

Procedure Committee

# **Second review of the Standing and Sessional Orders**

Published according to standing order on 14 November 2022

**New South Wales. Parliament. Legislative Council. Procedure Committee. Report no. 18.**

Second review of the Standing and Sessional Orders

"November 2022".

Chair: Hon Matthew Mason-Cox MLC



A catalogue record for this  
book is available from the  
National Library of Australia

ISBN 978-1-922960-07-8

## Table of contents

	Terms of reference	iv
	Committee details	v
	Chair's foreword	vi
	Recommendations	vii
Chapter 1	Review of the standing orders adopted in May 2022	13
	Structure of this report	13
	Typographical and grammatical corrections	14
	Amendments to standing orders	15
	Review of ePetitions	28
	Impact of the sessional order variations to the scheduling of business and sitting days	29
Appendix 1	Minutes	31

## Terms of reference

- (1) That the Procedure Committee inquire into and report on:
  - (a) whether the current sessional orders should be adopted as standing orders,
  - (b) whether any current standing orders require amendment, and
  - (c) whether any additional standing orders should be adopted.
- (2) That the committee propose a draft revised set of standing orders for consideration by the House.
- (3) That the committee report by the first day of the second sitting week of 2022.

## Committee details

### Committee members

Hon Matthew Mason-Cox MLC	Liberal Party	<i>(Chair)</i>
Hon Robert Borsak MLC	Shooters, Fishers and Farmers	
Hon Mark Buttigieg MLC	Australian Labor Party	
Ms Cate Faehrmann MLC	The Greens	
Hon Wes Fang MLC	The Nationals	
Hon Scott Farlow MLC	Liberal Party	
Hon John Graham MLC	Australian Labor Party	
Hon Emma Hurst MLC	Animal Justice Party	
Hon Natasha Maclaren-Jones MLC	Liberal Party	
Hon Sarah Mitchell MLC	The Nationals	
Revd the Hon Fred Nile MLC	Christian Democratic Party	
Hon Rod Roberts MLC	Pauline Hanson's One Nation	
Hon Penny Sharpe MLC	Australian Labor Party	
Hon Damien Tudehope MLC	Liberal Party	

### Contact details

Website	<a href="http://www.parliament.nsw.gov.au">www.parliament.nsw.gov.au</a>
Email	procedure@parliament.nsw.gov.au
Telephone	(02) 9230 2253

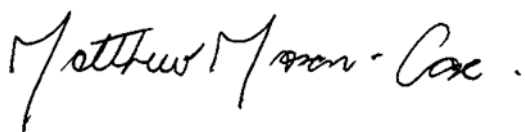
## Chair's foreword

When the Procedure Committee reported on the Review of the Standing and Sessional Orders in March this year it recommended that the House adopt the new Standing Orders as Sessional Orders for the remainder of 2022. In May 2022 the new Standing Orders were subsequently adopted as Sessional Orders by the House, with a small number of additional amendments. The House allowed six months to trial the new Standing Orders, with a final review report due from this Committee before the end of the sitting year. I am pleased to table this final report today.

Overwhelmingly, the Committee finds that the new Standing Orders are fit for purpose and should indeed be formally adopted. After careful consideration, the Committee has recommended 19 minor refinements to the Standing Orders currently being trialled. These changes include some improvements to the operation of the newly adopted provisions for Statements of Public Interest in respect of Government bills, provision for ePetitions in the Standing Orders and clarification of a number of other minor matters in relation to the new Business Committee and Questions.

I would like to commend all members of the Committee for their preparedness to diligently work together in the best interests of the people of New South Wales, acknowledging the important role of this House as a house of review, charged with the duty of holding the Executive to account. I also thank the Secretariat, the Clerk of the Parliaments, Susan Want and Alex Stedman, together with the staff in the Procedure Office and all of the Clerks-at-the-Table for their constructive and helpful suggestions during this process.

This concludes the second comprehensive review of the Standing Orders conducted in the last 100 years. It follows over five years of significant amendment to Sessional Orders which have greatly improved the efficiency of the House and the accountability mechanisms, including Standing Order 52, at its disposal. This historic review will now permanently cement these improvements should this House formally adopt these new Standing Orders this week. The next step will be to deliver them to the NSW Governor for approval. It is envisaged that this will occur next week so that these Standing Orders will operate from the beginning of the next Parliament.



Hon Matthew Mason-Cox MLC

**President**

## Recommendations

- Recommendation 1** 14  
For consistency, in standing order 15 (2) omit "in a similar manner" and insert instead "in the same manner".
- Recommendation 2** 14  
In standing order 38 omit "or vice versa" from "Motions and orders of the day, or vice versa, as set down on the Notice Paper:"
- Recommendation 3** 14  
In standing order 54(4) omit "other member" and insert instead "another member".
- Recommendation 4** 14  
In Chapter 9 – Tabling of documents, for consistency, omit "to be made public" wherever occurring and insert instead "to be published".
- Recommendation 5** 14  
That paragraph 67B(4) be omitted.
- Recommendation 6** 15  
In standing order 136B 1(c) omit "and such a motion" and insert instead "and such motion":  
(c) a member may move that their time limit be extended by not more than 10 minutes, and such a motion is to be put without amendment or debate.
- Recommendation 7** 16  
(1) For consistency, standing order 17A should be amended to read as follows:  
**17A Assistant President**  
(1) At the commencement of the sittings following a periodic election, or when a vacancy occurs, the House is to elect a member to be Assistant President. **A member will propose and move that a member then present be the Assistant President.**  
(2) The Assistant President will be elected in **the same** ~~a similar~~ manner as the President. However the President will conduct the election, and where there is an equality of votes, will exercise a casting vote.  
(3) The Assistant President will hold office for the life of the Parliament in which elected **and until a successor is elected.**  
(4) In the absence of both the President and Deputy President on a day when the House is sitting the Assistant President will perform the duties of the President.  
(2) For clarity, standing orders 21, 22 and 124 be amended as follows:  
**21. Absence of President and Deputy President**  
(1) If ~~both~~ the President, the Deputy President **and the Assistant President** are absent, then one of the Temporary Chairs of Committees will act as President.  
(2) If the President, the Deputy President and the **Assistant President** are all absent and no Temporary Chairs are available, then the members present, if a quorum, will elect a member

present to act as President for that day only, the question being put to the House by the Clerk.

## 22. Relief of President

- (1) The Deputy President will take the Chair when requested by the President, without any announcement to the House.
- (2) In the absence of the Deputy President, **the Assistant President or** one of the Temporary Chairs will take the Chair, without any announcement to the House.

