LEGISLATIVE COUNCIL

SELECTED RULINGS
OF THE
PRESIDENT

August 1975
(Commencement of the Third Session of the Forty-Fourth Parliament)

To

June 2012
FOREWORD
The standing orders of the Legislative Council regulate procedure, debate and the conduct of members. When doubt arises as to the application or interpretation of standing orders, or where a particular circumstance is not provided for, it is the duty of the President (or the Deputy President or other member occupying the chair at the time) to give a ruling. Rulings generally arise from points of order, however, the President may intervene and give a ruling to uphold the practices of the House without a point of order being taken.

A number of principles tend to guide the making of rulings. Order must be preserved in order to enable business to be conducted properly. The plain or ordinary meaning of words is generally ascribed to terms used in the standing orders. Most importantly, where there is any doubt as to interpretation of a rule or order, the President leans towards a ruling which preserves or strengthens the powers of the House and the rights of all members rather than an interpretation that may weaken or lessen those powers and rights. Likewise, it is the President's duty to see that the powers and immunities of the House are observed.

Whilst rulings are not strictly binding, Presidents tend to follow the decisions of their predecessors, unless rules or orders of the House have changed or particularly important new factors or considerations arise. In this way a consistent body of practice and precedent develops over time.

This document contains significant rulings between August 1975 and June 2012. The decision to include in this volume selected rulings from 1975 to 1978, prior to the reconstitution of the Legislative Council as a directly elected House, has been taken for two reasons. Firstly, the publication of this volume will redress a gap in published rulings, with those made from 1975 to 1978 not previously published. This publication means there is now a full set of consolidated or selected rulings since the establishment of the Legislative Council as the upper house of the Parliament of New South Wales, in two volumes: from 1856 to 1975; and from August 1975 to June 2012. Secondly, the inclusion of rulings prior to the reform of the Legislative Council reinforces the continued relevance of many earlier precedents.

In order to ensure this new volume is usable and accessible some changes have been made to the format of previous publications. All quotes have been omitted, however, reference details are provided for each ruling to enable the full context of each ruling to be found in Hansard. Where there are multiple identical rulings, a maximum of six references have been included. An index and additional sub-headings have also been included to improve the accessibility of information.

Finally, I would like to acknowledge the tenacious and careful work of Ms Susan Want, Ms Julie Langsworth and Ms Jenelle Moore in the compilation of this volume.

David Blunt
Clerk of the Parliaments
August 2012
PRESIDENTS OF THE LEGISLATIVE COUNCIL

The Hon. Sir Harry Vincent Budd – 9 August 1966 to 5 November 1978

The Hon. John Richard Johnson – 7 November 1978 to 3 July 1991


The Hon. Dr Meredith Anne Burgmann, M.A.(Syd.), Ph.D.(Macq.) – 11 May 1999 to 2 March 2007


The Hon. Amanda Ruth Fazio – 24 November 2009 to 3 May 2011

The Hon. Donald Thomas Harwin BEc(Hons) – 3 May 2011 to present
## TABLE OF CONTENTS

**ADJOURNMENT OF DEBATE**  
Debate on motion to adjourn debate  SO 101  
1

**ADJOURNMENT OF THE HOUSE**  
Adjournment of House to next sitting day  2  
Motion to terminate sitting – debate on  SO 31  2  
Motion to terminate sitting - reply to debate  SO 33  3  
As a matter of urgency  SO 201  3  
Special adjournment  4

**AMENDMENTS**  SO 109  
In writing  SO 109  5  
Relevance to original question  5  
Amendments having the effect of a direct negative  SO 109  5  
Putting the question on complicated amendments  SO 102, 111  5

**ANTICIPATION**  SO 92  
General  6  
Principles  7  
Six months amendment  7  
Notices of motions  8  
Questions without notice  8

**BILLS**  9  
Carriage of  9  
Leave to introduce  SO 136  9  
Money bills  9  
Second reading  9  
Recommittal  11  
Third reading  SO 148  12  
Urgent bills  SO 138  12

**BUSINESS OF THE HOUSE**  13  
Presence of a Minister  SO 34  13

**COMMITTEE OF THE WHOLE**  14  
Instructions to  SO 179  14

**COMMITTEES**  15  
Anticipation  15  
Disclosure of evidence before committees  SO 224  16

**DEBATE - RULES OF**  17  
General  17  
Conduct of member speaking  SO 85  17  
Debate on motion to discharge an order of the day  19  
Debate on motion to suspend standing and sessional orders  19  
Dilatory motions  20  
Explanations of speeches  SO 89  21  
Latitude of debate  SO 92  21  
Latitude of debate - address in reply  SO 92  21  
Latitude of debate - budget debate  21
Selected President’s Rulings: August 1975 to June 2012

