



**PARLIAMENT OF VICTORIA**  
**Legislative Council**  
**Procedure Committee**

# **Review of the Standing Orders (58<sup>th</sup> Parliament)**

**September 2018**

Procedure Committee Report No. 4  
58<sup>th</sup> Parliament

Parliament of Victoria

Legislative Council Procedure Committee

Subject: Review of the Standing Orders (58<sup>th</sup> Parliament)

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**LEGISLATIVE COUNCIL  
PROCEDURE COMMITTEE**

**Review of the  
Standing Orders  
(58<sup>th</sup> Parliament)**

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## Procedure Committee

### Membership

Mr Bruce Atkinson (President)	<i>Chair</i>	Mr Gavin Jennings
Mr Nazih Elasmr (Deputy President)	<i>Deputy Chair</i>	Ms Sue Pennicuik
Dr Rachel Carling-Jenkins		Ms Jaala Pulford
Mr David Davis		Ms Mary Wooldridge

### Establishment & Functions

The Procedure Committee considers any matter regarding the practices and procedure of the House and may consider any matter referred to it by the Council or the President.

The following Members were appointed to the Procedure Committee on 26 February 2015:

The President, the Deputy President, Mr Jennings, Ms Pulford, Ms Wooldridge, Mr Davis, Ms Pennicuik and Dr Carling-Jenkins.

The Committee held its first meeting on Tuesday, 10 March 2015. The President assumed the Chair and Ms Tierney was elected Deputy Chair pursuant to Standing Order 23.08(4).

On Thursday, 23 June 2016, Ms Tierney resigned as Deputy President and the Council elected Mr Eideh to be Deputy President. Consequently, Mr Eideh took up membership of the Procedure Committee in his capacity as Deputy President. Mr Eideh was elected Deputy Chair on Wednesday, 23 November 2016.

On Tuesday, 24 July 2018, Mr Eideh resigned as Deputy President and the Council elected Mr Elasmr to be Deputy President. Consequently, Mr Elasmr took up membership of the Procedure Committee and was elected Deputy Chair on Friday, 24 August 2018.

To date, the Committee has met on 12 occasions during the 58<sup>th</sup> Parliament.

### Secretariat

Mr Richard Willis	Secretary Assistant Clerk Procedure and Usher of the Black Rod
Ms Annemarie Burt	Research and Administration Manager, Chamber Support
Mr Andrew Young	Clerk, Adviser
Ms Natalie Tyler	Executive Assistant to the President

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# Report

## Introduction

1. The Legislative Council Procedure Committee met in late August and early September 2018 to review Sessional Orders and certain Standing Orders.
2. A range of matters pertaining to the practices and procedures of the Legislative Council were brought forward to the Committee during the 58<sup>th</sup> Parliament. The Committee agreed to consider the following within a general review of the Standing Orders:
  - a) Sessional Orders in operation in the 58<sup>th</sup> Parliament for possible inclusion as Standing Orders for the 59<sup>th</sup> Parliament; and
  - b) Certain matters identified by the Clerk, including corrections or changes to improve the clarity and operation of the practices of the House.
3. The Committee has now completed its review. Certain 58<sup>th</sup> Parliament Sessional Orders have been drafted as amendments to Standing Orders for consideration by the Legislative Council – see Appendix A. Other Sessional Orders will lapse at the conclusion of the 58<sup>th</sup> Parliament – see Appendix C.
4. The decision for each of the 58<sup>th</sup> Parliament’s Sessional Orders is included in Appendix C, including an outline of the consequence of the proposed action for each.
5. The Committee also considered some other changes to Standing Orders to improve the clarity and operation of proceedings. These matters relate to procedural debates, the Adjournment debate, the voting rights of the Chair of the Privileges Committee, and time limits. These have been drafted as amendments to Standing Orders for consideration by the Legislative Council – see Appendix B.
6. The Committee has proposed ten changes to the Standing Orders, which are briefly summarised below:
  - a) Answers to questions without notice must be direct, factual, succinct and relevant. The President may direct a written response be required where they are of the opinion that an answer to a question without notice or supplementary question is not responsive to the question (see Appendix A).
  - b) The membership of Standing Committees will have regard to the proportionality of parties and independents in the Council (see Appendix A).
  - c) Standing Committees will elect one member to be Chair and one member to be Deputy Chair (see Appendix A).
  - d) Time limits to General Business debates will be applied (see Appendix A).
  - e) Video on demand will be accessible for Council Members, authorised Members’ staff and Parliamentary Officers (see Appendix A).
  - f) Division bells and time given to form a quorum in Committee of the whole will be extended from three to four minutes (see Appendix A).
  - g) The Chair of the Privileges Committee will be permitted a deliberative vote only (see Appendix B).
  - h) A motion for the postponement of notices of motion will be included as a procedural motion (see Appendix B).