## 124. Messages from the Council

A message from the Council to the Assembly must be in writing, signed by the President, or Deputy President, **or member in the Chair** and delivered by one of the Clerks-at-the-Table.

**Recommendation 8** 17  
In standing order 19 omit "Chairperson, Chairman or Chairwoman" and insert instead "Chair".

**Recommendation 9** 17  
That paragraphs (2)(a) in standing orders 32 and 32A be amended as follows:

- (2) If at the time of interruption:
  - (a) a vote or division is in progress, or a series of votes or divisions are required to dispose of a matter and has commenced, the vote or votes will be completed and the results announced before the business is interrupted,

That paragraph 3(a) in standing order 46 be amended as follows:

- (3) If at the time of interruption:
  - (a) a vote or division is in progress, or a series of votes or divisions are required to dispose of a matter and has commenced, the vote or votes will be completed and the results announced before the business is interrupted,

**Recommendation 10** 18  
That standing order 34 be amended as follows:

- (1) The House will not meet unless a Minister is present in the House, subject to paragraph (2).
- (2) (a) On the Chair noting the absence of a Minister or a Parliamentary Secretary in the House, any member may move a motion without notice that the sitting of the House continue and the presence of a Minister or Parliamentary Secretary is not required for the vote on the motion to take place,
  - (b) if the motion to continue in the absence of a Minister is agreed to:
    - (i) government business may not be considered,
    - (ii) **standing order 31 is suspended and any member may move that the House adjourn.**

**Recommendation 11** 20  
That standing order 52A (2)(b) be reworded as follows:

- (b) reasons why the terms of the order are likely to result in the production of a large number of documents reasonably believed to be irrelevant to the intent of the order for papers.



**Recommendation 12**

21

- (1) That standing order 65(4) be amended to read:
- (4) Questions must not anticipate discussion of:
- (a) government business notices of motions and orders of the day, except an order of the day relating to the budget estimates,
  - (b) committee reports orders of the day, or
  - (c) items of business given precedence that day including matters of public importance, items of business under standing order 39 and private members business in the order of precedence determined by the Business Committee,
- unless, in the opinion of the President, there is no likelihood of the notice of motion or order of the day being called on within a reasonable time.
- (2) That standing order 92(1) be amended to read:
- (1) A member may not digress from the subject matter of any question under discussion; or anticipate the discussion of:
- (a) government business notices of motions and orders of the day,
  - (b) committee reports orders of the day, or
  - (c) items of business given precedence that day including matters of public importance, items of business under standing order 39 and private members business in the order of precedence determined by the Business Committee,
- unless, in the opinion of the President, there is no likelihood of the notice of motion or order of the day being called on within a reasonable time.

**Recommendation 13**

22

That standing order 67(2) be amended to make more explicit the authority of the Clerk to not publish a question which does not comply with standing order 65.

- (1) The rules for questions apply to written questions.
- (2) **Unless the written question does not comply with paragraph (1)**, the Clerk is to publish in a Questions and Answers Paper, notices of questions in the order in which they are received and the answers provided.

**Recommendation 14**

22

That the provisions for Selection of Bills Committee and statements of public interest (SPI) be amended as follows:

- (1) The current requirement for the Selection of Bills Committee to report on SPIs be omitted.
- (2) The requirement for an SPI and the consequences for not tabling an SPI be a separate provision.
- (3) That bills only be referred to a committee on recommendation of the Selection of Bills committee after the first reading.

**Recommendation 15**

26

That standing order 183A be amended as follows:

- (1) Omit paragraph (3) and insert instead:

(3) Every party and independent is entitled to be represented at each meeting by a member nominated for that purpose which, in the case of the Government will be the Government Whip and another member nominated by the Leader of the Government and, in the case of the Opposition, will be the Opposition Whip and another member nominated by the Leader of the Opposition.

(2) Omit paragraph (6) and insert instead:

(6) The committee may determine:

(a) the duration of each debate and time for each member speaking, and

(b) the precedence of specific items of private members' business or committee debates including the time for interruption of business to allow another matter to proceed.

### **Recommendation 16**

26

That standing order 187 be amended by inserting after paragraph (3):

(4) In committee of the whole each contribution must not exceed 15 minutes.

### **Recommendation 17**

27

That the following standing order be adopted:

Where the standing orders are silent as to the time limits for debate on a subsidiary motion, the following time limits apply:

(a) a member may not speak for more than five minutes, and

(b) if the motion is not sooner disposed of, after 30 minutes the President will interrupt proceedings and put all questions necessary to dispose of the motion and any amendments.

### **Recommendation 18**

27

That standing order 181 be amended by inserting the following after paragraph (c):

(d) if the motion is not sooner disposed of, after 30 minutes the President will interrupt proceedings and put every question necessary to dispose of the motion and any amendments.

### **Recommendation 19**

29

That ePetitions be incorporated into the standing orders by inserting after paragraph 69 relating to the form of hard copy petitions, the following paragraph:

#### **Form of electronic petitions**

An electronic petition must:

(a) contain the request of the petitioner expressed in no more than 250 words,

(b) be supported by at least five people before it is open to the public for signatures, with the petitioner and all signatories being residents of New South Wales,

(c) be supported by a member who agrees to present the electronic petition, and

(d) be open for signatures for a period of one, three or twelve weeks.





## Chapter 1      **Review of the standing orders adopted in May 2022**

**1.1**      On 19 May 2022 the House considered the proposed new standing orders as set out in Appendix 2 of the report of the Procedure Committee's inquiry into the standing orders.

**1.2**      The following amendments were agreed to in committee of the whole:

- (1)      Proposed standing order 44 was amended to clarify that formal business requests are required by 4.00 pm or one hour after the conclusion of formalities, whichever is later on the sitting day before the item is to be called over as formal business.
- (2)      New standing order 52C was adopted to exempt documents concerning workplace complaints and investigations in a Minister's office subject to the NSW Ministerial Offices Respectful Workplace Policy from being required to be returned to order.
- (3)      The inclusion of a provision for the Selection of Bills Committee to report to the House any government bill, other than an appropriation bill for the ordinary annual services of government, that is not accompanied by a completed statement of public interest (SPI). The provision included the questions that the statement is required to answer.

Standing order 137 was also amended to include the options open to members if a government bill was not accompanied by an SPI.

- (4)      Standing order 233 regarding government responses to committee reports was amended to require responses in three months instead of six months.

The House adopted the amended standing orders which took effect from 7 June 2022 for the remainder of the 2022 sittings.

**1.3**      The purpose of adopting the proposed new rules as sessional orders was to allow for a trial period before final adoption by the House and submission to the Governor for approval under section 15 of the Constitution Act 1902.

