendment in the manner provided in *standing orders 166 to 172*.

Chapter 13. Financial proposals

Chapter outline

This chapter sets out:

- special measures for appropriation and taxation proposals, and
 - procedures for Governor-General's messages recommending appropriation.
-

Proposals for appropriation and taxation

178 Notice not required for certain bills or proposals

A Minister may present without notice an Appropriation or Supply Bill or a bill or proposal dealing with taxation.

179 Taxation proposals initiated by Minister

- (a) Only a Minister may initiate a proposal to impose, increase, or decrease a tax or duty, or change the scope of any charge.
- (b) Only a Minister may move an amendment to the proposal which increases or extends the scope of the charge proposed beyond the total already existing under any Act of Parliament.
- (c) A Member who is not a Minister may move an amendment to the proposal which does not increase or extend the scope of the charge proposed beyond the total already existing under any Act of Parliament.

Messages recommending appropriation

180 Appropriations recommended by Governor-General

- (a) All proposals for the appropriation of revenue or moneys require a message to the House from the Governor-General recommending the purpose of the appropriation in accordance with section 56 of the Constitution.
- (b) For an Appropriation or Supply Bill, the message must be announced before the bill is introduced.
- (c) For other bills appropriating revenue or moneys, a Minister may introduce the bill and the bill may be proceeded with before the message is announced and *standing order 147 (message recommending appropriation)* applies.

(d) A further message must be received before any amendment can be moved which would increase, or extend the objects and purposes or alter the destination of, a recommended appropriation.

181 Message for Senate amendments and requests

Any message from the Governor-General recommending an appropriation in relation to a Senate amendment or request for amendment to a House bill, must be announced before the House proceeds to consider the amendment or request.

182 Governor-General's messages announced

The Speaker or Deputy Speaker shall announce all messages from the Governor-General in the House or the Main Committee, as appropriate, but not during a debate or so as to interrupt a Member speaking.

Chapter 14. Main Committee

Chapter outline

This chapter establishes the Main Committee and provides for:

- the Chair and administration in the Committee
 - meetings and adjournments, and
 - the Committee's business.
-

General

183 Appointment of Main Committee

The Main Committee shall be established to consider matters referred to it by the House as follows:

- (a) proceedings on bills to the completion of the consideration in detail stage; and
- (b) orders of the day for the resumption of debate on any motion.

184 Membership and quorum of Main Committee

- (a) All Members shall be members of the Main Committee.
- (b) The quorum of the Committee is the Deputy Speaker, one government Member and one non-government Member.

185 Rules for House apply to Main Committee

The rules applying to the House also apply to the Main Committee, subject to the standing orders in this chapter: *see standing order 3 (application of the standing orders)*.

186 Deputy Speaker and meetings of Main Committee

The Main Committee may meet at any time during a sitting of the House, except as provided by *standing order 190 (suspensions and adjournments of the Main Committee)*. The Deputy Speaker must set the meeting times of the Committee, notify the times to all Members, and take the Chair when the Committee meets.

187 Maintenance of order

- (a) In the Main Committee the Deputy Speaker has the same responsibility for the preservation of order as the Speaker has in the House.
- (b) If disorder occurs in the Committee, the Deputy Speaker:
 - (i) may direct the Member or Members concerned to leave the room for a period of 15 minutes [*standing order 94(e)* (*exclusion from Chamber, etc.*) does not apply]; or
 - (ii) may, or on motion moved without notice by any Member must, suspend or adjourn the sitting. If the sitting is adjourned, any business under discussion and not disposed of at the time of the adjournment shall be set down on the Notice Paper for the next sitting.
- (c) Following a suspension or adjournment of the Committee or a refusal of a Member to leave when so directed under paragraph (b), the Deputy Speaker must report the disorder to the House.
- (d) The Deputy Speaker may report the conduct of a Member whether or not action has been taken under paragraph (b).
- (e) Any subsequent action against a Member under *standing order 94* (*sanctions against disorderly conduct*) may only be taken in the House.

188 How questions decided

- (a) Every question in the Main Committee shall be decided on the voices and the result shall be announced by the Deputy Speaker.
- (b) If a Member dissents from the announced result, the question is unresolved. An unresolved question shall be recorded in the minutes, reported to the House and if related to a bill or order of the day, included in a schedule attached to the Committee's report to the House.

189 Minutes recorded by Clerk of Committee

The Clerk of the Committee shall record the proceedings of the Main Committee as the Minutes of Proceedings of the Committee. The minutes shall form part of the Votes and Proceedings of the House for that sitting.

Suspension and adjournment of Main Committee

190 General rules for suspensions and adjournments of the Main Committee

The following general rules apply to meetings of the Main Committee:

- (a) The Deputy Speaker must suspend proceedings in the Committee to enable Members to attend divisions in the House.
- (b) If a quorum is not present the Deputy Speaker must immediately suspend proceedings until a stated time, or adjourn the Committee.
- (c) If the House adjourns, the Deputy Speaker must interrupt the business before the Committee and immediately adjourn the Committee.
- (d) The Committee need not adjourn between items of business, nor during a suspension of the House.
- (e) The Committee shall stand adjourned on completion of all matters referred to it, or may be adjourned on motion moved without notice by any Member –
That the Committee do now adjourn.
- (f) No amendment may be moved to the question.

191 Adjournment debate in Main Committee

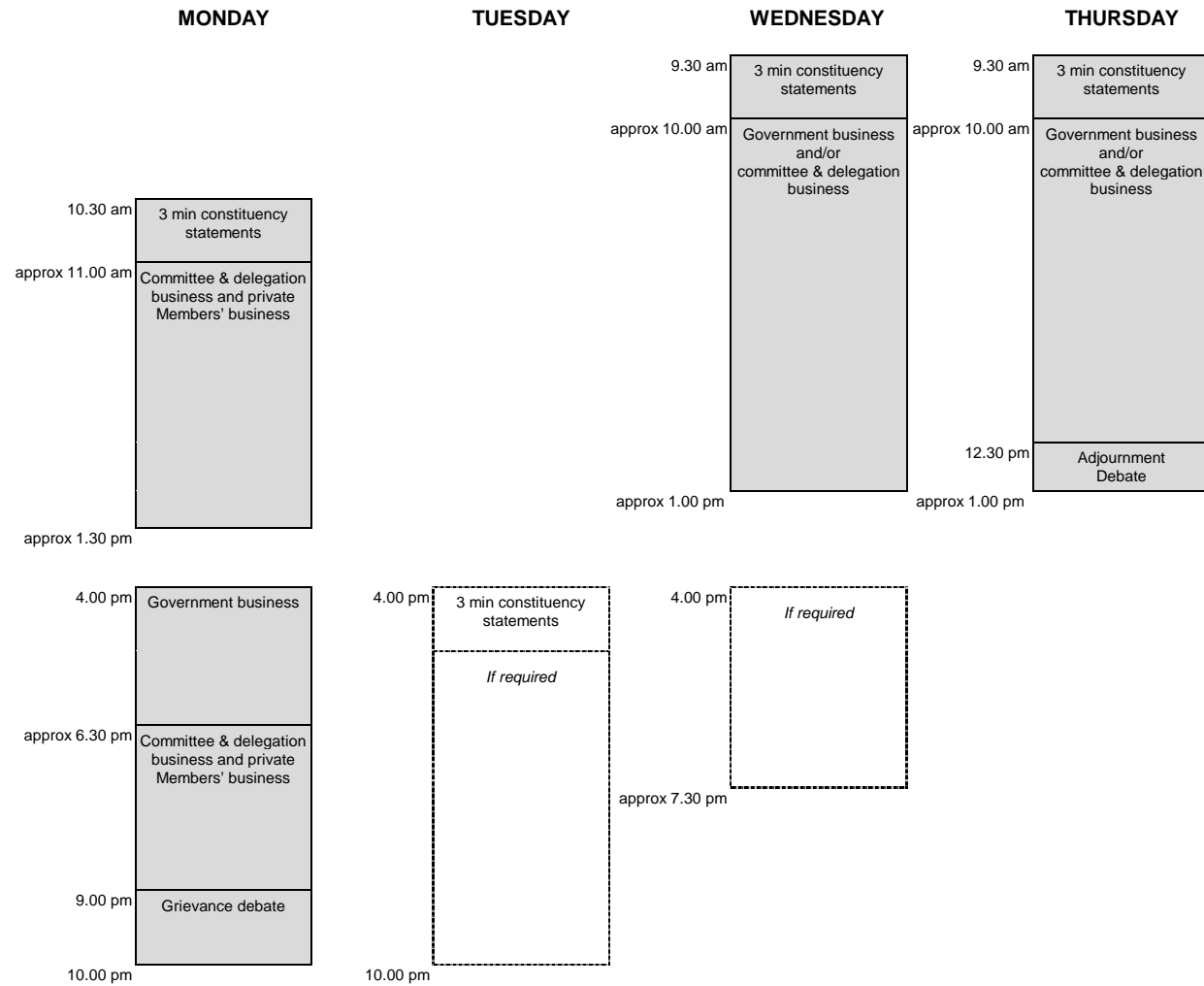
- (a) The question ***That the Committee do now adjourn*** may be debated, but no amendment may be moved to the question.
- (b) The following qualifications apply:
 - Member may require question to be put***
 - (i) If a Member requires the question for adjournment to be put immediately it is proposed, the Deputy Speaker must put the question immediately and without debate.
 - Minister may extend debate***
 - (ii) At the conclusion of the debate a Minister may ask for the debate to be extended by 10 minutes to enable Ministers to speak in reply to matters raised in the debate. After 10 minutes, or if debate concludes earlier, the Deputy Speaker shall immediately adjourn the Committee.
 - Unfinished business***
 - (iii) If the business being discussed is not disposed of when adjournment is proposed, the business shall be listed on the Notice Paper for the next sitting.