Manner of delivery 22
Quotations / Reading extracts SO 91 22
Reading speeches SO 91 25
Reference to the Assembly 26
Reference to the Clerks 26
Repetition SO 94 26
Reply SO 90 27
Speaking in reply SO 90 27
Seeking the call SO 85 28
Speaking from the table SO 85 29
Speaking more than once SO 87 29
DIVISIONS SO 112 31
Ringing of bells SO 114 31
Ringing of bells for one minute only SO 114(4) 31
Voting in division SO 113 31
FORMAL BUSINESS SO 44 32
HANSARD 33
Alterations to SO 33
Incorporation of material SO 33
INTERJECTIONS SO 95 35
Acknowledgement of SO 35
MATTERS OF PUBLIC INTEREST SO 200 39
MEMBERS 40
Activities outside the House SO 40
Assurances of Members SO 40
Conduct SO 40
Conduct - members called to order SO 192 43
Conduct - noise or interruption in chamber SO 84 43
Conduct - when President rises SO 83 45
Conflict of interest SO 113,210 45
Courtesy to the Chair SO 84 45
First (maiden) speeches SO 84 46
Members’ attire SO 46
Use of electronic devices and cameras SO 47
Suspension of member for gross disorder SO 192 48
MINISTERIAL STATEMENTS SO 48 49
MOTIONS SO 75 50
NOTICES OF MOTIONS SO 75 51
Date for setting down SO 71 51
Giving of SO 71 51
OFFENSIVE EXPRESSIONS SO 91 52
General SO 52
Applies to individuals, not groups SO 53
Quotation of offensive words SO 54
Expressions ruled offensive SO 54
Expressions ruled not offensive SO 61
ORDERS OF THE DAY SO 63 63
Selected President’s Rulings: August 1975 to June 2012

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>PAPERS</td>
<td>64</td>
</tr>
<tr>
<td>Claims of privilege</td>
<td>64</td>
</tr>
<tr>
<td>Order for Papers—Administration of Justice</td>
<td>64</td>
</tr>
<tr>
<td>Power to call for documents</td>
<td>64</td>
</tr>
<tr>
<td>Tabled documents</td>
<td>64</td>
</tr>
<tr>
<td>Tabling of documents quoted in debate</td>
<td>65</td>
</tr>
<tr>
<td>PERSONAL EXPLANATIONS</td>
<td>66</td>
</tr>
<tr>
<td>Purpose of</td>
<td>66</td>
</tr>
<tr>
<td>General</td>
<td>66</td>
</tr>
<tr>
<td>PETITIONS</td>
<td>68</td>
</tr>
<tr>
<td>Irregular petitions – change in procedure</td>
<td>68</td>
</tr>
<tr>
<td>for suspending standing orders</td>
<td></td>
</tr>
<tr>
<td>POINTS OF ORDER</td>
<td>69</td>
</tr>
<tr>
<td>Taking a point of order, rules for</td>
<td>69</td>
</tr>
<tr>
<td>Debate on</td>
<td>70</td>
</tr>
<tr>
<td>Procedure on</td>
<td>71</td>
</tr>
<tr>
<td>POSTPONEMENT</td>
<td>73</td>
</tr>
<tr>
<td>Casting vote</td>
<td>74</td>
</tr>
<tr>
<td>Participation in debate</td>
<td>74</td>
</tr>
<tr>
<td>Role of the Chair</td>
<td>75</td>
</tr>
<tr>
<td>Canvassing the Chair’s ruling</td>
<td>75</td>
</tr>
<tr>
<td>PRIVILEGE</td>
<td>76</td>
</tr>
<tr>
<td>Assault on member</td>
<td>76</td>
</tr>
<tr>
<td>Commity between the Houses</td>
<td>76</td>
</tr>
<tr>
<td>Contempt</td>
<td>76</td>
</tr>
<tr>
<td>Hansard</td>
<td>76</td>
</tr>
<tr>
<td>Member prevented from entering the Chamber</td>
<td>77</td>
</tr>
<tr>
<td>Court process within parliamentary precincts</td>
<td>77</td>
</tr>
<tr>
<td>PROCEDURAL MOTIONS</td>
<td>78</td>
</tr>
<tr>
<td>Adjournment as a matter of urgency</td>
<td>78</td>
</tr>
<tr>
<td>Committal - no debate allowed</td>
<td>78</td>
</tr>
<tr>
<td>Latitude of debate</td>
<td>78</td>
</tr>
<tr>
<td>QUESTIONS AND ANSWERS</td>
<td>79</td>
</tr>
<tr>
<td>Questions to Ministers and other members</td>
<td>79</td>
</tr>
<tr>
<td>Content of questions</td>
<td>81</td>
</tr>
<tr>
<td>Supplementary questions</td>
<td>83</td>
</tr>
<tr>
<td>Time Limits</td>
<td>87</td>
</tr>
<tr>
<td>Questions - rules for</td>
<td>87</td>
</tr>
<tr>
<td>Anticipation</td>
<td>92</td>
</tr>
<tr>
<td>Answers – rules for</td>
<td>94</td>
</tr>
<tr>
<td>Answers to questions, provision of</td>
<td>98</td>
</tr>
<tr>
<td>Government to determine length of time for</td>
<td>99</td>
</tr>
<tr>
<td>QUESTIONS FROM THE CHAIR</td>
<td>100</td>
</tr>
<tr>
<td>Put sequentially (seriatim)</td>
<td>100</td>
</tr>
<tr>
<td>Previous question</td>
<td>100</td>
</tr>
<tr>
<td>Same question</td>
<td>100</td>
</tr>
<tr>
<td>QUORUM</td>
<td>101</td>
</tr>
</tbody>
</table>
REFLECTIONS   SO 91
Reflections on the Chair 102
Reflections on the Crown (Governor) SO 91 102
Reflections on Judicial Officers 103
Reflections on the House SO 91 104
Reflections on members SO 91 104
Reflections on former members 112
Reflections on members of the Assembly SO 91 112
Reflections on Officers SO 91 114
Reflections on Royal Commissioners 114
Reflections on members of other Parliaments 114
Reflections on votes of the House SO 91 115

RELEVANCY   SO 92
Debate on budget estimates 119

STANDING ORDERS   SO 198
Suspension of 120

STRANGERS   SO 196
Attendance in the House 121
Behaviour in public galleries SO 197 121

SUB JUDICE 125
ADJOURNMENT OF DEBATE

Debate on motion to adjourn debate

A member is entitled to oppose a motion for the adjournment of the debate, but may not question the motives of the mover of the motion.