### **Structure of this report**

**1.4**      This report paper sets out proposed amendments required to the standing orders identified during the trial period, as follows:

- Typographical and grammatical corrections
- Correction of drafting errors or redrafting of provisions for clarification.

**1.5**      The report then proposes an additional rule setting time limits on debate on procedural motions

**1.6**      This report then reviews the operation of ePetitions since being adopted in October 2021.

## Typographical and grammatical corrections

### 15. Election of Deputy President

---

#### Recommendation 1

For consistency, in standing order 15 (2) omit "in a similar manner" and insert instead "in the same manner".

---

### 38. Routine of business

The terms of standing order 38 reflect former rules of the House whereby orders of the day and notices of motions were dealt with on alternate days.

---

#### Recommendation 2

In standing order 38 omit "or vice versa" from "Motions and orders of the day, ~~or vice versa,~~ as set down on the Notice Paper."

---

### 54. Other methods of tabling documents

---

#### Recommendation 3

In standing order 54(4) omit "other member" and insert instead "another member".

---

## Chapter 9 – Tabling of documents

Some standing orders in Chapter 9 refer to the authorisation for documents "to be made public" whereas others refer to a document being "published".

---

#### Recommendation 4

In Chapter 9 – Tabling of documents, for consistency, omit "to be made public" wherever occurring and insert instead "to be published".

---

### 67B Take note of answers to questions

SO 67B (4) provides that the take note debate of answers to questions shall not exceed 30 minutes. SO 67B (6) provides that debate is interrupted after 30 minutes.

---

#### Recommendation 5

That paragraph 67B(4) be omitted.

---

---

**136B. Time limits to debate on government bills**

---

**Recommendation 6**

In standing order 136B 1(c) omit "and such a motion" and insert instead "and such motion":

- (c) a member may move that their time limit be extended by not more than 10 minutes, and such a motion is to be put without amendment or debate.
- 

**Amendments to standing orders****17A. Assistant President**

The provision for an Assistant President was a stand-alone resolution of the House until adopted as new standing order 17A in May 2022. As a consequence, the terms for election of the Assistant President in standing order 17A are different to those for election of the Deputy President, and provisions in standing orders 21 and 22 do not refer to the role of the Assistant President in taking the Chair in the House. It is proposed that these provisions be amended for consistency, clarity and to reflect current practice.

In addition, standing order 124 does not reflect practice that the member in the Chair when a resolution is agreed signs the message to the Assembly. It is proposed that standing order 124 be amended to clarify this matter.

---

**Recommendation 7**

- (1) For consistency, standing order 17A should be amended to read as follows:

**17A Assistant President**

- (1) At the commencement of the sittings following a periodic election, or when a vacancy occurs, the House is to elect a member to be Assistant President. **A member will propose and move that a member then present be the Assistant President.**
  - (2) The Assistant President will be elected in **the same a similar** manner as the President. However the President will conduct the election, and where there is an equality of votes, will exercise a casting vote.
  - (3) The Assistant President will hold office for the life of the Parliament in which elected **and until a successor is elected.**
  - (4) In the absence of both the President and Deputy President on a day when the House is sitting the Assistant President will perform the duties of the President.
- (2) For clarity, standing orders 21, 22 and 124 be amended as follows:

**21. Absence of President and Deputy President**

- (1) If ~~both~~ the President, the Deputy President **and the Assistant President** are absent, then one of the Temporary Chairs of Committees will act as President.
- (2) If the President, the Deputy President and the **Assistant President** are all absent and no Temporary Chairs are available, then the members present, if a quorum, will elect a member present to act as President for that day only, the question being put to the House by the Clerk.

**22. Relief of President**

- (1) The Deputy President will take the Chair when requested by the President, without any announcement to the House.
- (2) In the absence of the Deputy President, **the Assistant President or** one of the Temporary Chairs will take the Chair, without any announcement to the House.

**124. Messages from the Council**

A message from the Council to the Assembly must be in writing, signed by the President, or Deputy President, **or member in the Chair** and delivered by one of the Clerks-at-the-Table.

---



---

**19. Title**

---

**Recommendation 8**

In standing order 19 omit "Chairperson, Chairman or Chairwoman" and insert instead "Chair".

---

**32, 32A and 46 – Interruptions**

While standing orders 32, 32A and 46 make clear that a vote or division should be completed before being interrupted according to standing order, they do not account for a series of questions before the House. It is proposed that the standing orders be amended to allow every question before the House or committee to be put before the interruption.

---

**Recommendation 9**

That paragraphs (2)(a) in standing orders 32 and 32A be amended as follows:

- (2) If at the time of interruption:
  - (a) a vote or division is in progress, or a series of votes or divisions required to dispose of a matter has commenced, the vote or votes will be completed and the results announced before the business is interrupted,

That paragraph 3(a) in standing order 46 be amended as follows:

- (3) If at the time of interruption:
    - (a) a vote or division is in progress, or a series of votes or divisions required to dispose of a matter has commenced, the vote or votes will be completed and the results announced before the business is interrupted,
- 

**34. Minister to be present in the House**

Consequent on the House agreeing to the hard adjournment at 10.00 pm, paragraph (4) of standing order 34 as currently drafted is obsolete. There is also a need for a provision to allow the House to adjourn in the absence of a Minister.

---

**Recommendation 10**

That standing order 34 be amended as follows:

- (1) The House will not meet unless a Minister is present in the House, subject to paragraph (2).
  - (2)
    - (a) On the Chair noting the absence of a Minister or a Parliamentary Secretary in the House, any member may move a motion without notice that the sitting of the House continue and the presence of a Minister or Parliamentary Secretary is not required for the vote on the motion to take place,
    - (b) if the motion to continue in the absence of a Minister is agreed to:
      - (i) government business may not be considered,
      - (ii) **standing order 31 is suspended and any member may move that the House adjourn.**
- 

**52. Order for the production of documents**

On 7 June 2022 the House referred to the Procedure Committee an inquiry into outstanding matters relating to standing order 52.