Main Committee business

192 Main Committee's order of business

The normal order of business of the Main Committee is set out in figure 4.

Figure 4. Main Committee order of business



79

The meeting times of the Main Committee are fixed by the Deputy Speaker and are subject to change. Adjournment debates can occur on days other than Thursdays by agreement between the Whips.

192A ★ ★ ★ ★

192B Grievance debate

(a) The order of the day for the grievance debate stands referred to the Main Committee and shall be taken as the final item of business each Monday.

(b) After the Deputy Speaker proposes the question –

That grievances be noted –

any Member may address the Main Committee or move any amendment to the question. When debate is interrupted after one hour or if it concludes earlier, the Deputy Speaker shall adjourn the debate on the motion, and the resumption of the debate shall be made an order of the day for the next sitting.

193 Members' three minute constituency statements

The first item of business on any day that the Main Committee meets shall be constituency statements by Members. The Deputy Speaker may call a Member to make a constituency statement for no longer than three minutes. The period for Members' constituency statements may continue for 30 minutes, irrespective of suspensions for divisions in the House.

194 Adjournment of debate

If no Member is able to move adjournment of debate, the Deputy Speaker can announce the adjournment:

- (a) when there is no further debate on a matter; or
- (b) at the time set for the adjournment of the Main Committee.

195 Proceedings on bill where question unresolved

The Main Committee may continue proceedings on a bill regardless of unresolved questions unless agreement to an unresolved question is necessary to enable further questions to be considered. If progress cannot be made, the Committee shall return the bill to the House for further consideration.

196 Resumption after suspension or adjournment

The Main Committee may resume proceedings at the point at which they were interrupted following any suspension or adjournment of the Committee.

197 Return of matters to the House

The Main Committee may return a matter to the House before its consideration is completed.

- (a) A matter may be returned to the House on a motion moved without notice at any time by any Member, no seconder required –

That further proceedings be conducted in the House.

The motion shall be put without amendment or debate. If the Committee agrees to, or is unable to resolve, this question, the bill or order of the day shall be returned to the House. Consideration in the House must continue from the point reached in the Committee and the House must resolve any issues that the Committee reports.

- (b) The House may at any time require a matter to be returned for further consideration, on a motion moved without notice by any Member. The matter must be set down for consideration at a later hour that day.

198 Report of bill to the House

- (a) When the Main Committee has fully considered a bill referred to it, a final question shall be put immediately and resolved without amendment or debate –

That this bill be reported to the House, with[out] [an] amendment[s] [and with (an) unresolved question(s)].

- (b) The Clerk of the Committee shall certify a copy of the bill or other matter to be reported to the House, together with any schedules of amendments and unresolved questions. Unless otherwise provided, the Speaker shall report the matter at a later hour that day when other business is not before the House.

Chapter 15. Documents and petitions

Chapter outline

This chapter provides for material to be presented to the House:

- documents, and
 - petitions.
-

Documents

199 Documents presented

- (a) Documents may be presented to the House by Ministers or by the Speaker pursuant to statute or otherwise.
- (b) Documents may be presented to the House at any time when other business is not before the House, or they may be delivered to the Clerk who shall record them in the Votes and Proceedings. Documents delivered to the Clerk shall be deemed to have been presented to the House on the day on which they are recorded in the Votes and Proceedings.

200 Documents ordered

The House may order documents to be presented. The Clerk shall refer all orders for documents to the relevant Minister, and when the documents are received they shall be presented to the House.

201 Documents quoted shall be presented

If a Minister quotes from a document relating to public affairs, a Member may ask for it to be presented to the House. The document must be presented unless the Minister states that it is of a confidential nature.

202 Motions to take note

- (a) When a document is presented to the House, a Minister may move without notice either or both of the following motions –

That the House take note of the document.

That the document be made a Parliamentary Paper.

- (b) Alternatively, at the conclusion of the period for presentation of documents, under *standing order 34 (order of business)*, a single motion may be moved that the House take note of certain documents

presented. The resumption of debate on the motion to take note of each of the documents shall then be made a separate order of the day on the Notice Paper.

(c) A motion referred to in paragraph (a) not moved when the document is presented, may be moved by a Member on notice later. *Standing order 39* applies to the presentation of committee and delegation reports.

203 Documents authorised for publication

All documents presented to the House are authorised for publication.

Preparing a petition

204 Rules for the form and content of petitions

- (a) A petition must:
 - (i) be addressed to the House of Representatives;
 - (ii) refer to a matter on which the House has the power to act;
 - (iii) state the reasons for petitioning the House; and
 - (iv) contain a request for action by the House.
- (b) The terms of the petition must not contain any alterations and must not exceed 250 words. The terms must be placed at the top of the first page of the petition and the request of the petition must be at the top of every other page.
- (c) The terms of the petition must not be illegal or promote illegal acts. The language used must be moderate.
- (d) The petition must be in English or be accompanied by a translation certified to be correct. The person certifying the translation must place his or her name and address on the translation.
- (e) No letters, affidavits or other documents should be attached to the petition. Any such attachments will be removed before presentation to the House.
- (f) A petition from a corporation must be made under its common seal. Otherwise it will be received as the petition of the individuals who signed it.

205 Rules for signatures

- (a) Every petition must contain the signature and full name and address of a principal petitioner on the first page of the petition.
- (b) All the signatures on a petition must meet the following requirements:
 - (i) Each signature must be made by the person signing in his or her own handwriting. Only a petitioner incapable of signing may ask another person to sign on his or her behalf.

- (ii) Signatures must not be copied, pasted or transferred on to the petition or placed on a blank page on the reverse of a sheet containing the terms of the petition.
- (c) A Member must not be a principal petitioner or signatory to a petition.

Presentation of petitions

206 Lodging a petition for presentation

- (a) Petitions may be sent directly to the Standing Committee on Petitions or via a Member.
- (b) The Standing Committee on Petitions must check that each petition lodged for presentation complies with the standing orders, and if the petition complies it shall be approved for presentation to the House.

207 Presenting a petition

A petition may be presented in one of two ways:

- (a) The Chair of the Standing Committee on Petitions shall present petitions and/or reports of that committee, and the Chair and one other Member of the Committee may make statements concerning petitions and/or such reports presented, in accordance with *standing order 34 (order of business)*. The time provided may extend for no more than 10 minutes.
- (b) A Member may present a petition during:
 - (i) the period of Members' statements in the House, in accordance with *standing order 43*;
 - (ii) the period of Members' constituency statements in the Main Committee, in accordance with *standing order 193*;
 - (iii) adjournment debate in the House in accordance with *standing order 31*, and in the Main Committee in accordance with *standing order 191*; and
 - (iv) grievance debate in accordance with *standing order 192B*.

Action on petitions

208 Action by the House

- (a) Discussion on the subject matter of a petition shall only be allowed at the time of presentation as provided for under *standing order 207(b)*.
- (b) Each petition presented shall be received by the House, unless a motion that it not be received is moved immediately and agreed to.

- (c) The only other motion relating to a petition that may be moved is a motion on notice that the petition be referred to a particular committee.
- (d) The terms of petitions shall be printed in Hansard.
- (e) The Standing Committee on Petitions shall respond to petitions on behalf of the House and report to the House.

209 Petition may be referred to a Minister for response

- (a) After a petition is presented to the House, the Standing Committee on Petitions may refer a copy of the petition to the Minister responsible for the administration of the matter raised in the petition.
- (b) The Minister shall be expected to respond to a referred petition within 90 days of presentation by lodging a written response with the Committee.
- (c) The Chair of the Petitions Committee shall announce any ministerial responses to petitions. After the announcement, ministerial responses shall be printed in Hansard and published on the House's website.