- i) A Minister may only dispose of an Adjournment matter in the House if they are the responsible Minister to whom the matter was directed (see Appendix B).
- j) Changes to the wording in time limits for Government Business and Government Bills – second reading debate that clarify speaking times (see Appendix B).

<b><i>Recommendation</i></b>
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The Committee therefore recommends that the Legislative Council take steps to adopt the new Standing Orders and further recommends that they take effect from the commencement of the 59<sup>th</sup> Parliament.

**Committee Room**  
6 September 2018

## Appendix A – Adoption of certain 58<sup>th</sup> Parliament Sessional Orders into Standing Orders

The Committee is of the view that the following Standing Orders of the Legislative Council should be amended to incorporate certain Sessional Orders that have applied during the 58<sup>th</sup> Parliament:

### CHAPTER 5 – BUSINESS

1. In Standing Order 5.03, **insert**:

#### **General Business (Standing Order 5.07)**

Mover/Sponsor	60 minutes
Main Government lead speaker	60 minutes
Other lead speakers	45 minutes
Remaining speakers	15 minutes

### CHAPTER 8 – QUESTIONS SEEKING INFORMATION

2. After Standing Order 8.06 **insert** the following new Standing Order:

#### **Content of answers**

- (1) All answers to questions without notice must be direct, factual, succinct and relevant.
- (2) The President may determine that an answer to an oral question without notice or supplementary question is not responsive to the question, and may accordingly direct the Minister to provide a written response to the question and lodge it with the Clerk.
- (3) Written responses to questions directed to a Council Minister's portfolio will be required to be lodged at least 15 minutes prior to the time scheduled for Questions on the next sitting day.
- (4) Written responses to questions directed to a Minister representing a Minister from the Assembly will be required to be lodged at least 15 minutes prior to the time scheduled for Questions in two sitting days.
- (5) A copy of any response provided under this Standing Order must be given to the Member who asked the question and printed in *Hansard*.

### CHAPTER 15 – COMMITTEE OF THE WHOLE COUNCIL

3. In Standing Order 15.02(2), **omit** the words "three minutes" and **insert** in their place "four minutes".

**CHAPTER 16 – DIVISIONS**

4. In Standing Order 16.02(1), **omit** the words “three minutes” and **insert** in their place “four minutes”.
5. In Standing Order 16.02(2), **omit** the words “three minutes” and **insert** in their place “four minutes”.

**CHAPTER 20 – BROADCASTING, RECORDING AND PHOTOGRAPHY OR PROCEEDINGS**

6. After Standing Order 20.02 **insert** the following new Standing Order:  
**20.03 Video on demand**
  - (1) Council Members, authorised Members’ staff and Parliamentary Officers (authorised by the Clerk or the Secretary of the Department of Parliamentary Services) may republish audio-visual proceedings of the Council that are provided by the *Hansard* broadcast archive.
  - (2) Audio-visual proceedings republished under this Standing Order are subject to the following conditions:
    - (a) the material must only be used for the purposes of fair and accurate reports of proceedings and must not in any circumstances be used for —
      - (i) satire or ridicule; or
      - (ii) commercial sponsorship or commercial advertising;
    - (b) broadcast material must not be digitally manipulated;
    - (c) excerpts of proceedings are to be placed in context so as to avoid any misrepresentation; and
    - (d) remarks withdrawn are not to be rebroadcast unless the withdrawal is also rebroadcast.