25/11/1976  PDp. 3546  Budd

There may be debate on a motion for the adjournment of the debate, as there may be on almost every other motion that is placed before the House.

30/11/1977  PDp. 10567  Budd

Debate on a motion to adjourn debate is confined to comments as to whether debate should or should not be adjourned. However, the substantive motion can be referred to.

21/10/2009  PDp. 18351-3  Primrose
ADJOURNMENT OF THE HOUSE

Adjournment of House to next sitting day

In view of the precedents that have been established over the years, when the House is adjourned after midnight and meets again that same day at a later hour, it is considered to be the next sitting day, and items set down for consideration on the next sitting day may be proceeded with.

1/7/1982  PDp. 205  Johnson

Motion to terminate sitting – debate on  SO 31

Members may speak on more than one subject on the adjournment debate.

10/3/1993  PDp. 555  Gay (Deputy President)
15/11/2006  PDp. 147  Burgmann

Members may speak only once on the motion for adjournment.

16/11/1993  PDp. 5378  Willis

On the motion to adjourn, members may speak on matters not relevant to the motion.

5/9/2000  PDp. 8652  Burgmann

Members may speak on more than one subject in the adjournment debate, but may only speak once to the motion.

26/6/2001  PDp. 15323  Saffin (Deputy)

Once the question on the adjournment of the House has been put and agreed to, no further business can take place.

7/6/1995  PDp. 773  Symonds (Deputy)

It is disorderly for members to take points of order in the adjournment debate for the sole purpose of eroding another member’s time.

30/6/1999  PDp. 1782  Burgmann

The adjournment question is put at the end of 30 minutes or at the conclusion of the Minister’s remarks if a Minister desires to speak. A Minister is not restricted as to time when speaking in the adjournment debate.

29/8/2000  PDp. 8469  Saffin (Deputy)

It is the general practice in this chamber that Ministers speaking in reply in the adjournment debate are not restricted to referring to matters raised by members in their contributions to the motion.

09/06/2005  PDp. 16877  Fazio (Deputy President)
When the motion to adjourn the House is moved by a Minister who subsequently leaves the Chamber, the presence of a Parliamentary Secretary is sufficient to satisfy the standing orders, notwithstanding that they have spoken during the adjournment debate.

05/04/2006 PDp 22100 Fazio (Deputy President)

When a Parliamentary Secretary speaks to the adjournment and there is no other Minister or Parliamentary Secretary in the Chamber, the Parliamentary Secretary is speaking in reply and closes debate.

13/05/2008 PDp 7416 Primrose

Members are extended wide latitude during the adjournment debate.

14/02/2012 PDp 8082 Gardiner (Deputy President)

Parliamentary Secretaries have the right to speak to the adjournment motion as private members. However, if they wish to take part in the debate as private members, a Minister or another Parliamentary Secretary must be in the Chamber. I take this opportunity to clarify that if a Parliamentary Secretary moves the adjournment motion and later in the debate speaks again the Parliamentary Secretary will be speaking in reply and will close the debate, regardless of whether there is another Parliamentary Secretary or Minister in the Chamber.

27/03/2012 PDp 9829 Harwin

Motion to terminate sitting - reply to debate SO 33

No debate is permitted on a ministerial reply made in response to a matter raised in an adjournment debate.

19/4/1989 PDp 6663 Johnson

As a matter of urgency SO 201

The motion to adjourn the House under standing order 13 [now SO 201] is a procedural motion on which debate may take place to ventilate the matter contained in the notice but it is not a substantive motion which allows the expression of a decision by the House. The essential character of the procedure under standing order 13 is that no issue can be determined, but an opportunity is afforded to spotlight some specific matter which, in the opinion of the House, is of sufficient urgency to warrant immediate consideration.

3/6/1987 PDp 13451 Johnson

The motion for adjournment under standing order 13 [now SO 201] is merely a procedural device to provide an opportunity to discuss a matter of public importance. The moving of an amendment to that motion is outside the standing orders.

19/5/1993 PDp 2250 Gay (Deputy President)

When addressing the urgency of the matter, members should restrict their comments to the terms of the motion and not the substance of the matter.

29/05/2007 PDp 285 Primrose
When speaking to any motion, including one seeking urgency, members should bear in mind the comments of President Johnson, who ruled on 26 February and 19 November 1987:

In debating a procedural motion, members should restrict their comments to the terms of the motion and not the substance of the matter.