The committee notes that the report on that inquiry is due to be tabled on 10 November 2022. The committee notes the recommendation contained in the report for an amendment to standing order 52 to incorporate a provision for a third category of documents which contain personal information as follows:

**52. Order for the production of documents**

- (1) The House may order documents to be tabled in the House.
  - (2) When an order for documents is made by the House:
    - (a) the Clerk is to communicate to the Secretary of the Department of Premier and Cabinet, all orders for documents held by departments and agencies subject to ministerial direction or control, and
    - (b) the Clerk is to communicate to the Secretary of the Department of Premier and Cabinet and the named entity, all orders for documents held by an entity which is not subject to ministerial direction or control.
  - (3) A return under this order is to include an indexed list of all documents tabled, showing the date of creation of the document, a description of the document and the author of the document.
  - (4) When returned, the documents will be laid on the table by the Clerk.
  - (5) If at the time the documents are required to be tabled the House is not sitting, the documents may be lodged with the Clerk, and unless privilege is claimed, are deemed to have been presented to the House and published by authority of the House.
  - (6) Where a document is considered to be privileged:
    - (a) a return is to be prepared showing the date of creation of the document, a description of the document, the author of the document and reasons for the claim of privilege, and
-

- (b) the documents are to be delivered to the Clerk by the date and time required in the resolution of the House and:
  - (i) made available only to members of the Legislative Council,
  - (ii) not published or copied without an order of the House.
- (7) Where a document is subject to a claim that it contains personal information that should not be made public but is not otherwise subject to a claim of privilege:
  - (a) a return is to be prepared showing the date of creation of the document, a description of the document, the author of the document and reasons why the personal information should not be made public,
  - (b) the documents are to be made available only to members of the Legislative Council and not published or copied without an order of the House,
  - (c) any member may, by communication in writing to the Clerk, request that versions of the documents with personal information redacted be produced,
  - (d) redacted documents requested under paragraph (c) are to be delivered to the Clerk within seven days of the request being communicated to the Department of Premier and Cabinet, and when returned, the documents will be laid on the table by the Clerk or published in accordance with paragraph (5), and
  - (e) for the purposes of standing order 52, personal information which should not be made public unless it is in the public interest to do so includes:
    - (i) mobile telephone numbers,
    - (ii) private email addresses,
    - (iii) home addresses,
    - (iv) bank account details,
    - (v) signatures,
    - (vi) tax file numbers.
- (8) Any member may, by communication in writing to the Clerk:
  - (a) dispute the validity of the claim of privilege in relation to a particular document or documents, or
  - (b) dispute the validity of the claim that the personal information remaining in redacted documents requested under paragraph (7)(c) should not be made public.
- (9) On receipt of communication under paragraph (8), the Clerk is authorised to release the disputed document or documents to an Independent Legal Arbiter, for evaluation and report as to the validity of the claim.
- (10) The Independent Legal Arbiter is to be appointed by the President and must be a King's Counsel, a Senior Counsel or a retired Supreme Court Judge.
- (11) The Independent Legal Arbiter may request through the Clerk additional submissions from the Department of Premier and Cabinet or directly from an independent agency and the member disputing the claim of privilege. Such submissions:
  - (a) are to be lodged with the Clerk and made available to the Independent Legal Arbiter, and
  - (b) may be provided to the parties to the dispute but may not otherwise be published or copied without an order of the House.

- (12) A report from the Independent Legal Arbiter, together with any submissions received by the Arbiter, are to be lodged with the Clerk and:
- (a) made available only to members of the House, and
  - (b) not published or copied without an order of the House.
- (13) Where a document subject to a disputed claim of privilege under paragraph (8) is also subject to a claim that it contains personal information that should not be made public as set out in paragraph (7)(e), prior to the document being published by the House, the Department of Premier and Cabinet is to provide a redacted version of the documents.
- (14) The Clerk is to maintain a register showing the name of any person examining documents tabled under this order.

### **52A Varying the scope of an order for papers**

Current standing order 52A (2)(b) is grammatically incorrect and potentially misleading:

- (b) reasons why the terms of the order are likely to result in the production of a large number of documents reasonably believed to be irrelevant to the intent of the order for papers.

---

#### **Recommendation 11**

That standing order 52A (2)(b) be reworded as follows:

- (b) reasons why the terms of the order are likely to result in the production of a large number of documents reasonably believed to be irrelevant to the intent of the order for papers.

---

### **Chapter 11: Questions seeking information**

It is proposed, for clarity, that rules relating to questions and answers be reordered as follows:

- Questions to Ministers and other members
- Rules for questions
- Supplementary questions for written answer
- Answers to questions without notice
- Written questions
- Take note of answers to questions

#### **65. Rules for Questions**

Standing Order 65(4) currently reads: "Questions must not anticipate discussion of orders of the day or other matter on the Notice Paper except an item of private members' business outside the order of precedence or an order of the day relating to the budget estimates."

The rule against anticipation as it relates to an item outside the order of precedence is repeated in standing order 92.

The term "outside the order of precedence" was used in now repealed standing orders to identify those items of private members' business which had not been selected and given precedence for debate on private members' days. The rule of anticipation clarified that members could ask questions about or refer to a matter outside the order of precedence.

A ruling of President Mason-Cox on 22 June 2022, clarified that the rule continues to apply to those items of private members business on the Notice Paper that are listed in the Business Committee determination for that day.

For clarity it is proposed that standing orders 65(4) and 92(1) be amended to clarify the rule of anticipation in regards to items on the Notice Paper.

---

### **Recommendation 12**

- (1) That standing order 65(4) be amended to read:
  - (4) Questions must not anticipate discussion of:
    - (a) government business notices of motions and orders of the day, except an order of the day relating to the Budget Estimates,
    - (b) committee reports and government responses orders of the day, or
    - (c) items of business given precedence that day including matters of public importance, items of business under standing order 39 and private members' business in the order of precedence determined by the Business Committee,

unless, in the opinion of the President, there is no likelihood of the notice of motion or order of the day being called on within a reasonable time.
- (2) That standing order 92(1) be amended to read:
  - (1) A member may not digress from the subject matter of any question under discussion; or anticipate the discussion of:
    - (a) government business notices of motions and orders of the day,
    - (b) committee reports and government responses orders of the day, or
    - (c) items of business given precedence that day including matters of public importance, items of business under standing order 39 and private members' business in the order of precedence determined by the Business Committee,

unless, in the opinion of the President, there is no likelihood of the notice of motion or order of the day being called on within a reasonable time.

---

### **67. Written questions**

Concerns have recently been raised about the extent to which some questions on notice may or may not be fully complying with standing order 65, for example, in relation to containing statements or fact or names of person which may not be strictly necessary, arguments or imputations. The Clerk (in practice usually the Procedure Office staff) has always reviewed written questions both for compliance with standing order 65 and to ensure, as far as possible, that questions are phrased and structured in a way that requires specific answers. Where this necessitates substantial editing of a question a process of dialogue is entered into with the member who has submitted the question and this usually results in an agreed form of words being arrived at. However, as with points of order taken in the House about questions without notice, there can be a variety of perspective on these matters.

---

**Recommendation 13**

That standing order 67(2) be amended to make more explicit the authority of the Clerk to not publish a question which does not comply with standing order 65.