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Chapter 16. Standing, select and joint committees

Chapter outline

This chapter provides for committees of Members to be established:

- domestic and investigative standing committees
- special purpose select committees, and
- joint committees.

The chapter also provides for the operation of committees.

Standing committees

214 Appointment of standing committees

Standing committees shall be appointed at the beginning of each Parliament.

215 General purpose standing committees

(a) The following general purpose standing committees shall be appointed:

- (i) Standing Committee on Aboriginal and Torres Strait Islander Affairs;
- (ii) Standing Committee on Agriculture, Resources, Fisheries and Forestry;
- (iii) Standing Committee on Climate Change, Environment and the Arts;
- (iv) Standing Committee on Economics;
- (v) Standing Committee on Education and Employment;
- (vi) Standing Committee on Health and Ageing;
- (vii) Standing Committee on Infrastructure and Communications;
- (viii) Standing Committee on Social Policy and Legal Affairs; and
- (ix) Standing Committee on Regional Australia.

(b) A committee appointed under paragraph (a) may inquire into and report on any matter referred to it by either the House or a Minister, including any pre-legislation proposal, bill, motion, petition, vote or expenditure, other financial matter, report or document.

(c) A committee may make any inquiry it wishes to make into annual reports of government departments and authorities and reports of the Auditor-General presented to the House. The following qualifications shall apply to these inquiries:

- (i) Reports shall stand referred to committees under a schedule presented by the Speaker to record the areas of responsibility of each committee.
- (ii) The Speaker shall determine any question about responsibility for a report or part of a report.
- (iii) The period during which an inquiry into an annual report may be started by a committee shall end on the day the next annual report of the department or authority is presented to the House.
- (iv) If a committee intends to inquire into all or part of a report of the Auditor-General, the committee must notify the Joint Committee of Public Accounts and Audit of its intention, in writing.

(d) Each committee appointed under paragraph (a) shall consist of seven members: four government Members and three non-government Members, provided that if a non-aligned Member is appointed to a committee, such committee shall consist of eight members: four government Members, three non-government Members, and one non-aligned Member. Each committee may supplement its membership by up to four members for a particular inquiry, with a maximum of two extra government and two extra opposition or non-aligned Members. Supplementary members shall have the same participatory rights as other members, but may not vote.

(e) As an exception to *standing order 232* the Chair of the Standing Committee on Regional Australia need not be a government member.

216 Committee of Privileges and Members' Interests

(a) A Committee of Privileges and Members' Interests shall be appointed to:

- (i) inquire into and report on complaints of breach of privilege or contempt which may be referred to it by the House under *standing order 51* or by the Speaker under *standing order 52*, or any other related matter referred to it by or in accordance with a resolution of the House;
- (ii) inquire into and report on the arrangements made for the compilation, maintenance and accessibility of a Register of Members' Interests;
- (iii) consider proposals by Members and others on the form and content of the Register of Members' Interests;

- (iv) consider specific complaints about registering or declaring interests;
 - (v) consider possible changes to any code of conduct adopted by the House; and
 - (vi) consider whether specified persons (other than Members) ought to be required to register and declare their interests.
- (b) The committee shall consist of 11 members: the Leader of the House or his or her nominee, the Deputy Leader of the Opposition or his or her nominee and nine other members, five government and four non-government Members. When the Opposition is composed of two parties, the non-government Members shall consist of at least one member of the smaller opposition party.
- (c) The committee may call for witnesses and documents, but when considering a matter concerning the registration or declaration of Members' interests it must not exercise that power or undertake an investigation of a person's private interests unless the action is approved by at least 6 members of the committee other than the Chair.
- (d) The committee may report when it sees fit, and must report to the House on its operations in connection with the registration and declaration of Members' interests during the year as soon as possible after 31 December each year.

217 Library Committee

- (a) A Library Committee shall be appointed to consider any matter about the provision of library services to Members referred to it by the House or by the Speaker.
- (b) The committee shall consist of seven Members.

218 House Committee

- (a) A House Committee shall be appointed to consider any matter about the provision of facilities in Parliament House referred to it by the House or by the Speaker.
- (b) The committee shall consist of seven members: the Speaker and six other Members.

219 Publications Committee

- (a) A Publications Committee shall be appointed to consider all documents presented to the House which have not been made a Parliamentary Paper by either House of the Parliament. The committee may report when it sees fit and may recommend a document be made a Parliamentary Paper, in whole or in part.
- (b) The committee shall consist of seven members.
- (c) If conferring with a similar committee of the Senate the committee may inquire into and report on the publication and distribution of

parliamentary and government publications and on matters referred to it by a Minister.

220 Standing Committee on Petitions

- (a) A Standing Committee on Petitions shall be appointed to receive and process petitions, and to inquire into and report to the House on any matter relating to petitions and the petitions system.
- (b) The committee shall consist of ten members: six government and four non-government members.

221 Standing Committee on Procedure

- (a) A Standing Committee on Procedure shall be appointed to inquire into and report on the practices and procedures of the House and its committees.
- (b) The committee shall consist of seven members: four government and three non-government Members.

222 Selection Committee

- (a) A Selection Committee shall be appointed to:
 - (i) arrange the timetable and order of committee and delegation business and private Members' business for each sitting Monday in accordance with *standing orders 39 to 41*;
 - (ii) recommend items of private Members' business to be voted on;
 - (iii) select bills that the committee regards as controversial or as requiring further consultation or debate for referral to the relevant standing or joint committee in accordance with *standing order 143*. One member of the committee is sufficient to select a bill for referral; and
 - (iv) subject to *standing order 1*, set speaking times for second reading debates.
- (b) The committee shall consist of eleven members: the Speaker, or in the absence of the Speaker the Deputy Speaker, the Chief Government Whip or his or her nominee, the Chief Opposition Whip or his or her nominee, the Third Party Whip or his or her nominee, three government Members, two opposition Members and two non-aligned Members. The Speaker shall be the Chair of the committee. A quorum shall be three members of the committee.
- (c) For committee and delegation business and private Members' business, the committee may determine the order of consideration of the matters, and the times allotted for debate on each item and for each Member speaking.
- (d) In relation to committee and delegation business and private Members' business the committee must report its determinations to

the House in time for its decisions to be published on the Notice Paper of the sitting Thursday before the Monday being considered. In relation to bills the committee must report its determinations as soon as practical in respect of each bill or each group of bills.

(e) Reports of the committee under paragraph (d) shall be treated as having been adopted when they are presented. Reports shall be published in Hansard.

222A House Appropriations and Administration Committee

(a) A House Appropriations and Administration Committee shall be appointed to:

- (i) consider estimates of the funding required for the operation of the Department of the House of Representatives each year;
- (ii) provide to the Speaker for presentation to the House and transmission to the Minister for Finance and Deregulation, the committee's estimates of amounts for inclusion in appropriation and supply bills for the Department of the House of Representatives;
- (iii) consider proposals for changes to the administration of the Department of the House of Representatives or variations to services provided by the Department;
- (iv) consider and report to the Speaker on any other matters of finance or services as may be referred to it by the Speaker;
- (v) consider and report to the House on any other matters of finance or services as may be referred to it by the House;
- (vi) make an annual report to the House on its operations;
- (vii) consider the administration and funding of security measures affecting the House and advise the Speaker and the House as appropriate; and
- (viii) consider any proposals for works in the parliamentary precincts that are subject to parliamentary approval and report to the House on them as appropriate.

(b) When conferring with the Senate Standing Committee on Appropriations and Staffing, the House Appropriations and Administration Committee may:

- (i) consider estimates of the funding required for the operation of the Department of Parliamentary Services each year; and
- (ii) provide to the Speaker for presentation to the House and transmission to the Minister for Finance and Deregulation, estimates of amounts for inclusion in appropriation and supply bills for the Department of Parliamentary Services.

- (c) The committee shall consist of nine members: the Speaker as Chair, four government Members and four non-government/non-aligned Members. A quorum shall be three members of the committee.
- (d) The committee shall be assisted by the Clerk, Serjeant-at-Arms and officers of the Department of the House of Representatives appropriate to any matters under consideration.

Select committees

223 Appointment of select committees

The House may appoint select committees by motion, and must set a day for the reporting of the proceedings of a committee to the House. A member of the committee must present a report of the committee on or before the set day, unless the House grants an extension of time.

Joint committees

224 Appointment of joint committees

- (a) The House may agree to a proposal for a joint committee of the House and the Senate. The proposal must state the number of Members the House will appoint to serve on the committee, and be sent to the Senate by message.
- (b) After receipt of a message from the Senate agreeing to appoint a joint committee in the same terms as agreed to by the House, the House shall appoint the Members to serve on the committee.