23/09/2008    PDP. 9720    Primrose

Special adjournment

The provisions in the standing orders to enable the President to recall the House at the request of an absolute majority of members is not altered by the usual resolution for special adjournment adopted at the conclusion of a parliamentary session which fixes the day and time of the next meeting of the House unless the President, or if the President is unable to act on account of illness or other cause the Deputy President, fixes an alternative day or hour of meeting.

03/12/2009    PDP. 20548    Fazio

The special adjournment motion states when the House will resume. Members must direct their contribution to when the House should resume.

5/8/2011     PDP. 3765    Harwin

It is in order for a member to give a brief explanation as to why an alternative special adjournment date is appropriate.

5/8/2011     PDP. 3766    Harwin
AMENDMENTS

There is nothing in standing or sessional orders nor in rulings from the Chair which make it incumbent for amendments originating in the other place to be circulated to members prior to the Committee of the Whole considering them. However, there is a ruling from the Chair relating to amendments which originate in this place, requiring that they be circulated for consideration. The situation was entirely a matter of courtesy between members.

22/5/1997 PDp. 9099 Willis

In writing

If required by the chair, amendments to any motion shall be in writing.

8/3/2001 PDp. 12445 Burgmann

Relevance to original question

An amendment must be relevant to the subject matter of the motion. An amendment to a special adjournment must relate to the term of the adjournment, such as altering the date of next sitting.

7/12/1999 PDp. 3949 Burgmann

Amendments having the effect of a direct negative

The standing orders do not provide clear guidance on what constitutes a direct negative. New South Wales Legislative Council Practice states:

“an amendment is only a direct negative if agreeing to it would have exactly the same effect as negating the motion”.

If the amendment proposes an alternative proposition, parliamentary practice dictates that a vote in favour of the amendment does not in itself express a decision against the original motion but only a preference for the alternative proposition.

31/05/2012 PDp. 12380 Harwin

Putting the question on complicated amendments

Under standing order 111 the question on an amendment is "That the amendment be agreed to". However, when there are complicated amendments before the House, and members have requested that the questions on the amendments be put sequentially, the old form for putting questions on complicated amendments can be used. The first question is “That the words proposed to be omitted stand a part of the motion”. If the question is resolved in the affirmative, the original words stand and the remainder of the amendment lapses. If the question is resolved in the negative, the original words have been omitted and the question is then put on the words proposed to be inserted in their place, in seriatim if so requested.

31/05/2012 PDp. 12391-2 Harwin
ANTICIPATION

General

It is contrary to the rules, customs and practices of the House to anticipate debate. If members restrict remarks to a general discussion without any anticipation or reference to the bill that is expected to come before the House, they are entitled to proceed. Otherwise, they are out of order.


Members may not anticipate debate on a motion of which notice has been given.

29/10/1981      PDp. 60       Johnson
29/11/1989      PDp. 13678    Solomons (Deputy President)

Members may not anticipate debate on a bill before the House.

19/10/1995      PDp. 2057     Willis

Members cannot anticipate debate on legislation that is about to come before the chamber.

22/11/1983      PDp. 2988     Johnson
17/10/1990      PDp. 8525/6   Johnson

Members may not anticipate debate on a bill that is on the notice paper as an item of business inside the order of precedence.

18/10/2005      PDp. 18727    Burgmann

While great latitude is permitted in the budget debate, it is contrary to the practice of the House to anticipate debate on a substantive motion on the notice paper.

14/09/1993      PDp. 3060     Willis

Members may not pre-empt debate on a motion which is already on the Business Paper, and which has been set down for resumption the following week.

20/3/1992       PDp. 1526     Bull (Deputy)
20/3/1992       PDp. 1528     Gay (Acting President)

Members may not anticipate debate on an item of business already on the Notice Paper.

17/10/2006      PDp. 2609     Burgmann

The rule of anticipation does not apply to a question that relates to a matter the subject of a notice of motion given this day for leave to bring in a bill, as the matter is not yet on the Notice Paper.

27/11/2007      PDp. 4371     Primrose
It is in order to refer to government legislation that has been considered by the House, but not to government legislation that is on the Notice Paper.

27/10/2009 PDp. 18675 Primrose

A point of order that a member is anticipating debate must be clear as to which item of business is being anticipated.

02/06/2011 PDp. 1981 Harwin

It is not anticipation of debate to move a motion under standing order 201 on the same subject as a notice of motion given this day.

09/08/2011 PD. 3902 Harwin

As the Appropriation Bill 2011 has been set down for consideration at a later hour, a motion to suspend standing orders to bring on a motion relating to the budget for the Department of Primary Industries amounts to anticipation of the bill and is out of order.

08/09/2011 PD. 5169 Harwin

Principles

Where a member is anticipating debate on a motion of which he has given notice, the Chair has a discretion in determining the likelihood of the motion ever coming on for debate.

27/6/1997 PDp. 11338 Willis

It is out of order to refer to any matter in an adjournment debate when there is a real likelihood of the matter becoming the subject of debate in the House.

29/8/2000 PDp. 8469 Saffin (Deputy)

Members may refer to matters which are on the Notice Paper if they are unlikely to come before the House in the foreseeable future.

27/09/2001 PDp. 17226 Tsang (Deputy)

A motion is out of order if it anticipates debate on a matter contained in a more effective form of proceedings, such as a bill.