- (1) The rules for questions apply to written questions.
  - (2) **Unless the written question does not comply with paragraph (1)**, the Clerk is to publish in a Questions and Answers Paper, notices of questions in the order in which they are received and the answers provided.
- 

**136A Selection of Bills committee and statements of public interest**

In May 2022 the House adopted provisions requiring a statement of public interest (SPI) to be presented for each government bill considered by the House:

- standing order 136A requires the Selection of Bills Committee to report on any bill, other than an appropriation bill for the ordinary annual services of the government, which is not accompanied by an SPI, and also sets out the required content of SPIs,
- standing order 137 requires a minister to make a statement advising whether an SPI has been prepared and provides options for members to take if, after the first reading of a bill, an SPI has not been prepared.

There are two areas of inconsistency and impracticality in the provisions of 136A and 137 which has resulted in:

- the Selection of Bills Committee reporting in relation to each Assembly bill still in the Assembly that the bill is not accompanied by an SPI, as there has been no opportunity for the SPI to be provided, and
- ministers tabling an SPI after the first reading, rather than making a statement according to the standing order.

Another issue to note is that, when the House refers an Assembly bill to a committee on receipt of the message from the Assembly, the bill is not, at that time, read a first time and therefore the SPI for that bill is not available to the committee.

---

**Recommendation 14**

That the provisions for Selection of Bills Committee and statements of public interest (SPI) be amended as follows:

- (1) The current requirement for the Selection of Bills Committee to report on SPIs be omitted.
  - (2) The requirement for an SPI and the consequences for not tabling an SPI be a separate provision.
  - (3) That bills only be referred to a committee on recommendation of the Selection of Bills committee after the first reading.
- 

These amendments to the standing orders are set out below:

**136A. Selection of Bills Committee**

---

- (1) A Selection of Bills Committee will be appointed at the commencement of each Parliament.
- (2) The Selection of Bills Committee is to consider all bills introduced into either House, other than an appropriation bill for the ordinary annual services of the government and report as to whether any bill should be referred to a portfolio or subject standing committee for inquiry and report.
- (3) The Selection of Bills Committee is to consist of the following members:
  - (a) three government members, one of whom is the Government Whip,
  - (b) two opposition members, and
  - (c) one member from each crossbench party, and any independent member.
- (4) The Government Whip is to be the Chair of the committee and the Opposition Whip is to be the Deputy Chair of the committee.
- (5) The quorum of the Selection of Bills Committee is three members, two of whom must be government members and one a non-government member.
- (6) The Selection of Bills Committee may sit while the House is sitting.
- (7) A recommendation that a bill be referred to a committee must indicate:
  - (a) the committee to which the bill is referred,
  - (b) the stage in the consideration of the bill at which it should be referred to the committee, which stage must be after the first reading, and
  - (c) the date by which the committee must report.
- (8) When a bill is before the Legislative Assembly, only the provisions of the bill may be referred to a committee.
- (9)
  - (a) On the tabling of a report by the Selection of Bills Committee, the Chair of the committee, or a member of the committee on behalf of the Chair, may move without notice that the House agree to the recommendations of the committee.
  - (b) The motion may be debated and amended.
  - (c) A member may not speak for more than five minutes on the motion, and, if the motion is not sooner disposed of, after 30 minutes the President is to interrupt proceedings to allow the mover of the motion to speak in reply for not more than five minutes and put every question necessary to dispose of the motion and any amendments.
- (10) A motion to take note of a report under standing order 239 may not be moved to a report of the Selection of Bills Committee.
- (11) On the tabling of the report on a bill referred under this standing order, the second reading of the bill will be set down as an order of the day for a later hour.
- (12) On the order of the day for the second reading being read, a motion may be moved, without notice, that standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.
- (13) A report from a committee on a bill referred to it under this standing order shall be received by the House without debate, and consideration of the report deferred until the order of the day relating to the bill is called on.

### 137. First reading

- (1) The motion for the first reading and ~~printing~~ publishing will be put as one question without amendment or debate.
- (2) After the first reading of a bill introduced in the Legislative Council, subject to standing order X (in relation to SPIs) and Y (in relation to referral to a committee via Selection of Bills committee), the second reading may be moved forthwith or made an order of the day for a later hour or for a future day. Immediately following the second reading speech of the mover, debate is to be adjourned until a future day which must be at least five calendar days ahead.
- (3) After the first reading of a bill received from the Legislative Assembly, subject to standing order X (in relation to SPIs) and Y (in relation to referral to a committee via Selection of Bills committee):
  - (a) a motion may be moved, without notice, that standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House, and
  - (b) the second reading may be moved forthwith or set down for a later hour of the sitting or a future day.
- (4) Whenever the President has several messages from the Legislative Assembly transmitting bills for concurrence, the President may inquire if leave is granted for procedural motions for the first reading, publishing, suspension of standing orders where applicable, and fixing the day for the second reading, to be dealt with on one motion without formalities.

#### **140. Second reading**

- (1) On the order of the day being read for the second reading of a bill, the question will be proposed:
  - (a) “That this bill be now read a second time”, or
  - (b) “That the order be postponed or discharged”.
- (2) An amendment may be moved to the question for second reading:
  - (a) by omitting “now” and inserting at the end “this day six months”, which if carried will finally dispose of the bill,
  - (b) by referring the bill to a standing or select committee, or
  - (c) by moving the previous question.
- (3) A bill which has been ordered to be read “this day six months” may not be considered again in the same session.
- (4) On the tabling of the report on a bill referred under this standing order, the order of the day for the second reading of the bill will be set down for a later hour.

#### **New standing order: Statements of public interest**

- (1) On a government bill, other than an appropriation bill for the ordinary annual services of the government, being read a first time, the Minister must table a statement of public interest which addresses each of the following questions:
  - (a) Need: Why is the policy needed based on factual evidence and stakeholder input?
  - (b) Objectives: What is the policy’s objective couched in terms of the public interest?



- 
- (c) Options: What alternative policies and mechanisms were considered in advance of the bill?
  - (d) Analysis: What were the pros/cons and benefits/costs of each option considered?
  - (e) Pathway: What are the timetable and steps for the policy's rollout and who will administer it?
  - (f) Consultation: Were the views of affected stakeholders sought and considered in making the policy?
- (2) If a statement of public interest in relation to the bill is not tabled after the first reading and publishing, a motion may be moved without notice that:
- (a) the bill not proceed until a statement of public interest is tabled, or
  - (b) the bill be referred to a standing or select committee for inquiry and report, and
  - (c) the motions may be debated.
- (3) If the question under paragraph (2) is agreed to, the second reading of the bill is set down as an order of the day on the tabling of the statement of public interest or the report of the committee.
- (4) On the order of the day for the second reading being read, a motion may be moved, without notice, that standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.
- (5) A motion 'That the bill be considered an urgent bill' under standing orders 137A and 138 may not be moved until a statement of public interest is tabled.