225 Quorum of joint committee

The House may set the quorum of its Members required for a sitting of a joint committee. A joint committee may set its own quorum, subject to any requirement of the House.

226 Report of joint committee

- (a) The proceedings of a joint committee shall be reported to the House by one of the Members it has appointed to serve on the committee.
- (b) If the House is not sitting when a joint committee has completed a report of an inquiry the special arrangements provided under *standing order 247(c)* shall apply.

227 Consideration of bills by House members of joint committees

Members appointed to a joint committee by the House shall be a committee for the purpose of considering bills referred by the House

under *standing order 143*, and this committee shall operate as a committee of the House.

Operation of committees

228 Rules for House apply to committees

The rules applying to the House shall also apply to committees, subject to the standing orders in this chapter: *see standing order 3 (application of the standing orders)*.

229 Appointment of committee members

(a) Members shall be appointed to or discharged from a committee by motion moved on notice.

(b) Special arrangements are required for a change in membership when the House is not sitting and is not expected to meet for at least two weeks. The relevant whip must nominate any appointment or discharge of a member of a committee in writing to the Speaker. The change in membership shall take effect from the time the Speaker receives the written nomination. At the next sitting, the Speaker shall report the change to the House and the House shall resolve the membership of the committee.

(c) If a committee is considering a bill referred under *standing order 143*, one or more members of the committee may be replaced by other Members by motion moved on notice. This does not affect the power of a general purpose standing committee to supplement its membership under *standing order 215(d)*.

230 Speaker and Deputy Speakers on committees

The Speaker, the Deputy Speaker or the Second Deputy Speaker shall only be appointed to a committee if a standing or other order requires the appointment, or if the officeholder consents.

231 Member with pecuniary interest not to sit on inquiry

No Member may sit on a committee if he or she has a particular direct pecuniary interest in a matter under inquiry by the committee. If the right of a Member to sit on a committee is challenged, the committee may report the matter to the House for resolution.

232 Election of committee Chair and deputy Chair

(a) Before the start of business a committee shall elect a member as its Chair. Except as otherwise provided, the Chair shall be a government member. The Chair shall have a casting vote only.

(b) A committee shall also elect a deputy Chair who shall act as Chair of the committee whenever the Chair is not present at a meeting. If neither the Chair nor deputy Chair is present at a meeting, the members present shall elect another member to act as Chair at the meeting.

233 Quorum of committees

(a) A quorum of a committee is three members. When a quorum is not present, the Chair shall suspend proceedings until a quorum is present or adjourn the committee.

(b) If a quorum is not present within 15 minutes of the time appointed for the meeting of a committee, the members present may retire, and their names shall be entered in the minutes. The secretary of the committee shall then notify members of the next meeting.

234 Subcommittees

(a) A committee may appoint subcommittees of three or more of its members and may refer to a subcommittee any matter which the committee may examine.

(b) A committee shall appoint the Chair of each subcommittee, who shall have a casting vote only. If the Chair of a subcommittee is not present at a meeting of the subcommittee, the members of the subcommittee present shall elect another member of that subcommittee to act as Chair at the meeting.

(c) A quorum of a subcommittee is two of its members.

(d) Members of the committee who are not members of a subcommittee may participate in the public proceedings of the subcommittee but may not vote, move any motion or be counted for the purpose of a quorum.

235 Proceedings and sittings of committee

(a) A committee or a subcommittee may conduct proceedings using any means approved by the House and in the following manner:

- (i) in private meeting;
- (ii) by hearing witnesses, either in public or in private; and
- (iii) in the form of any other meeting, discussion or inspection conducted under the practice of committees of the House.

(b) A committee may resolve to conduct proceedings using audio visual or audio links with members of the committee or witnesses not present in one place. If an audio visual or audio link is used, committee members and witnesses must be able to speak to and hear each other at the same time regardless of location. A committee may resolve for a subcommittee to use audio visual or audio links.

(c) A committee or a subcommittee may conduct proceedings at any time or place as it sees fit, and whether or not the House is sitting.

236 Power to call for witnesses and documents

(a) A committee or a subcommittee may call for witnesses to attend and for documents to be produced.

(b) The Chair of a committee or subcommittee shall direct the secretary of the committee or subcommittee to invite or summon witnesses and to request or require documents to be produced as determined by the committee or subcommittee.

237 Use of records of previous committees

A committee or a subcommittee may consider and make use of the evidence and records of similar committees appointed during previous Parliaments.

238 Conferring with Senate committees

A committee may confer with a similar committee of the Senate.

239 Records of proceedings and documents

(a) The secretary shall record the proceedings of the committee or subcommittee in the minutes of proceedings. The minutes shall be confirmed by the committee or subcommittee and then signed by the Chair.

(b) Documents presented to the committee or subcommittee shall be signed by the secretary.

240 Admission of visitors

(a) A committee or a subcommittee may admit visitors when it is examining a witness or gathering information in other proceedings.

(b) All visitors must leave if:

- (i) the Chair asks them to;
- (ii) the committee or subcommittee resolves that they leave; or
- (iii) the committee or subcommittee is deliberating or hearing witnesses in private.

241 Admission of other Members

Other Members, who are not members of the committee, may be admitted when a committee or subcommittee is examining a witness, or gathering information in other proceedings. Other Members must leave when the committee or subcommittee is deliberating, or hearing witnesses in private, or if the committee or subcommittee resolves that they leave.

242 Publication of evidence

- (a) A committee or subcommittee may authorise publication of evidence given before it or documents presented to it.
- (b) A committee's or subcommittee's evidence, documents, proceedings and reports may not be disclosed or published to a person (other than a member of the committee or parliamentary employee assigned to the committee) unless they have been:
 - (i) reported to the House; or
 - (ii) authorised by the House, the committee or the subcommittee.
- (c) A committee may resolve to:
 - (i) publish press releases, discussion papers or other documents, or preliminary findings; or
 - (ii) divulge evidence, documents, proceedings or reports on a confidential basis to persons for comment.
- (d) A committee may resolve to authorise a member of the committee to give public briefings on matters related to an inquiry. An authorised member may not disclose evidence, documents proceedings or reports which have not been authorised for publication. The committee shall determine the limits of the authorisation.

243 Power to report from time to time

A committee may report from time to time.

244 Report consideration

- (a) The Chair of a committee shall prepare a draft report and present it to the committee at a meeting convened for report consideration.
- (b) The report may be considered at once if copies have been circulated in advance to each member of the committee. The report shall be considered paragraph by paragraph. When consideration of the chapters of the report is completed, the appendices shall be considered in order.
- (c) After the draft report has been considered, the whole or any paragraph may be reconsidered and amended.
- (d) A member objecting to any portion of the report may vote against it or move an amendment when the particular paragraph or appendix is under consideration.
- (e) A member protesting about the report or dissenting from all or part of it may add a protest or dissenting report to the main report.

245 Alternative draft report

A member other than the Chair, may give a draft report to the committee, and the committee must decide which report it will consider.

246 Chair signs adopted report

- (a) When a committee has completed its consideration of a draft report, it shall resolve to adopt the report.
- (b) The Chair shall sign each report of a committee.
- (c) Any protest or dissenting report shall be signed by the member or members protesting or dissenting.

247 Report presented

- (a) A member of the committee must present the report of the committee together with the minutes of proceedings, to the House.
- (b) When a report is presented to the House, it may be ordered to be made a Parliamentary Paper with or without the documents accompanying it.
- (c) Special arrangements are required for times when the House is not sitting and a committee has completed a report of an inquiry. The committee may send the report to the Speaker, or to the Deputy Speaker if the Speaker is unavailable. When the Speaker or the Deputy Speaker receives the report:
 - (i) the report may be published; and
 - (ii) he or she may give directions for the printing and circulation of the report.

The committee must then present the report to the House as soon as possible.

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Chapter 17. Witnesses and visitors

Chapter outline

This chapter sets out the requirements for persons attending or visiting the House or a House committee including: Members, Senators, employees of the Parliament, witnesses and visitors.

The chapter also provides for the conduct of Members or House employees attending the Senate or a Senate committee, and for House employees giving evidence anywhere else.

Members, Senators and employees of the Parliament

249 Attendance of Member before House or committee

- (a) If the House orders a Member to attend the Chamber for examination by the House, the Speaker shall summons the Member to attend in his or her place.
- (b) If a committee wishes a Member to attend as a witness, the Chair shall write inviting the Member to attend. If the Member refuses to attend or to give evidence or information as a witness, the committee shall not summon the Member again, but shall advise the House.