4/4/2001 PDp. 13075 Burgmann

Six months amendment

Debate on a bill that has been subject of “six months” amendment is not subject to anticipation because there is no possibility that the measure will be brought back in the current Session. It is not a matter that is, in practical terms, before the House.

12/4/1994 PDp. 1035 Willis
Select President’s Rulings: August 1975 to June 2012

Notices of motions

There is no application of the rule of anticipation in regard to notices as it is not until a motion has been moved and is before the House that the rule is invoked.

09/11/2011 PD. 7083/7110 Harwin

Questions without notice

A question without notice which raises a matter currently before the House is out of order.

18/10/1989 Pdp. 11307 Johnson

It is not anticipation to ask a question regarding an order of the day for an item of private members’ business outside the order of precedence.

27/02/2008 Pdp. 5484 Primrose

If a Minister’s response to a question anticipates debate on a bill that is currently before the House, the response is out of order, even if the response is relevant to the question asked.

25/06/2008 Pdp. 9220 Primrose
BILLS

Carriage of

A private member’s bill remains under the carriage of the member who introduced it into the Legislative Council, notwithstanding that the bill was dealt with by the Minister in the lower House. The actions of the Legislative Assembly have no bearing on the nature of things in this place.


Leave to introduce SO 136

The motion for leave to be granted for the introduction of a bill is reasonably formal, but debate is possible on whether leave should or should not be given.

13/10/1988 PDp. 2212 Johnson

There is no requirement under the standing orders for a bill to be circulated unless the member is proposing to declare the bill an urgent bill.

11/10/2011 PDp. 5877 Harwin

Money bills

A bill which does not specify the appropriation of any amount of public revenue but which may in the future result in some expenditure by the Government is not a money bill and can be introduced in this Chamber.

18/09/2003 PDp. 3566 Fazio (Deputy President)

Second reading

Debate on the motion for the second reading of the bill to stand an order of the day for next sitting day is severely limited and it is out of order to engage in what might be called a full-scale second reading speech at this stage.

10/01/1978 PDp. 10955 Budd

Although contributions of members must be relevant to the question before the Chair, during debate on the second reading of a bill members may make wide-ranging contributions.

Numerous rulings including –

28/06/2001 PDp. 15690 Kelly (Deputy President)
04/03/2008 PDp. 5724 Primrose
11/05/2010 PDp. 22321 Griffin (Deputy President)
28/10/2010 PDp. 27100, 27101 Westwood (Deputy)
24/11/2010 PDp. 28085 Fazio
25/08/2011 PDp. 4638 Harwin
This chamber has always allowed wide latitude to members making speeches on the second reading of bills but comments should generally be within the leave of the long title of the bill.

**Numerous rulings including—**

<table>
<thead>
<tr>
<th>Date</th>
<th>Reference</th>
<th>Speaker (Deputy President)</th>
</tr>
</thead>
<tbody>
<tr>
<td>23/10/2002</td>
<td>PD 5728</td>
<td>Kelly</td>
</tr>
<tr>
<td>01/12/2009</td>
<td>PDP 20179</td>
<td>Fazio</td>
</tr>
<tr>
<td>11/05/2010</td>
<td>PDP 22321</td>
<td>Griffin</td>
</tr>
<tr>
<td>24/11/2010</td>
<td>PDP 28085</td>
<td>Fazio</td>
</tr>
<tr>
<td>02/06/2011</td>
<td>PDP 1911, 1956</td>
<td>Gardiner (Deputy President)</td>
</tr>
<tr>
<td>13/10/2011</td>
<td>PDP 6130</td>
<td>Harwin</td>
</tr>
</tbody>
</table>

Although members are granted a great degree of latitude in their comments during the second reading stage, the majority of their speeches should address the bill being debated.

<table>
<thead>
<tr>
<th>Date</th>
<th>Reference</th>
<th>Speaker (Deputy President)</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/9/2001</td>
<td>PDP 16547</td>
<td>Kelly</td>
</tr>
<tr>
<td>16/06/2011</td>
<td>PDP 2447</td>
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</tr>
<tr>
<td>10/08/2011</td>
<td>PDP 4063</td>
<td>Gardiner (Deputy President)</td>
</tr>
<tr>
<td>25/08/2011</td>
<td>PDP 4638</td>
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</tr>
<tr>
<td>13/10/2011</td>
<td>PDP 6130</td>
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<tr>
<td>10/11/2011</td>
<td>PDP 7267</td>
<td>Harwin</td>
</tr>
</tbody>
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It is a tradition in this House for the contributions of members to debate on bills and motions to be wide-ranging. I will not make a ruling the effect of which would prescribe discussion in this House in a way that would make it impossible for members to refer to alternatives to those proposed by a bill or motion.

<table>
<thead>
<tr>
<th>Date</th>
<th>Reference</th>
<th>Speaker (Deputy President)</th>
</tr>
</thead>
<tbody>
<tr>
<td>31/10/2002</td>
<td>PDP 6311</td>
<td>Burgmann</td>
</tr>
</tbody>
</table>

During the second reading of a bill, members may not speak in detail to amendments which will be moved in Committee.