### 183A. Business Committee

The Business Committee was adopted in the standing orders in May 2022 to formalise the process for determining the order of private members business on private members days.

Two issues have arisen regarding the provisions in new standing order 183A.

The first is that the standing order does not make clear that the committee has the authority to give specific items of business precedence at specific times throughout the day or that the committee can determine that a matter be interrupted to allow another matter to proceed.

The second is a lack of clarity in paragraph (3) relating to the representation of parties at meetings of the committee.

---

#### Recommendation 15

That standing order 183A be amended as follows:

- (1) Omit paragraph (3) and insert instead:
  - (3) Every party and independent is entitled to be represented at each meeting by a member nominated for that purpose which, in the case of the Government will be the Government Whip and another member nominated by the Leader of the Government and, in the case of the Opposition, will be the Opposition Whip and another member nominated by the Leader of the Opposition.
- (2) Omit paragraph (6) and insert instead:
  - (6) The committee may determine:
    - (a) the duration of each debate and time for each member speaking, and
    - (b) the precedence of specific items of private members' business or committee debates including the time for interruption of business to allow another matter to proceed.

---

### 187. Debate on bills

Currently there is no time limit for debate in committee of the whole on a private members' bill.

---

#### Recommendation 16

That standing order 187 be amended by inserting after paragraph (3):

- (4) In committee of the whole each contribution must not exceed 15 minutes.

---

### Proposed new provision - Time limits on debate on procedural motions

There are a number of "subsidiary" motions that can be moved under the standing orders. These motions are procedural in nature and are generally moved in relation to a substantive item of business or to progress an item of business. Some subsidiary motions may not be debated, while others are silent as to the ability for debate on the motion.

It is proposed that, where the standing orders do not expressly prohibit debate on a subsidiary motion but do not specify time limits, that a generic time limit apply. As example, this provision would apply to the following motions:

- A motion under the standing order for the statement of public interest that the bill not proceed, or that the bill be referred to a committee.
- A motion under standing order 141(2)(a) that a bill be referred to a committee.
- A motion that an item of private members business be considered in long form.

The proposed new provision is not intended to capture motions of procedural significance which are substantive in nature such as motions of dissent to a Chair's ruling, or a matter of privilege suddenly arising.

---

**Recommendation 17**

That the following standing order be adopted:

Where the standing orders are silent as to the time limits for debate on a subsidiary motion, the following time limits apply:

- (a) a member may not speak for more than five minutes, and
- (b) if the motion is not sooner disposed of, after 30 minutes the President will interrupt proceedings and put all questions necessary to dispose of the motion and any amendments.

---

**Recommendation 18**

That standing order 181 be amended by inserting after paragraph (c):

- (d) if the motion is not sooner disposed of, after 30 minutes the President will interrupt proceedings and put every question necessary to dispose of the motion and any amendments.

## Review of ePetitions

### Background

The Legislative Council's ePetitions platform was officially launched on Tuesday 26 October 2021. The platform and process largely mirror the Legislative Assembly's system and the Council acknowledges and appreciates the development, building and testing involved in its establishment.

Key features of the system include:

- petitioners create and lodge a petition directly through the Parliament website,
- the petition is vetted for compliance with the sessional order,
- before a petition is open for signatures five people must support the petition and a member must agree to present the petition,
- the petition closes automatically at the conclusion of a set time, and
- the petition is formally presented to the House by the member who initially agreed to present it.

In its report of October 2021 the Procedure Committee recommended that a review of the ePetitions system be undertaken after 12 months.

### ePetitions to date

Since their introduction, the Legislative Council has received sixteen submissions for ePetitions in total, eight of which were compliant. Four ePetitions did not meet the necessary criteria of five initial supporters and one did not receive the support of a member.

At the time of reporting, six ePetitions have been presented to the House and a further two ePetitions are open for signatures.

### Review of the system by users

To date the Procedure Office has received feedback from two members of the public who had exposure to the ePetitions system and raised the follow issues:

The first being that the potential signatories to an ePetition relating to the Voluntary Assisted Dying Bill 2021 came from an elderly demographic and did not have email addresses or access to technology. The traditional paper-based petition was used instead.

The second issue related to the requirement for a member to agree to present an ePetition before the ePetition can be open for signatures. If the member declines or fails to respond, the petitioner is required to start the process again and hope the next member nominated agrees to present the petition.

The Secretariat could inquire if the system can be modified to allow a petitioner to select two members to present their petition to the House and if the first declines, the request is automatically sent to the second nominated member.

A third issue related to the adequacy of automated emails to the principle petitioner advising of the progress of their application to lodge an ePetition.

The Secretariat will review the emails sent to petitioners to ensure they are fully informed of the progress of their submission to post an ePetition.

### Review of the system by members

Following a request for feedback from members of the Legislative Council who had some involvement with the ePetitions system, one member advised that the system was easy to use and the presentation of the ePetition in the House was straightforward.

### Review of the system by the Procedure Office

Over the past year the Procedure Office has found the ePetitions system to be straightforward with minimal complications. Minor changes have been made to the "Petitioning the Council" page on Parliament's website to provide more information about the length for which a petition can remain open and about contacting members of the Council.

There has not been a need to adjust the technical and procedural aspects of the system.

---

### Recommendation 19

That ePetitions be incorporated into the standing orders by inserting after paragraph 69 relating to the form of hard copy petitions, the following paragraph:

#### Form of electronic petitions:

- (1) An electronic petition must contain the request of the petitioner expressed in no more than 250 words,
- (2) An electronic petition must be supported by at least five people before it is open to the public for signatures, with the petitioner and all signatories being residents of New South Wales,
- (3) An electronic petition must be supported by a member who agrees to present the electronic petition, and
- (4) An electronic petition must be open for signatures for a period of one, three or 12 weeks.

---

### Impact of the sessional order variations to the scheduling of business and sitting days

On 26 February 2020, in respect of changing private members' day from Thursday to Wednesday, the House resolved "that the Procedure Committee inquire into and report on the impact of the amendments to the sessional orders".<sup>1</sup>

On 23 June 2021, the Procedure Committee agreed that rather than prepare a separate report, the changes to the scheduling of business should be incorporated into the committee review of the standing and sessional orders.