**CHAPTER 23 – COUNCIL COMMITTEES**

7. **Omit** Standing Order 23.03(1), and **substitute**:
  - (1) Each legislation and reference committee will consist of eight Members and will have regard to the proportionality of parties and independents in the Council. Members from the Government will be nominated by the Leader of the Government in the Council, Members from the Opposition will be nominated by the Leader of the Opposition in the Council, Greens members will be nominated by the Leader of the Australian Greens in the Council and any Members from among the remaining Members in the Council will be nominated jointly by minority groups and independent Members.
8. **Omit** Standing Orders 23.07(1) to (3), and **substitute**:
  - (1) Each standing committee shall elect one of its members to be chair and one of its members to be deputy chair.
  - (2) If a committee cannot resolve the election of its chair and/or deputy chair, either position may be determined by the Council.

## Appendix B – Other amendments to Standing Orders

The Committee agreed to the following amendments to Standing Orders to improve the clarity and operation of the rules of proceedings:

### CHAPTER 4 – SITTING AND ADJOURNMENT OF THE COUNCIL

#### Responses to daily Adjournment matters

1. After Standing Order 4.13(1), **insert** the following new Standing Order:  
 ( ) A Minister may only dispose of the matter by giving a response at the time if they are the Minister to whom the matter was directed.

### CHAPTER 5 BUSINESS

2. In Standing Order 5.03, **Government Business (Standing Order 5.06)**, after “Main Government” **omit** the word “party”.
3. In Standing Order 5.03, **Government Business (Standing Order 5.06)**, after “Main Opposition” **omit** the word “party”.
4. In Standing Order 5.03, **Government Bills – second reading debate**, after “Main Government” **omit** the word “party”.
5. In Standing Order 5.03, **Government Bills – second reading debate**, after “Main Opposition” **omit** the word “party”.

### CHAPTER 6 – NOTICES, MOTIONS AND ORDERS OF THE DAY

#### Postponement of notices of motion

6. After Standing Order 6.13(b), **insert** the following new Standing Order:  
 ( ) a motion for the postponement of notices of motion pursuant to Standing Order 6.03;

### CHAPTER 23 – COUNCIL COMMITTEES

#### Privileges Committee – voting rights of the Chair

7. After Standing Order 23.09(3), **insert** the following new Standing Order:  
 (4) The Chair of the Committee has a deliberative vote only.



## Appendix C – Outcomes of the 58<sup>th</sup> Parliament’s Sessional Orders

The following Table outlines the 58<sup>th</sup> Parliament’s Sessional Orders and the Committees decisions on each – be it to allow the Sessional Order to lapse or to recommend it as a Standing Order for the 59<sup>th</sup> Parliament in its current or amended form.