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<thead>
<tr>
<th>Date</th>
<th>Reference</th>
<th>Speaker (Deputy President)</th>
</tr>
</thead>
<tbody>
<tr>
<td>25/06/2003</td>
<td>PDP 2072</td>
<td>Fazio</td>
</tr>
</tbody>
</table>

It is a convention in this House that members may speak to a bill in more general terms than when Ministers respond to questions in question time.

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<th>Date</th>
<th>Reference</th>
<th>Speaker (Deputy President)</th>
</tr>
</thead>
<tbody>
<tr>
<td>03/07/2003</td>
<td>PDP 2802</td>
<td>Burgmann</td>
</tr>
<tr>
<td>15/11/2005</td>
<td>PDP 19626</td>
<td>Burgmann</td>
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</table>

A member speaking on behalf of the Opposition in debate on the second reading of a bill may do so in fairly broad terms provided their contribution is relevant to the bill.

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<th>Date</th>
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<th>Speaker (Deputy President)</th>
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<tbody>
<tr>
<td>22/03/2005</td>
<td>PDP 14676</td>
<td>Fazio</td>
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</table>

No debate on the subject matter of the bill should take place during debate on a motion for the order of the day for the second reading to be set down at a later hour.

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<th>Date</th>
<th>Reference</th>
<th>Speaker (Deputy President)</th>
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<tbody>
<tr>
<td>30/11/2005</td>
<td>PDP 20241</td>
<td>Burgmann</td>
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</tbody>
</table>
Former Presidents have ruled that it is in order for members to explore various alternatives to the leave of the bill being debated. However, it is not in order for members to make broad-ranging comments that are outside that leave.

05/03/2008   PDp. 5852    Primrose

Contributions that are within the leave of the long title of the bill and its explanatory notes are in order.

25/06/2008   PDp. 9206    Primrose

With regard to debate on bills, the contributions of members must be more than generally relevant; they must be relevant. A determinant of what is relevant is the long title of the bill. Some degree of latitude is given to permit wide-ranging debate on bills, but only if the contributions of members remain relevant to the long title of the bill.

02/12/2008   PDp. 12187   Primrose

Members should confine their comments to matters covered by the bill before the House. Members should not speak to other bills that are on the Notice Paper.

27/10/2009   PDp. 18682   Fazio (Deputy President)

Although, by tradition, debates in this House may be wide-ranging, because the bill before the Chair has in its title the words “education”, “school” and “attendance” does not mean that members are free to range over anything to do with education, school and attendance.

27/10/2009   PDp. 18696   Primrose

The contributions of members should remain relevant to the subject matter of the bill. However, during a second reading debate members are extended a fair degree of latitude so long as there is a nexus between what they are saying and the long title of the bill.

31/05/2011   PDp. 1455    Harwin

Wide latitude is always extended in debate on the second reading of a bill. However, members' comments should be generally within the objects of the bill. Members should avoid personal observations of other cases that may be outside the context of the bill.

14/03/2012   PDp. 9511    Green (Deputy)

Members should confine their remarks to the leave of the bill and not to other matters which might have some relevance to the passage of the bill being debated.

30/05/2012   PDp. 12237   Gardiner (Deputy President)

Recommittal

As the House has not determined that the bill be read a third time there still remains an opportunity to move that the motion for the third reading be amended.

15/03/1978   PDp. 13007   McKay (Deputy President)
Third reading

The prime purpose of a third reading of a bill is to ensure a last opportunity to oppose the legislation. The debate upon the third reading of a bill should be confined to that question.

04/05/1989 PDP 7452 *Johnson*

The prime purpose of a third reading of a bill is to ensure a last opportunity to oppose the legislation. The House should not be treated to a second reading debate speech on the third reading.

04/05/1989 PDP 7451 *Willis (Deputy)*

Debate on the third reading of a bill should be confined to that question.

29/06/2001 PDP 15934 *Burgmann*

04/07/2001 PDP 16191 *Burgmann*

The primary purpose of the third reading of a bill is to give members a final opportunity to oppose it. Comments made should be confined to that question, and should not canvass amendments brought up at the committee stage.

04/07/2001 PDP 16258 *Nile (Deputy)*

A member contributing to the third reading debate on a bill must state clearly why the bill should or should not be passed and refrain from referring to any other issue.

29/10/2003 PDP 4304 *Griffin (Deputy)*

At the third reading stage of a bill a member has a last opportunity to state why the bill should not be read a third time. It is not an opportunity to give a speech where the member may have missed the call at the second reading stage.

18/11/2003 PDP 5108 *Forsythe (Deputy)*

Debate on the motion for the third reading is limited to stating reasons for supporting or opposing the bill.

14/06/2011 PDP 2172 *Harwin*

Urgent bills

According to sessional order, the question “that the bill be considered an urgent bill” is to be decided without debate, except for a statement not exceeding 10 minutes each by a Minister and the Leader of the Opposition, or a member nominated by the Leader of the Opposition, and a statement not exceeding five minutes each by two crossbench members. As the Leader of the Opposition has spoken, no other member of the Opposition can now speak.

24/11/2009 PDP 19666 *Griffin (Deputy President)*

A Minister cannot declare a bill to be an urgent bill unless sufficient copies are available in the House.

23/08/2011 PDP 4365 *Harwin*
BUSINESS OF THE HOUSE

Presence of a Minister

A Minister should be within the precincts of the chamber to conduct the business of the House.