It is noted that the day private members' day is held was not considered by the Procedure Committee, at any great length, in its two reviews of the standing orders. On that basis, the Procedure Committee leaves it to the House to determine the day upon which private members' day is held.

---

<sup>1</sup> *Minutes*, NSW Legislative Council, 26 February 2020, pp 796-797.



# Appendix 1 Minutes

## Minutes No. 9

Thursday 21 September 2022

Jubilee Room, 1.34 pm

### 1. Members

Mr Mason-Cox (Chair)

Mr Buttigieg

Mr Fang

Ms Boyd (substitute member for Auslan inquiry)

Mr Farlow

Mr Graham (left at 2.05 pm)

Ms Hurst

Mrs Mitchell

Revd Mr Nile

Mr Roberts

Mr Tudehope (left at 2.05 pm)

### 2. Apologies

Ms Faehrmann, Mr Borsak

### 3. Draft minutes

Resolved, on the motion of Mr Farlow: That draft minutes no. 8 be confirmed.

### 4. Correspondence

The committee noted the following items of correspondence:

#### *Received:*

- 14 October 2021 – Correspondence from Mr Dave Layzell, Chair of the Legislation Review Committee, to the President and Chair of the Legislative Council Procedure Committee in relation to the Report No. 1/56 of the Legislation Review Committee - Inquiry into the operation of the Legislation Review Act 1987 and its recommendation that the Houses give consideration to amending their respective standing orders to require a member with carriage of a bill to address any matters identified by the Legislation Review Committee during debate on a bill.
- 15 June 2022 – Correspondence from Mr George Roins, General Counsel and Company Secretary, Transport Asset Holding Entity of New South Wales in relation to concerns regarding production of documents subject to privilege without consultation.
- 4 August 2022 – Correspondence from Mr David Blunt, Clerk of the Parliaments, concerning the committee's inquiry into standing order 52 and in relation to electronic returns to orders.

Resolved, on the motion of Revd Nile:

- (a) That the Committee note correspondence item no. 1.
- (b) That the Committee consider correspondence item nos 2 and 3 in the context of the Inquiry into standing order 52.

### 5. Inquiry into the broadcast resolution

Chair's draft report was circulated with the meeting papers.

### 6. Consideration of Chair's draft report on the Inquiry into the broadcast resolution

The Chair submitted his draft report which, having been circulated, was taken as being read.

The committee considered the report as a whole.

Resolved, on the motion of Mr Graham: That the third dot point of amendment no. 1 be amended to read:

- allow accredited press gallery photographers to photograph all proceedings in the Legislative Council while in session, subject to notifying the President beforehand who will in turn advise the House.

Resolved, on the motion of Mr Graham: That the third dot point of recommendation 3 be omitted:

- individuals other than accredited media may not make video or audio recording of proceedings, except by express permission of the committee

Resolved, on the motion of Mr Graham: That paragraph 3.31 be omitted: "These relaxed rules should be trialled for the remainder of the 57th Parliament and in 2023 with a review on the operation of the rules undertaken at the start of 2024" and the following new paragraph and recommendation be inserted instead:

The committee notes the increasingly common practice of Legislative Council committees to authorise the filming, broadcasting and still photography of its public proceedings by accredited members of the parliamentary press gallery and by persons or organisations not accredited as members of the parliamentary press gallery (subject to the terms and conditions of the Broadcast of Proceedings Resolution, and other terms and conditions determined by the committee). It is therefore recommended that the Broadcast of Proceedings Resolution be amended, as set out in Appendix 1, to make it this the default for committees, unless resolved otherwise.

**'Recommendation X:** That the Broadcast of Proceedings Resolution be amended, as set out in paragraph 4 of Appendix 1, for committees to automatically authorise the filming, broadcasting and still photography of its public proceedings by accredited members of the parliamentary press gallery and by persons or organisations not accredited as members of the parliamentary press gallery, unless resolved otherwise.

Resolved, on the motion of Revd. Nile: That the:

- (a) draft report, as amended, be the report of the committee and that the committee present the report to the House.
- (b) committee secretariat correct any typographical, grammatical and formatting errors prior to tabling,
- (c) committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee, and
- (d) submissions, minutes of proceedings, discussion paper and correspondence relating to the inquiry be tabled in the House with the report.

## 7. Inquiry into Auslan interpretation for broadcasting

The committee noted the submissions received:

- 1 - Mr Benjamin Cronshaw
- 2 - Legislative Assembly for the Australian Capital Territory
- 3 - Australian Deaf Elders Group
- 4 - Deaf Connect
- 5 - Deaf Australia
- 6 - Ms Darlene Thornton
- 7 - Ms Shirley Liu
- 9 - Clerk of the House of Representatives, New Zealand
- 10 - Dr Jessica Kirkness
- 11 - Centre for Culture and Technology, Curtin University



Resolved on the motion of Ms Boyd: That the committee keep submission no. 8 from Miss April Joseph, confidential, as per the request of the author.

The committee noted the research paper prepared by the NSW Parliamentary Research Service as requested by the committee.

Resolved on the motion of Ms Boyd: That

- (1) That:
  - (a) a sub-committee be appointed for the inquiry into AUSLAN,
  - (b) the sub-committee be authorised to schedule hearings, contact witnesses and take evidence including in AUSLAN where necessary,
  - (c) the President be appointed as the Chair of the sub-committee,
  - (d) the sub-committee consist of one Government member, one Opposition member and one crossbench member, and
  - (e) a half-day hearing be held on Friday 14 October.
- (2) That the Procedure Committee table its report on its inquiry into AUSLAN by 10 November.

The Chairs advising that the following members had nominated for the sub-committee: Mr Mason-Cox, Ms Boyd, Mr Buttigieg and Mr Fang.

## 8. Inquiry into the operation of standing order 52

The committee noted the submission received:

- *1 - Department of Premier and Cabinet*

The Committee noted correspondence from the Clerk concerning the committee's inquiry into standing order 52.

Resolved, on the motion of Revd Nile: That the Leader of the Government give a notice of motion to extend the reporting date of the inquiry to 10 November 2022.

## 9. Inquiry into the trial of the new standing orders

Resolved on the motion of Revd Nile:

- (1) That the committee consult with members concerning the operation of the proposed new standing orders and report to the House, in according with the timeline proposed and circulated by the President, any corrections or changes required.
- (2) That the reference from the House for the Committee to inquire into and report on the impact of the variations to the scheduling of business and sitting days be incorporated into the review of the standing and sessional orders.
- (3) That, as part of the review of changes to the standing orders, the committee review the operation of ePetitions, as recommended by Procedure Committee in its report on ePetitions, and recommend whether the provision should be adopted as standing orders.