250 Committee receiving allegations against Members

- (a) Only the Committee of Privileges and Members' Interests may inquire into or make findings about the conduct of a Member, unless the House directs another committee to review the conduct of a Member.
- (b) If a committee (other than the Committee of Privileges and Members' Interests) receives information or an allegation about a Member, the committee shall inform the Member and give the Member an opportunity to make a submission about the matter. Unless the committee considers the matter is without substance, it shall report the matter to the House and wait for its directions.

251 Attendance of Senator or Senate employee before House

If the House or one of its committees wishes to examine a Senator, or an employee of the Senate, the House shall send a message to the

Senate asking it to give leave to the Senator or employee to attend the House for examination.

252 Attendance of Member or House employee before Senate

- (a) If the Senate asks the House by message for a Member to attend before the Senate or one of its committees, the House may authorise the Member to attend, provided the Member agrees.
- (b) If the Senate asks the House by message for an employee of the House to attend before the Senate or one of its committees, the House may instruct its own employee to attend.

253 Employees of the House not to give evidence without permission

Only if the House grants permission, may an employee of the House, or other staff employed to record evidence before the House or one of its committees, give evidence relating to proceedings or give evidence relating to the examination of a witness.

Other witnesses summoned

254 Witness other than a Member

- (a) A witness (other than a Member) may be ordered to attend the House or a committee by summons. The Clerk of the House shall issue a summons of the House and the secretary of the committee shall issue a summons of a committee.
- (b) The House may deal as it sees fit with a witness who does not, or refuses to, attend or give evidence before the House or a committee.

All witnesses

255 Examination of witnesses

- (a) A Member giving evidence to the House shall be examined in his or her place.
- (b) A witness (other than a Member) shall be examined at the Bar, unless the House otherwise orders.
- (c) The Speaker shall examine the witness, and questions by Members are taken to be asked through the Speaker.
- (d) A witness before a committee or subcommittee shall be examined according to the procedure agreed on by the committee.

256 Witness entitled to protection

Any witness giving evidence to the House or one of its committees is entitled to the protection of the House in relation to his or her evidence.

Visitors

257 Admission of Senators and visitors

- (a) Only the Speaker shall have the privilege of admitting visitors into the lower galleries, and may admit distinguished visitors to a seat on the floor of the Chamber.
- (b) No Member may bring a visitor into any part of the Chamber, or that part of the room where the Main Committee is meeting, which is reserved for Members.
- (c) Senators shall have the privilege of being admitted into the Senators' gallery without invitation, but they must observe the Speaker's instructions regarding good order.

Chapter 18. Communication between the House and the Senate

Chapter outline

This chapter provides for communication between the House and the Senate.

General

258 Modes of communication

The House may communicate with the Senate by message or by conference in accordance with *standing orders 262–266*. Committees of the House may also confer with committees of the Senate in accordance with *standing order 238*.

Messages

259 Messages to the Senate

Every message from the House to the Senate shall be signed by the Speaker or the Deputy Speaker and delivered by the Serjeant-at-Arms.

260 Motion to communicate resolution to the Senate

A Member may move, without notice, that a resolution of the House be communicated by message to the Senate.

261 Messages from the Senate

When the House is sitting, every message from the Senate shall be received by the Clerk at the Table. When the House is not sitting, the Clerk shall receive any messages from the Senate. The Speaker shall report each message at the earliest convenient time and, if required, the House shall set a time for its consideration.

Conferences

262 Motion for conference

A Member may move a motion to request a conference with the Senate to resolve a disagreement between the Houses. The motion

must contain the names of the Members proposed as delegates of the House.

263 Conference requested by the House

- (a) If the House wishes to confer with the Senate it must request a conference by message.
- (b) The message must contain an outline of the purpose of the conference and propose the number of delegates to represent the House in the conference: at least five.
- (c) The House may not request a conference on the subject of a bill or motion in the possession of the Senate.
- (d) The Senate shall appoint the time and place for the conference – the House must agree and communicates its agreement by message.

264 Conference requested by the Senate

If the Senate has requested a conference:

- (a) the House shall appoint an equal number of delegates as the Senate to represent it in the conference;
- (b) the House shall appoint the time and place for holding the conference; and
- (c) the delegates for the House must assemble at the time and place appointed, and receive the delegates of the Senate.

265 Proceedings at conference

- (a) At any conference it shall be the duty of the delegates of the House to resolve the disagreement between the two Houses with the delegates of the Senate.
- (b) The delegates of the House must read and deliver in writing to the delegates of the Senate the reasons or resolutions of the House, and hear and receive in writing from the delegates of the Senate the reasons or resolutions of the Senate.
- (c) The delegates may then discuss the disagreement. The objective of the delegates of the House shall be the withdrawal by the delegates of the Senate of the disagreement, or its modification or amendment.
- (d) For bills, the delegates of the House may not suggest an amendment (other than a consequential amendment) to any words of a bill which both Houses have already agreed, unless the words are directly affected by the disagreement.

266 Conference delegates report proceedings

The delegates of the House must report to the House immediately a conference has ended.

Chapter 19. Addresses to the Queen or the Governor-General

Chapter outline

This chapter sets out the procedures for making addresses to the Queen or the Governor-General.

267 Addresses moved

- (a) A Minister may move an address to Her Majesty or the Governor-General after notice, except in cases of urgency.
- (b) A Minister may move without notice an address of congratulation or condolence to members of the Royal Family.

268 Addresses to Queen given to Governor-General

The Speaker shall give to the Governor-General addresses to Her Majesty or to members of the Royal Family, and ask the Governor-General to send the addresses for presentation.

269 Presentation of addresses to Governor-General

- (a) Unless the House otherwise orders, the Speaker shall present any addresses to the Governor-General.
- (b) When the House orders that an address be presented by the whole House, the Speaker and the House together, shall attend at the place appointed by the Governor-General. The Speaker shall read the address to the Governor-General, while the Members who moved and seconded the address take their place at the Speaker's left hand.

270 Governor-General's reply

The Speaker shall report to the House the Governor-General's reply to an address presented by the whole House.

Record of amendments to the standing orders

Dates of amendments made to the standing orders since they came into effect on 16 November 2004.

| | |
|----------|---|
| Amd | Date standing order amended. |
| Amd sess | Date standing order amended by sessional order. |
| Ins | Date new standing order inserted. |
| Ins sess | Date sessional order inserted. |
| Om | Date standing order omitted. |
| Op | Date of operation (if different from date of adoption). |
| Sess ext | Date sessional order extended. |
| Sus sess | Date standing order suspended by sessional order. |

| S.O. | Date amended |
|-------------|--|
| 1 | Amd sess 9.2.06; Amd 29.11.06; Amd sess 29.11.06; Amd sess 13.2.07; Amd 13.2.08; Amd 12.3.08; Amd 24.6.08; Amd 29.9.10; Amd 19.10.10 |
| 2 | Amd 29.11.06; Amd 13.2.07; Amd 13.2.08; Amd 29.9.10 |
| 4 | Amd 23.6.10 |
| 11 | Amd 29.3.06 |
| 18 | Amd 29.11.06 |
| 29 | Amd 13.2.08; Amd 12.3.08; Amd 29.9.10; Amd 19.10.10 |
| 30 | Amd 13.2.08 |
| 31 | Amd 13.2.08; Amd 12.3.08; Amd 29.9.10 |
| 33 | Amd 13.2.08; Amd 12.3.08; Amd 29.9.10 |
| 34 | Amd 13.2.08; Amd 12.3.08; Amd sess 24.6.08; Sess ext 1.12.08; Amd 29.9.10; Amd 19.10.10 |
| 35 | Amd 13.2.08; Amd 12.3.08 |
| 38 | Amd 29.9.10 |
| 39 | Amd sess 9.2.06; Amd 29.11.06; Amd sess 29.11.06; Amd 13.2.08; Amd 12.3.08; Amd 29.9.10 |
| 40 | Amd sess 9.2.06; Amd 29.11.06; Amd 13.2.08; Amd 12.3.08; Amd 29.9.10 |
| 40A | Ins 29.11.06; Om 13.2.08 |
| 41 | Amd 29.11.06; Amd 13.2.08; Amd 12.3.08; Amd 29.9.10 |
| 41A | Ins 13.2.08; Amd 12.3.08; Om 29.9.10 |