	Current Sessional Order	Committee decision and practice for the 59 <sup>th</sup> Parliament
1	<p><b>Time limit for lead speakers</b></p> <p>For the purposes of Standing Order 5.03, and subject to any agreement to the contrary, additional time provided for other lead speakers does not apply in relation to a party that has advised the President that it is in a coalition arrangement with another party.</p>	<p><b>Sessional Order to cease.</b></p> <p>In Government Business, Government Bills and General Business, in any coalition arrangement the mover/sponsor will receive the ‘main’ lead speaker entitlement (60 minutes) and the lead speaker from the other coalition party(s) will receive the ‘other’ lead speaker entitlement (45 minutes).</p> <p>This is achieved by the lapsing of this Sessional Order and amendments to Standing Order 5.03 explained in Appendices A and B under the heading ‘Chapter 5 Business’.</p>
2	<p><b>Ministers’ Statements</b></p> <p>After Standing Order 5.14(6) insert:</p> <p>(7) At the conclusion of formal business, and prior to statements by Members under Standing Order 5.13 (where applicable), up to five Ministers may make a Minister’s statement, of up to two minutes per statement, to advise the House of new Government initiatives, projects, and achievements</p>	<p><b>Sessional Order to cease.</b></p> <p>Ministers’ Statements will no longer be included in the proceedings of the House.</p>
3	<p><b>Questions without notice</b></p> <p>Standing Order 8.04 is suspended and the following will apply:</p>	<p><b>Sessional Order to cease.</b></p> <p>The previous Question Time practice of 5 Government members questions and 5 non-Government members questions to return.</p>

	<p>(1) Questions without notice may be asked at the time prescribed by Standing Order 5.02 when any business before the Council will be interrupted.</p> <p>(2) Only non-Government Members may ask oral questions without notice under Standing Order 8.01(2).</p> <p>(3) The time allocated for questions without notice will be until a total of nine oral questions (not including related supplementary questions) have been answered.</p>	
<b>4</b>	<p><b>Constituency questions</b></p> <p>(1) At the conclusion of questions without notice up to ten Members may ask Ministers an oral question relating to a constituency matter.</p> <p>(2) The time limit for each Member asking a constituency question is one minute.</p> <p>(3) Answers to constituency questions must be given to the Clerk in writing within 30 days of the question being asked.</p> <p>(4) A copy of the answer will be given to the Member who asked the question, and all answers will be incorporated in <i>Hansard</i>.</p>	<p><b>Sessional Order to cease.</b></p> <p>Constituency questions will no longer be included in the proceedings of the House.</p>
<b>5</b>	<p><b>Content of answers</b></p> <p>(1) All answers to questions without notice must be direct, factual, succinct and relevant.</p> <p>(2) The President may determine that an answer to an oral question without notice or supplementary question is not responsive to the question, and may accordingly direct the Minister to provide a written response to the question and lodge it with the Clerk by 11.45 a.m. on the next sitting day. A copy of any response</p>	<p><b>An amended Standing Order replicating parts of this Sessional Order has been proposed (see Appendix A).</b></p> <p>Sessional Order 5(1) and (2) have been proposed as Standing Orders, with changes to the required lodgement times.</p> <p>Sessional Order 5(3) to cease. The President will not be able to direct a further written response to a question without notice be provided.</p>



	<p>provided under this Sessional Order must be given to the Member who asked the question and printed in <i>Hansard</i>.</p> <p>(3) The President will determine the adequacy of a written response to a question provided under this Sessional Order. The President may determine that a written response does not appropriately answer the question and may direct the Minister to provide another written response and lodge it with the Clerk by 11.45 a.m. on the next sitting day. A copy of the further response must be provided to the Member who asked the question and printed in <i>Hansard</i>.</p>	
6	<p><b>Functions (Standing Committees)</b></p> <p>Standing Order 23.02(1) to (4) is suspended and the following will apply:</p> <p>(1) The Standing Committee on the Economy and Infrastructure will inquire into and report on any proposal, matter or thing concerned with agriculture, commerce, infrastructure, industry, major projects, public sector finances, transport and education.</p> <p>(2) The Standing Committee on the Environment and Planning will inquire into and report on any proposal, matter or thing concerned with the arts, environment and planning the use, development and protection of land.</p> <p>(3) The Standing Committee on Legal and Social Issues will inquire into and report on any proposal, matter or thing concerned with community services, gaming, health, law and justice, and the coordination of government.</p> <p>(4) (a) Legislation Committees may inquire into, hold public hearings, consider and report on any Bills or draft Bills,</p>	<p><b>Sessional Order to cease.</b></p> <p>Standing Orders 23.02(1) to (4) will again apply.</p> <p>This Sessional Order included minor changes to the functions of each Standing Committee.</p> <p>It also removed the condition that the Standing Committees may consider matters 'referred to them by the Legislative Council'. Therefore, returning to the Standing Orders removes the Committees' self-referencing powers.</p>