## 10. Timeline for completion of current inquiries.

Resolved on the motion of Ms Sharpe: That the timeline circulated by the Chair and attached to the agenda for the completion of outstanding inquiries be adopted.

## 11. Next meeting

*Sine die.*

David Blunt

**Clerk of the Parliaments**

## Minutes No. 10

7 November 2022

President's Dining Room, 10 am

### 1. Members

Mr Mason-Cox (Chair)

Mr Borsak

Ms Boyd (for the purposes of the Auslan report, until 10.12 am)

Mr Fang

Mr Farlow

Mr Graham

Ms Hurst

Mrs Maclaren-Jones

Revd Mr Nile (*via Webex*, from 10.07am)

Mr Roberts

Mr Searle (substituting for Mr Buttigieg)

Ms Sharpe (from 10.05 am)

Mr Tudehope

### 2. Apologies

None.

### 3. Draft minutes

Resolved, on the motion of Mr Fang: That draft minutes no. 9 be confirmed.

Resolved, on the motion of Mr Fang: That draft minutes no.1 of the subcommittee be confirmed.

### 4. Correspondence

The committee noted the following items of correspondence:

#### *Received:*

- 19 October 2021 – Correspondence from Ms Darlene Thornton, witness at the Auslan hearing, commenting on the conduct of the Auslan hearing and enclosing some information for the Committee on suggested Macquarie Room hearing layout and 'English-into-Auslan Video Production guidelines' produced by Deaf Connect, Macquarie University, Melbourne Polytechnic and Accan.
- 26 October 2022 – Correspondence from Percy Allan, Evidence Based Policy Research Project.

### 5. Consideration of Chair's draft report on the Inquiry into Auslan interpretation for broadcasting

The Chair submitted his draft report which, having been circulated, was taken as being read.

The committee considered the report as a whole.

Resolved, on the motion of Ms Boyd: That the secretariat insert after paragraph 2.29:

- "This was echoed by other inquiry participants, who noted that a lack of accessibility and inclusion creates barriers for Deaf people to engage with politics."

Resolved, on the motion of Ms Boyd: That the secretariat insert after paragraph 2.55:

- "The Committee offers in-principle support for Government action to address these workforce shortage shortages and increase availability of Auslan interpreters."

Resolved, on the motion of Ms Boyd: That the:

- draft report, with amendments, be the report of the committee and that the committee present the report to the House.
- committee secretariat correct any typographical, grammatical and formatting errors prior to tabling,
- committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee, and
- submissions, minutes of proceedings, discussion paper and correspondence relating to the inquiry be tabled in the House with the report.

## 6. Inquiry into the operation of standing order 52

The Chair submitted the briefing paper, having been circulated, was taken as being read.

The Committee discussed the briefing paper.

## 7. Inquiry into the trial of the new standing orders

The Chair submitted the draft report, having been circulated, was taken as being read.

The Committee discussed the draft report.

## 8. Next meeting

*President's Dining Room, 2:15pm, Thursday, 10 November 2022.*

David Blunt

**Clerk of the Parliaments**

## Draft minutes No. 11

10 November 2022

President's Dining Room, 2.19 pm-2.39 pm

### 1. Members

Mr Mason-Cox (Chair)  
 Mr Borsak  
 Mr Buttigieg  
 Mr Fang  
 Mr Farlow  
 Mr Graham  
 Ms Hurst  
 Mrs Maclaren-Jones  
 Mr Roberts  
 Ms Sharpe  
 Mr Tudehope

### 2. Apologies

Mr Borsak  
 Ms Faehrmann  
 Mrs Mitchell  
 Revd Mr Nile

**3. Draft minutes**

Resolved, on the motion of Mr Farlow: That draft minutes no. 10 be confirmed.

**4. Consideration of Chair's draft report into the Operation of standing order 52**

The Chair submitted his draft report which, having been circulated, was taken as being read.

The committee considered the report as a whole.

Resolved, on the motion of Ms Sharpe: That paragraph 2.9 be amended by omitting 'It would presumably be a matter for members to indicate that publication is in the public interest'.

Resolved, on the motion of Mr Tudehope: That the:

- (a) draft report, as amended, be the report of the committee and that the committee present the report to the House.
- (b) committee secretariat correct any typographical, grammatical and formatting errors prior to tabling,
- (c) committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee, and
- (d) submissions, minutes of proceedings and correspondence relating to the inquiry be tabled in the House with the report.

**5. Consideration of the Chair's draft report into the Second review of the Standing and Sessional orders**

The Chair submitted his draft report which, having been circulated, was taken as being read.

The committee considered the report as a whole.

Resolved, on the motion of Ms Sharpe: That in recommendation 6 proposed changes to standing order 17(A) omit 'until the end of the Parliament or until a successor is elected' and insert instead 'and until a successor is elected'.

Resolved, on the motion of Mr Farlow: That the following subparagraph be inserted in proposed standing order 136A paragraph (10):

- '(c) A member may not speak for more than 5 minutes on the motion, and, if the motion is not sooner disposed of, after 30 minutes the President is to interrupt proceedings to allow the mover of the motion to speak in reply for not more than 5 minutes and put every question necessary to dispose of the motion and any amendments.'

Resolved, on the motion of Mr Fang: That the Proposed new provision – Time limits on debate on procedural motions be amended by omitting:

- A motion for an instruction under standing order 181'.

Resolved, on the motion of Mr Fang: That the following new recommendation be inserted after recommendation 16:

**'Recommendation X**

That standing order 181 be amended by inserting the following after paragraph (c):

- (d) a member may not speak for more than 5 minutes on the motion, and, if the motion is not sooner disposed of, after 30 minutes the President is to interrupt proceedings to allow the mover of the motion to speak in reply for not more than 5 minutes and put every question necessary to dispose of the motion and any amendments'.

Resolved, on the motion of Mr Buttigieg: That the:

- (a) draft report, as amended, be the report of the committee and that the committee present the report to the House.

- (b) committee secretariat correct any typographical, grammatical and formatting errors prior to tabling, and
- (c) committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee.

Mr Tudehope noted the committee's thanks to the Secretariat

The President also thanked members and the Secretariat, in particular Ms Susan Want, for their work on the inquiry.

## **6. Adoption of standing orders**

Resolved, on the motion of Mr Tudehope: That the proposed new standing rules and orders, with the amendments agreed to by the Committee in the report into the trial of the new standing orders, be formally adopted for the orderly conduct of the business of the House and laid before the Governor for approval.

## **7. Next meeting**

*Sine die.*

David Blunt

**Clerk of the Parliaments**