| S.O. | Date amended |
|-------------|---|
| 42 | Amd 13.2.08; Amd 12.3.08 |
| 43 | Amd 13.2.07; Amd 13.2.08; Om 12.3.08; Reinserted 29.9.10 |
| 44 | Amd 13.2.08; Om 12.3.08 |
| 51 | Amd 13.2.08 |
| 52 | Amd 13.2.08 |
| 54 | Amd 29.9.10 |
| 55 | Amd 13.2.08; Amd 12.3.08; Amd 29.9.10; Amd 19.10.10 |
| 77 | Amd sess 17.3.05; Amd 29.11.06 |
| 86 | Amd 29.9.10 |
| 97 | Amd 12.3.08 |
| 98 | Amd 13.2.07 |
| 99 | Amd 13.2.07 |
| 100 | Amd 29.9.10 |
| 100(f) | Sus sess 17.3.05; Om 29.11.06; Reinserted 29.9.10 |
| 104 | Amd 29.9.10 |
| 106 | Amd 13.2.08; Amd 12.3.08 |
| 108 | Amd 13.2.08; Amd 29.9.10 |
| 132 | Amd 29.9.10 |
| 133 | Amd 13.2.08; Amd 12.3.08; Amd 29.9.10; Amd 19.10.10 |
| 138 | Amd 12.3.08 |
| 139 | Amd 13.2.08; Amd 12.3.08 |
| 140 | Amd 12.3.08 |
| 141 | Amd 29.3.06; Amd 12.3.08; Amd 29.9.10 |
| 142 | Amd 29.3.06 |
| 142A | Ins sess 29.9.10 |
| 143 | Amd 29.9.10 |
| 187 | Amd sess 9.2.06; Amd 29.11.06 |
| 190 | Amd sess 9.2.06; Amd 29.11.06; Amd 9.5.07 |
| 192 | Amd sess 10.8.05; Amd sess 9.2.06; Amd 29.11.06; Amd 9.5.07; Amd 13.2.08; Amd 12.3.08; Amd 24.6.08; Amd 17.8.09; Amd 29.9.10 |
| 192A | Ins 12.3.08; Om 29.9.10 |
| 192B | Ins 12.3.08; Amd 29.9.10 |
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| 206 | Amd 13.2.08 |
| 207 | Amd 13.2.08 ; Amd 12.3.08; Amd sess 24.6.08; Sess ext 1.12.08, Amd 20.10.10 |
| 208 | Amd 13.2.08 ; Amd 12.3.08 |
| 209 | Amd 13.2.08; Amd sess 24.6.08; Sess ext 1.12.08, Amd 20.10.10 |
| 210 | Om 13.2.08 |
| 211 | Om 13.2.08 |
| 212 | Om 13.2.08 |
| 213 | Om 13.2.08 |
| 215 | Amd 18.11.04; Amd 13.2.08; Amd 29.9.10 |
| 216 | Amd 13.2.08 |
| 217 | Amd 13.2.08 |
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| 222A | Ins 29.9.10 |
| 229 | Amd 29.9.10 |
| 232 | Amd 29.9.10 |
| 240 | Amd 9.2.06 |
| 241 | Amd 9.2.06 |
| 248 | Om 29.11.06 |
| 250 | Amd 13.2.08 |

Resolutions of the House

Disclosure of evidence and documents of House and joint committees

Resolution adopted 11 October 1984

- (1) That, unless otherwise ordered, the House authorises Mr Speaker to permit any person to examine and copy evidence submitted to, or documents of, committees which are in the custody of the House, which have not already been published by the House or its committees, and which have been in the custody of the House for at least 10 years: Provided that if such evidence or documents were taken *in camera* or submitted on a confidential or restricted basis, disclosure shall not take place unless the evidence or documents have been in the custody of the House for at least 30 years, and, in the opinion of Mr Speaker, it is appropriate that such evidence or documents be disclosed: Provided further that Mr Speaker report to the House the nature of any evidence or documents made available under this resolution and the person or persons to whom they have been made available.
- (2) That the House of Representatives, having considered Message No. 265 of the Senate, agrees that the disclosure of evidence or documents of joint committees be authorised by the President of the Senate and the Speaker of the House of Representatives under the same conditions as are provided in paragraph (1) of the message.*
- (3) That the foregoing resolutions have effect notwithstanding anything contained in the standing orders.

* *Paragraph (1) of Message No. 265 of the Senate is in the same terms as paragraph (1) of this resolution with references to the Senate and the President in place of references to the House and the Speaker.*

Procedures for tabling ministerial papers

Resolution adopted 9 December 1987

That this House endorses in principle the recommendation of the Standing Committee on Procedure that the procedures for the tabling of ministerial papers following questions without notice, pursuant to standing order 101,* be altered in accordance with the following arrangements:

- (1) By 12 noon on each sitting day a schedule of papers to be presented will be made available to the Manager of Opposition Business and will be circulated to all Members in the Chamber at the first opportunity;
- (2) Following questions without notice a Minister will present the papers as listed on the circulated schedule;
- (3) Papers presented will continue to be recorded in *Hansard* and the Votes and Proceedings; and
- (4) A Minister shall present each paper individually if a schedule has not been circulated in accordance with these procedures or the paper has not been listed on the schedule, and shall retain the option of presenting a paper separately from the list if a statement is to be made or a motion moved in connection with the paper.

* *Current standing order 34.*

Hansard—authority to publish record of debates and proceedings

Resolution adopted 5 May 1993

- (1) That the House:
 - (a) authorises the publication of the record of debates and proceedings in the House, known as Parliamentary Debates and Hansard, prepared by the Department of the Parliamentary Reporting Staff; and
 - (b) affirms the right of committees and subcommittees (however described) of the House and joint committees of the House and the Senate to authorise the publication of (i) documents and records and (ii) transcripts of evidence prepared by the Department of the Parliamentary Reporting Staff, subject to any particular provisions in relevant legislation, resolutions or standing orders.
- (2) That this resolution continue in force unless and until amended or rescinded by the House in this or a subsequent Parliament.

Privileges Committee—publication of records

Resolution adopted 7 December 2000, amended 13 February 2008 a.m.

That:

- (1) the House authorises:
 - (a) the publication of all evidence or documents taken in camera or submitted on a confidential or restricted basis to the Committee of Privileges or to the Committee of Privileges and Members' Interests and that have been in the custody of the Committee for at least 30 years; and
 - (b) the transfer of these records to the National Archives of Australia to enable public access to the records;
provided that, where the Speaker accepts advice that the release of a particular record would affect the national security interest, or represent an unreasonable intrusion upon the personal affairs of any person, alive or dead, or would otherwise be an exempt record under s. 33 of the *Archives Act 1983*, if that Act had applied to the record, the release and transfer of that record is not authorised by this resolution;
- (2) this resolution has effect notwithstanding the provisions of any other resolution or standing order of the House; and
- (3) this resolution has effect from 1 January 2001 and continues in force unless and until amended or rescinded by the House in this or a subsequent Parliament.

Broadcasting and re-broadcasting of excerpts of proceedings

Resolution adopted 30 November 1988

That this House authorises the broadcasting and re-broadcasting on Australian radio and television stations of a sound record of excerpts of its proceedings, subject to the conditions determined for this purpose by the Joint Committee on the Broadcasting of Parliamentary Proceedings.

Televising of proceedings

Resolution adopted 16 October 1991

That:

- (1) the House authorises live television broadcast and rebroadcast of:
 - (a) the proceedings of the House and excerpts of proceedings, including the adjournment debate; and
 - (b) the public proceedings of House of Representatives committees, subject to the approval of individual committees –
as provided for by this resolution;
- (2) the House supports in principle the amendment of the *Parliamentary Proceedings Broadcasting Act 1946* to make statutory provision for the televising of the proceedings of the Senate, the House of Representatives and the committees of each House and joint committees of both Houses;
- (3) a standing committee be appointed in each Parliament to consider and determine in respect of live television broadcast and rebroadcast of proceedings and excerpts of proceedings of the House of Representatives and the public proceedings of House of Representatives committees:
 - (a) the conditions to apply to television broadcasters;
 - (b) the guidelines for operators of sound and vision equipment;
 - (c) the guidelines for the televising of House of Representatives committees; and
 - (d) whether breaches of the conditions and guidelines have occurred and, if so, what penalties should apply;
- (4) the committee referred to in paragraph (3) of this resolution shall:
 - (a) consist of those Members of the House of Representatives who are members of the Joint Committee on the Broadcasting of Parliamentary Proceedings in each Parliament, who shall elect a chairman and deputy chairman; and
 - (b) have power to send for persons, papers and records;
- (5) until otherwise determined the conditions and guidelines to apply to live television broadcast and rebroadcast shall be those set out in the Report of the Inquiry into the Televising of the House of Representatives and its committees, dated August 1991 [*current conditions for House and Main Committee adopted 1 May 1996, see p. 115*];

- (6) the arrangements relating to the live television broadcast and rebroadcast of proceedings and excerpts of proceedings of the House of Representatives shall be reviewed by the committee established under paragraph (3) of this resolution prior to the end of the 1993 Autumn sittings of the House; and
- (7) The House requests the Government to seek advice from the Attorney-General as to the legal position of bodies authorised to receive the signal of proceedings with a view to the House granting access to that signal to government departments, political party headquarters and others.