	<p>annual reports, estimates of expenditure or other documents laid before the Legislative Council in accordance with an Act, provided these are relevant to their functions.</p> <p>(b) Reference Committees may inquire into, hold public hearings, consider and report on matters that are relevant to their functions.</p>	
7	<p><b>Appointment of Members (Standing Committees)</b></p> <p>Standing Order 23.03(1) is suspended and the following will apply:</p> <p>(1) Each legislation and reference committee will consist of eight Members, with three Members from the Government nominated by the Leader of the Government in the Council, three Members from the Opposition nominated by the Leader of the Opposition in the Council, one Member from the Greens nominated by the Leader of the Australian Greens in the Council and one Member from among the remaining Members in the Council nominated jointly by minority groups and independent Members.</p>	<p><b>An amended Standing Order adopting the principles of this Sessional Order has been proposed (see Appendix A).</b></p> <p>The draft Standing Order proposes that the membership of the Standing Committees will have regard to the proportionality of parties and independents in the Council.</p>
8	<p><b>Election of Chair and Deputy Chair</b></p> <p>Standing Order 23.07(1) to (3) is suspended and the following will apply:</p> <p>(1) Each standing committee shall elect one of its members to be chair and one of its members to be deputy chair.</p> <p>(2) If a committee cannot resolve the election of its chair and/or deputy chair, either position may be determined by the Council.</p>	<p><b>An amended Standing Order adopting the principles of this Sessional Order has been proposed (see Appendix A).</b></p> <p>Each Standing Committee will elect one member to be Chair and one member to be Deputy Chair.</p> <p>These positions will no longer be dictated by the parties themselves, but will be decided by the Committee. If a Committee cannot resolve either of these decisions, it may be determined by the House.</p>

9	<p><b>Procedure Committee</b></p> <p>Standing Order 23.08(3) is suspended and the following will apply:</p> <p>(3) The Committee shall consist of eight Members with five Members to be the quorum.</p>	<p><b>Sessional Order to cease.</b></p> <p>Standing Order 23.08(3) will apply again.</p> <p>The Procedure Committee will consist of seven Members. A quorum will be four members.</p>
10	<p><b>Privileges Committee</b></p> <p>Standing Order 23.09(2) is suspended and the following will apply:</p> <p>(2) The Committee shall consist of eight Members with five Members to be the quorum.</p>	<p><b>Sessional Order to cease.</b></p> <p>Standing Order 23.09(2) will apply again.</p> <p>The Privileges Committee will consist of seven Members. A quorum will be four members.</p> <p>The Committee has proposed an amendment to the Standing Orders relating to the voting rights of the Chair of the Privileges Committee (proposing the Chair only have a deliberative vote).</p>
11	<p><b>Days and hours of meeting</b></p> <p>Standing Order 4.01(1)(a) is suspended to the extent necessary to provide that the day and hour of meeting of the Council will be at 12.00 p.m. on a Tuesday.</p>	<p><b>Sessional Order to cease.</b></p> <p>Standing Order 4.01(1)(a) will again apply.</p> <p>The House will commence proceedings on Tuesdays at 2.00 p.m.</p>
12	<p><b>Interruption of debate</b></p> <p>Standing Order 4.07(1)(a) is suspended to the extent necessary to provide that the President will interrupt the business before the House at 6.30 p.m. on a Tuesday.</p>	<p><b>Sessional Order to cease.</b></p> <p>Standing Order 4.07(1)(a) will again apply.</p> <p>Business would be interrupted at 10.00 p.m on Tuesdays.</p>
13	<p><b>Order of business</b></p> <p>Standing Order 5.02(1) is suspended and the following order of business will apply on Tuesday:</p> <p>Messages</p>	<p><b>Sessional Order to cease.</b></p> <p>Standing Order 5.02 hours will again apply, meaning:</p> <p>On Tuesday — Messages</p>