20/9/1983 PDr. 854 Johnson

In the absence of a Minister or Parliamentary Secretary, according to precedent, the President must leave the Chair until the ringing of a long bell.

24/06/2009 PDr. 16728 Primrose
COMMITTEE OF THE WHOLE

Instructions to SO 179

An instruction to the Committee of the Whole authorising the introduction of amendments which are outside the subject matter of the bill should be cognate with the general purposes of the bill; it is for the House to decide whether an instruction should be carried and for the committee to decide whether it is prepared to accept any amendment.

30/11/1988 Pdp. 3917-8 Johnson
COMMITTEES

Any member is entitled to contribute to a motion to adopt a report on a citizen's right of reply.
26/6/2002    PDp. 3746    Burgmann

Members of a committee have no more right than any other member of the chamber to express a view on committee reports, and do not have precedence over other members in relation to receiving the call from the Chair.
23/10/2002    PDp. 5684    Pezzutti (Deputy)

Anticipation

Members may not canvass the findings of a committee of the Parliament that has not yet reported to the House.
26/11/1992    PDp. 10059    Gay (Deputy President)

May’s Parliamentary Practice clearly states that the reference of a matter to a select committee does not stop the House considering the same matter.
2/5/1996    PDp 708    Willis

It is in order to move a motion related to the constitution of a standing committee. However, members speaking to the motion may not canvass the substantive issues before the committee.
7/3/2001    PDp. 12282    Burgmann

It is not appropriate to debate committee proceedings and the substantive issues before a standing committee before the committee has reported. Issues which are on the public record and which have been stated outside the committee can be referred to.
7/3/2001    PDp. 12286    Burgmann

The actual deliberation of a committee cannot be canvassed in debate before the committee has reported to the House.
7/3/2001    PDp. 12301    Burgmann
3/4/2001    PDp. 12993    Johnson (Deputy)

Members may not, even when taking points of order, refer to events—even if they are conversations—concerning a committee reference which has not been reported to the House.
26/9/2002    PDp. 5487    Burgmann

Although members may refer to matters that are in the public arena, they may not comment on proceedings that are presently before a committee of this House prior to that committee reporting on those matters. Furthermore it is out of order for a member to read from a transcript of evidence before the committee has reported.
22/09/2004    PDp. 11229    Burgmann
Members may refer to the publicly available evidence before a committee, but may not draw conclusions prior to the committee reporting.

22/09/2004 PDp. 11248 Forsythe (Deputy)

Members may not discuss the direction in which a committee may or may not report. Nor may they refer to evidence taken before a committee that was not taken in public.

24/05/2005 PDp. 15910 Burgmann

The rule of anticipation does not apply to an item on the business paper outside the order of precedence. Nor does it apply to an item on the agenda for a committee meeting that has not yet taken place.

06/05/2004 PDp. 8566 Fazio (Deputy President)

Under the rule of anticipation a Minister must not debate a subject that is likely to be brought before the House in the foreseeable future. Given that the [committee] report is not going to be discussed in this Parliament in the foreseeable future, the Minister is not contravening the rule of anticipation.


Disclosure of evidence before committees SO 224

Evidence taken by a select committee which has not been reported to the House is privileged and should not be disclosed. However, information that came into the possession of a member prior to it being the property of the committee may be disclosed.

20/10/1988 PDp. 2677 Johnson

Where a select committee has authorised the publication of evidence, there is no reason why Members should not be allowed to refer to that evidence in debate.

20/10/1988 PDp. 2677 Johnson

Documents before a committee cannot be disclosed except by order of the committee.

7/3/2001 PDp. 12299 Pezzutti (Deputy)

Members should not refer to unpublished evidence adduced before a committee until the committee report is tabled.

7/3/2001 PDp. 12300 Pezzutti (Deputy)

Unless there is overwhelming evidence to the contrary, the Chair is obliged to accept the advice of the member that they are not reading on to the record in-camera evidence of a committee not reported to the House. However, members should exercise restraint where there is a likelihood that their speech could interfere with the workings of a committee appointed by this House.

8/05/2008 PDpp. 7187, 7209 Primrose
DEBATE - RULES OF

General

It is a convention of this House that members refrain from using acronyms.

25/05/2006 PDp. 375 Burgmann

Conduct of member speaking SO 85

Members should address the Chair and not engage in a protracted debate across the chamber.

16/9/1980 PDp. 930 Johnson

Members must address their remarks through the Chair.

Numerous rulings including –

30/05/2007 PDp. 430 Primrose
26/11/2009 PDp. 20010 Griffin (Deputy President)
17/03/2010 PDp. 21512 Fazio
15/06/2011 PDp. 2303 Harwin
23/02/2012 PDp. 8816 Maclaren-Jones (Deputy)
10/05/2012 PDp. 11473 Maclaren-Jones (Deputy)

Members must address their remarks through the Chair and not conduct interrogatories with other members.

Numerous rulings including –

27/11/1997 PDp. 2869 Willis
27/05/2003 PDp. 1144 Fazio (Deputy President)
02/06/2004 PDp. 9316 Fazio (Deputy President)
23/02/2005 PDp. 14041 Forsythe (Deputy)
01/12/2005 PDp. 20480 Fazio (Deputy President)
30/03/2006 PDp. 21792 Forsythe (Deputy)

Members speaking should not address remarks to persons in the gallery who have no right of reply. Members should address their remarks to the Chair.