Extension of House monitoring service

Resolution adopted 28 September 1993

That the House authorises the extension of the provision of the House Monitoring Service television coverage of proceedings of the House and its committees to government departments and others, as may be determined by the Speaker, on such terms and conditions as stipulated by the Speaker.

Radio broadcasting of parliamentary proceedings—general principles

Resolution adopted 20 September 1994

That the following general principles upon which there should be determined the days upon which, and the periods during which, the proceedings of the Senate and the House of Representatives shall be broadcast, as specified by the Joint Committee on the Broadcasting of Parliamentary Proceedings in its report dated May 1994, be adopted with effect from 10 October 1994 in place of the general principles previously adopted by both Houses:

General principles relating to the radio broadcasting of parliamentary proceedings

1. *Days upon which proceedings shall be broadcast and their allocation between the Senate and the House of Representatives.*
The proceedings of Parliament shall be broadcast on each day on which either House is sitting. While there will be a usual allocation of broadcasts between the Senate and the House of Representatives, the Joint Committee on the Broadcasting of Parliamentary Proceedings or its Sub-Committee shall take into account the importance of the impending debate and the public interest attaching thereto in deciding on the allocation. It is anticipated that, over time, the coverage of each House will be approximately equal.
2. *Rebroadcast of questions and answers.*
 - (a) The following Parliamentary Proceedings shall be rebroadcast by the Australian Broadcasting Corporation at the conclusion of the broadcast of live proceedings from either House unless otherwise ordered by the Committee:
Senate proceedings – Questions without notice and answers thereto;
House of Representatives proceedings – Questions without notice and answers thereto;
 - (b) The rebroadcast shall be of the House that is not allocated the broadcast;
 - (c) When a member makes a personal explanation in rebuttal of misrepresentation contained in a question asked that day or an answer thereto, the question and answer shall, subject to the next succeeding sub-paragraph, be excluded from the rebroadcast; and

- (d) The Presiding Officer may, in his or her discretion, refer any case to the Joint Committee for decision as to whether such a question and answer shall be excluded from the rebroadcast.
- 3. The general principles specified here and adopted by both Houses shall be observed generally by the Joint Committee in making determinations in accordance with the *Parliamentary Proceedings Broadcasting Act 1946*, but nothing in those general principles shall be taken to prevent the Joint Committee from departing from those general principles in order to meet any unusual or special circumstances.

Broadcasting of proceedings— conditions for broadcasters

Resolution adopted 1 May 1996

That the conditions for broadcasters of the live broadcast and rebroadcast of the proceedings and excerpts of proceedings of the House of Representatives and its Main Committee be amended to read as follows:

1. Access to the proceedings of the House of Representatives and its Main Committee for the recording and broadcasting of proceedings is subject to an undertaking to observe, and to comply with, the following conditions:
 - (1) Broadcasting and recordings may only be made from the official and dedicated composite vision and sound feed provided by the Sound and Vision Office (channels 1 and 5 on the House Monitoring System);
 - (2) Broadcasts shall be used only for the purposes of fair and accurate reports of proceedings, and shall not be used for:
 - (a) political party advertising or election campaigns;
 - (b) satire or ridicule; or
 - (c) commercial sponsorship or commercial advertising;
 - (3) Reports of proceedings shall be such as to provide a balanced presentation of differing views;
 - (4) Excerpts of proceedings which are subsequently withdrawn may be rebroadcast only if the withdrawal also is rebroadcast;
 - (5) The instructions of the Speaker of the House of Representatives, or the Speaker's delegate, in respect of broadcasting, shall be observed.
2. Non-compliance with the guidelines listed above may incur penalties. Breaches of the guidelines and penalties are determined by the House members of the Joint Committee on the Broadcasting of Parliamentary Proceedings. The following is a general guide to the penalties which may be imposed on stations or programs:
 - (a) first breach — access to the broadcast withdrawn for three sitting days;
 - (b) second breach — access to the broadcast service withdrawn for six sitting days; and

- (c) third or subsequent breaches – such penalty as is determined by the House members of the Joint Committee on the Broadcasting of Parliamentary Proceedings.

Registration of Members' interests

Requirements of the House of Representatives

Resolution adopted 9 October 1984 a.m., amended 13 February 1986, 22 October 1986, 30 November 1988, 9 November 1994, 6 November 2003 and 13 February 2008 a.m.

(1) Registration of Members' interests

That –

- (a) within 28 days of making and subscribing an oath or affirmation as a Member of the House of Representatives each Member shall provide to the Registrar of Members' Interests, a statement of –
 - (i) the Member's registrable interests, and
 - (ii) the registrable interests of which the Member is aware
 - (a) of the Member's spouse and (b) of any children who are wholly or mainly dependent on the Member for support,in accordance with resolutions adopted by the House and in a form determined by the Committee of Members' Interests or by the Committee of Privileges and Members' Interests from time to time, and shall also notify any alteration of those interests to the Registrar within 28 days of that alteration occurring, and
- (b) the statement to be provided by a Member shall include:
 - (i) in the case of a Member who was not a Member of the House of Representatives in the immediately preceding Parliament, interests held at the date of his or her election and any alteration of interests which has occurred between that date and the date of completion of the statement, and
 - (ii) in the case of a Member who was a Member of the House of Representatives in the immediately preceding Parliament, interests held at the date of dissolution of the House of Representatives in the previous Parliament and any alteration of interests which has occurred between that date and the date of completion of the statement.

(2) Registrable interests

That the statement of a Member's registrable interests to be provided by a Member shall include the registrable interests of which the Member is aware (1) of the Member's spouse and (2) of any children who are wholly or mainly dependent on the Member for support, and shall cover the following matters:

- (a) shareholdings in public and private companies (including holding companies) indicating the name of the company or companies;
- (b) family and business trusts and nominee companies –
 - (i) in which a beneficial interest is held, indicating the name of the trust, the nature of its operation and beneficial interest, and
 - (ii) in which the Member, the Member's spouse, or a child who is wholly or mainly dependent on the Member for support, is a trustee (but not including a trustee of an estate where no beneficial interest is held by the Member, the Member's spouse or dependent children), indicating the name of the trust, the nature of its operation and the beneficiary of the trust;
- (c) real estate, including the location (suburb or area only) and the purpose for which it is owned;
- (d) registered directorships of companies;
- (e) partnerships indicating the nature of the interests and the activities of the partnership;
- (f) liabilities indicating the nature of the liability and the creditor concerned;
- (g) the nature of any bonds, debentures and like investments;
- (h) saving or investment accounts, indicating their nature and the name of the bank or other institutions concerned;
- (i) the nature of any other assets (excluding household and personal effects) each valued at over \$7,500;
- (j) the nature of any other substantial sources of income;
- (k) gifts valued at more than \$750 received from official sources, or at more than \$300 where received from other than official sources provided that a gift received by a Member, the Member's spouse or dependent children from family members or personal friends in a purely personal capacity need not be registered unless the Member judges that an appearance of conflict of interest may be seen to exist;
- (l) any sponsored travel or hospitality received where the value of the sponsored travel or hospitality exceeds \$300;
- (m) membership of any organisation where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise, and
- (n) any other interests where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise.

(3) Register and Registrar of Members' Interests

That—

- (a) at the commencement of each Parliament, and at other times as necessary, Mr Speaker shall appoint an officer of the Department of the House of Representatives as the Registrar of Members' Interests and that officer shall also assist the Committee of Privileges and Members' Interests in relation to matters concerning Members' interests;
- (b) the Registrar of Members' Interests shall, in accordance with procedures determined by the Committee of Privileges and Members' Interests, maintain a Register of Members' Interests in a form to be determined by that committee from time to time;
- (c) as soon as possible after the commencement of each Parliament the chairman of the Committee of Privileges and Members' Interests shall table in the House a copy of the completed Register of Members' Interests and shall also table from time to time as required any notification by a Member of alteration of those interests, and
- (d) the Register of Members' Interests shall be available for inspection by any person under conditions to be laid down by the Committee of Privileges and Members' Interests from time to time.

Additional resolution adopted 13 February 1986

That any Member of the House of Representatives who—

- (a) knowingly fails to provide a statement of registrable interests to the Registrar of Members' Interests by the due date;
- (b) knowingly fails to notify any alteration of those interests to the Registrar of Members' Interests within 28 days of the change occurring, or
- (c) knowingly provides false or misleading information to the Registrar of Members' Interests,

shall be guilty of a serious contempt of the House of Representatives and shall be dealt with by the House accordingly.

Note: no reference has been made to—

- (a) earlier registration and declaration requirements deleted on 13 February 1986, 22 October 1986, 30 November 1988 and 9 November 1994, *and*
- (b) resolutions of 21 March 1985 and 13 February 1986 which related to the lodgement of initial statements of interests by Members of the 34th Parliament.