	<p>Formal Business  Ministers' Statements (up to 5 Ministers)  Members' Statements (up to 15 Members)  Government Business  <b>At 2.00 p.m.</b> Questions  Answers to Questions on Notice  Constituency Questions  Government Business (continues)  <b>At 6.30 p.m.</b> Adjournment (up to 20 Members)</p>	<p>Questions  Answers to Questions on Notice  Formal Business  Members' Statements (up to 15 Members)  Government Business  At 10.00 p.m. Adjournment (up to 20 Members)</p>								
<b>14</b>	<p><b>Time limits — General Business</b>  The following time limits will apply to General Business:</p> <table> <tr> <td>Mover/Sponsor</td> <td>60 minutes</td> </tr> <tr> <td>Main Government party lead speaker</td> <td>60 minutes</td> </tr> <tr> <td>Other lead speakers</td> <td>45 minutes</td> </tr> <tr> <td>Remaining speakers</td> <td>15 minutes</td> </tr> </table>	Mover/Sponsor	60 minutes	Main Government party lead speaker	60 minutes	Other lead speakers	45 minutes	Remaining speakers	15 minutes	<p><b>An amended Standing Order adopting this Sessional Order has been proposed (see Appendix A).</b></p>
Mover/Sponsor	60 minutes									
Main Government party lead speaker	60 minutes									
Other lead speakers	45 minutes									
Remaining speakers	15 minutes									
<b>15</b>	<p><b>Video on demand</b></p> <p>(1) Council Members and Parliamentary Officers (authorised by the Clerk or the Secretary of the Department of Parliamentary Services) may republish audio-visual proceedings of the Council that are provided by the Hansard broadcast archive.</p> <p>(2) Audio-visual proceedings republished under this Sessional Order are subject to the following conditions:</p> <p>(a) the material must only be used for the purposes of fair and accurate reports of proceedings and must not in any circumstances be used for —</p> <p>(i) satire or ridicule; or</p>	<p><b>An amended Standing Order adopting this Sessional Order, with some minor amendments proposed (see Appendix A).</b></p>								

	<p>(ii) commercial sponsorship or commercial advertising;</p> <p>(b) broadcast material must not be digitally manipulated;</p> <p>(c) excerpts of proceedings are to be placed in context so as to avoid any misrepresentation; and</p> <p>(d) remarks withdrawn are not to be rebroadcast unless the withdrawal is also rebroadcast.</p>	
<b>16</b>	<p><b>Quorum of Committee of the whole</b></p> <p>Standing Order 15.02(2) is suspended and the following will apply:</p> <p>(2) If notice is taken in Committee of the whole that a quorum of Members is not present the bells will be rung as for a division and if, at the expiration of four minutes or on a division, it appears that a quorum of Members is not present, the Deputy President will leave the Chair and the President will resume the Chair.</p>	<b>An amended Standing Order adopting this Sessional Order has been proposed (see Appendix A).</b>
<b>17</b>	<p><b>Procedure for a division</b></p> <p>Standing Order 16.02(1) is suspended and the following will apply:</p> <p>(1) Immediately a division has been demanded, the Clerk will ring the bells for four minutes and the doors will not be closed until that time. When successive divisions are taken, and there is no intervening debate, the bells for the ensuing divisions will be rung for one minute only.</p> <p>Standing Order 16.02(2) is suspended and the following will apply:</p> <p>(2) At the expiration of four minutes the doors will be closed and locked, and no Member will enter or leave the Chamber until after the result of the division has been declared.</p>	<b>An amended Standing Order adopting this Sessional Order has been proposed (see Appendix A).</b>