Right of reply of persons referred to in the House

Resolution adopted 27 August 1997, amended 13 February 2008 a.m.

That:

- (1) Where a person who has been referred to by name, or in such a way as to be readily identified, in the House, makes a submission in writing to the Speaker:
 - (a) claiming that the person has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that the person's privacy has been unreasonably invaded, by reason of that reference to the person; and
 - (b) requesting that the person be able to incorporate an appropriate response in the parliamentary record; and if the Speaker is satisfied:
 - (c) that the subject of the submission is not so obviously trivial or the submission so frivolous, vexatious or offensive in character as to make it inappropriate that it be considered by the Committee of Privileges and Members' Interests; and
 - (d) that it is practicable for the Committee of Privileges and Members' Interests to consider the submission under this resolution,the Speaker shall refer the submission to that Committee.
- (2) The Committee may decide not to consider a submission referred to it under this resolution if the Committee considers that the subject of the submission is not sufficiently serious or the submission is frivolous, vexatious or offensive in character, and such a decision shall be reported to the House.
- (3) If the Committee decides to consider a submission under this resolution, the Committee may confer with the person who made the submission and any Member who referred in the House to that person.
- (4) In considering a submission under this resolution, the Committee shall meet in private session.
- (5) The Committee shall not publish a submission referred to it under this resolution or its proceedings in relation to such a

submission, but may present minutes of its proceedings and all or part of such submission to the House.

- (6) In considering a submission under this resolution and reporting to the House the Committee shall not consider or judge the truth of any statements made in the House or of the submission.
- (7) In its report to the House on a submission under this resolution, the Committee may make either of the following recommendations:
 - (a) that no further action be taken by the House or by the Committee in relation to the submission; or
 - (b) that a response by the person who made the submission, in terms specified in the report and agreed to by the person and the Committee, be published by the House or incorporated in *Hansard*, and shall not make any other recommendations.
- (8) A document presented to the House under paragraph (5) or (7):
 - (a) in the case of a response by a person who made a submission, shall be succinct and strictly relevant to the questions in issue and shall not contain anything offensive in character; and
 - (b) shall not contain any matter the publication of which would have the effect of:
 - (i) unreasonably adversely affecting or injuring a person, or unreasonably invading a person's privacy, in the manner referred to in paragraph (1); or
 - (ii) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person.
- (9) The Committee may agree to guidelines and procedures, not inconsistent with this resolution, to apply to the consideration by it of submissions.
- (10) This resolution shall continue in force unless and until amended or rescinded by the House in this or a subsequent Parliament.

Special provisions for nursing mothers

Resolution adopted 13 February 2008 a.m.

- (1) That the House, recognising that Members who are required to nurse infants may not always be able to attend in the Chamber to vote in divisions:
 - (a) agrees that, despite the provisions of the standing orders, a Member may give her vote by proxy for any division except that on the third reading of a bill which proposes an alteration of the Constitution if the Member is nursing an infant at the time of the division;
 - (b) determines that for the purposes of this resolution, a government Member may give her proxy to the Chief Government Whip, and that a non-government Member may give her proxy to the Chief Opposition Whip;
 - (c) determines that for the purposes of *standing orders 129, 130 and 131* any proxy vote given in accordance with this resolution is to be treated as if it was a vote given by the Member present in the Chamber; and
 - (d) is of the opinion that the special provisions of this resolution should not be extended or adapted to apply to Members who are not able to be present in the Chamber for other reasons; and
- (2) That this resolution has effect and continues in force unless and until amended or rescinded by the House in this or a subsequent Parliament.

Procedures for the protection of witnesses before the Committee of Privileges and Members' Interests

Resolution adopted 25 November 2009

That in considering any matter referred to it which may involve, or give rise to any allegation of, a contempt, the Committee of Privileges and Members' Interests shall observe the procedures set out in this resolution, in addition to any procedures adopted by the House for the protection of witnesses before committees. Where this resolution is inconsistent with any such procedures adopted by the House for the protection of witnesses, this resolution shall prevail to the extent of the inconsistency.

- (1) Any person who is the subject of proposed investigation by the committee must be notified in advance of the specific nature of the allegations made against them, preferably formulated as a specific charge, or if this is not possible, of the general nature of the issues being investigated, in order to allow them to respond.
- (2) The committee shall extend to that person all reasonable opportunity and time to respond to such allegations and charges by:
 - (a) making written submission to the committee;
 - (b) giving evidence before the committee;
 - (c) having other evidence placed before the committee; and
 - (d) having witnesses examined before the committee.
- (3) Where oral evidence is given containing any allegation against, or reflecting adversely on, a person, the committee shall ensure that that person is present during the hearing of that evidence, subject to a discretion to exclude the person when proceedings are held in private, and shall afford all reasonable opportunity for that person, by counsel or personally, to examine witnesses in relation to that evidence.
- (4) A person appearing before the committee may be accompanied by counsel, and shall be given all reasonable opportunity to consult counsel during that appearance.
- (5) A witness shall not be required to answer in public session any question where the committee has reason to believe that the answer may incriminate the witness.

- (6) Witnesses shall be heard by the Committee on oath or affirmation.
- (7) Hearing of evidence by the committee shall be conducted in public session, except where the committee determines, on its own initiative or at the request of a witness that the interests of the witness or the public interest warrant the hearing of evidence in private session.
- (8) The committee may appoint counsel to assist.
- (9) The committee may authorise, subject to rules determined by the committee, the examination by counsel of witnesses before the committee.
- (10) As soon as practicable after the committee has determined findings to be included in the committee's report to the House, and prior to the presentation of the report, a person affected by those findings shall be acquainted with the findings and afforded all reasonable opportunity to make submissions to the committee, in writing and orally, on those findings. The committee shall take such submissions into account before making its report to the House.
- (11) If the committee determines to make a recommendation to the House on a penalty to be imposed on a person, the person affected shall be afforded all reasonable opportunity to make submissions to the committee, in writing and orally, in relation to the proposed penalty. The committee shall take such submissions into account before making its report to the House.
- (12) The committee may consider the reimbursement of costs of representation of witnesses before the committee. Where the committee is satisfied that a person would suffer substantial hardship due to liability to pay the costs of representation of the person before the committee, or in the interests of justice, the committee may make reimbursement of all or part of such costs as the committee considers reasonable.
- (13) A member who has instigated an allegation of contempt or who is directly implicated in an allegation, shall not serve as a member of the committee for any inquiry by the committee into that matter.
- (14) Before appearing before the committee a witness shall be given a copy of this resolution.

Procedures of the House of Representatives for dealing with matters of contempt

Resolution adopted 25 November 2009

- (1) The House, in considering any matter which may give rise to a contempt of the House, shall observe the procedures set out in this resolution:
 - (a) for any motion that makes a finding of contempt or that imposes any sanction for contempt, seven sitting days notice must be given;
 - (b) if, in considering any matter that may give rise to a contempt, the House wishes to consider further evidence not previously provided to the Committee of Privileges and Members' Interests, the person or persons accused of contempt shall be given the opportunity to respond to that evidence;
 - (c) where the House proposes to impose a punitive penalty on a person or persons for contempt, the person or persons shall have the opportunity to address the House, either orally or in writing;
 - (d) where the Committee of Privileges and Members' Interests has made a recommendation for the imposition of a penalty on a person or persons for contempt, the House shall not impose a penalty which exceeds that recommended by the Committee;
 - (e) where the Committee of Privileges and Members' Interests concludes in a report to the House that there is no finding of contempt against a person or persons, the House cannot make any finding of contempt against the person or persons; and
 - (f) any members who initiated an allegation of contempt should not vote in any divisions on motions relating to any findings, or impositions of penalties, for those contempts; and
- (2) This resolution has effect and continues in force unless or until amended or rescinded by the House in this or a subsequent Parliament.

Government responses to committee reports

Resolution adopted 29 September 2010

- (1) Within a period of six months from the presentation in the House of a report by a House or Joint Committee, the Government shall present its response to the recommendations contained in the report to the House.
- (2) If a period of six months has elapsed from a report being presented and a response has not been presented, the relevant Minister (or Minister representing the Minister) shall:
 - (a) present to the House at the next available opportunity a signed statement stating the reasons for the delay in presentation of the response, and
 - (b) make himself or herself available to appear at the next reasonably available opportunity following a request by the relevant committee to answer its questions on that statement.
- (3) If a response has not been presented in the required time and an explanatory statement has not been presented and questions on the statement not answered to the satisfaction of the committee, the committee may bring the matter to the attention, if appropriate, of the Auditor-General for assistance in resolving matters referred to in the report or to the Speaker for assistance in resolving the response process.

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