31/3/1993 PDp. 1005 Willis
13/05/2004 PDp. 8965 Burgmann
03/12/2009 PDp. 20540 Fazio

Members should not converse across the table but should address the Chair when speaking.

14/09/1993 PDp. 3060 Willis
30/05/2007 PDp. 409 Primrose
10/09/2009 PDp. 17678 C. Robertson (Deputy)
11/11/2010 PDp. 27658 Fazio
Members with the call who are uncomfortable with other members addressing remarks at them directly rather than through the Chair should ignore the remarks and look at the Chair while making their speeches rather than at members sitting opposite them. I note, however, that some members with the call prefer to speak directly to those sitting opposite them in the chamber.

06/04/2005 PDp. 15046 Griffin (Deputy)

Members must not address members across the Chamber while the Chair is attempting to rule on a point of order.

28/10/2010 PDp. 27065 Fazio
11/11/2010 PDp. 27645 Fazio

Members should treat one another civilly and with respect even when they are addressing a point of view put by another member with which they do not agree.

10/11/2010 PDp. 27469 Griffin (Deputy President)

Members should show respect to the member with the call by listening to their contribution in silence.

11/11/2010 PDp. 27684 Griffin (Deputy President)

Members must not direct comments to one another across the floor of the House.

27/09/2006 PDp. 2313 Nile (Deputy)

A member must be on the floor of the Chamber to be entitled to make an objection.

21/11/2006 PDp. 4413 Donnelly (Deputy)

There is no standing order that prohibits sarcasm.

29/05/2007 PDp. 304 Primrose

Members are not required to physically look at the Chair while making a speech. However, they must address their comments to the Chair and not directly to another member. Members may make a general address to the Chamber provided that they do not engage in a private conversation or discussion with another member.

30/10/2008 PDp. 10900 Primrose

The prime privilege of members is to be heard. All members must respect the right of members to exercise that privilege. Members should temper their emotions and respect the rights of other members when the House is dealing with emotional issues.

12/11/2009 PDp. 19482 Primrose

Members must direct their comments through the Chair. However, that does not mean that the member must look at the Chair.

09/08/2011 PDp. 3907 Harwin
The rule that members must direct their remarks through the Chair was adopted for good reason, to depersonalise debate in the Chamber to ensure that members concentrate on playing the issue rather than the person.

24/08/2011 PDp. 4527 Harwin

**Debate on motion to discharge an order of the day**

As the standing orders do not prohibit debate on the motion to discharge an order of the day from the Notice Paper, and as this is a House of review, members should be able to debate such a motion.

02/09/2009 PDp. 17064 Primrose

**Debate on motion to suspend standing and sessional orders**

On a motion to suspend standing orders, members must confine their remarks to debating whether standing and sessional orders should be suspended, and not debate the substantive motion.

Numerous rulings including –

<table>
<thead>
<tr>
<th>Date</th>
<th>RDp.</th>
<th>Member</th>
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<tbody>
<tr>
<td>29/10/2003</td>
<td>4267</td>
<td>Burgmann</td>
</tr>
<tr>
<td>23/03/2005</td>
<td>14759</td>
<td>Burgmann</td>
</tr>
<tr>
<td>05/04/2006</td>
<td>22038</td>
<td>Burgmann</td>
</tr>
<tr>
<td>21/10/2009</td>
<td>18349</td>
<td>Primrose</td>
</tr>
<tr>
<td>22/06/2010</td>
<td>24400</td>
<td>Fazio</td>
</tr>
<tr>
<td>02/06/2011</td>
<td>3735</td>
<td>Harwin</td>
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</tbody>
</table>

Members must abide by the standing orders and confine their remarks to establishing urgency.

Numerous rulings including –

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<thead>
<tr>
<th>Date</th>
<th>RDp.</th>
<th>Member</th>
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</thead>
<tbody>
<tr>
<td>31/08/2006</td>
<td>1213</td>
<td>Burgmann</td>
</tr>
<tr>
<td>22/06/2010</td>
<td>24399, 401</td>
<td>Fazio</td>
</tr>
<tr>
<td>21/10/2010</td>
<td>26501/2, 33</td>
<td>Fazio</td>
</tr>
<tr>
<td>15/09/2011</td>
<td>5751</td>
<td>Harwin</td>
</tr>
<tr>
<td>15/02/2012</td>
<td>8157</td>
<td>Harwin</td>
</tr>
<tr>
<td>23/02/2012</td>
<td>8813</td>
<td>Maclaren-Jones (Deputy)</td>
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</table>

Unless an amendment relates to the timing of the motion to give urgency to a matter, it should not be referred to in the debate on urgency. Remarks must be confined to urgency.

31/08/2006 PDp. 1213 Burgmann

The case for urgency is not made by a member repeating the words, “This matter is urgent because” and then speaking on the substantive motion.

05/06/2007 PDp. 686/7 Primrose

When making a case for suspending standing and sessional orders, members should not address the substantive issues of the matter any more than is necessary to justify the suspension of standing and sessional orders.

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<th>Date</th>
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<th>Member</th>
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<tbody>
<tr>
<td>28/11/2007</td>
<td>4471</td>
<td>Primrose</td>
</tr>
<tr>
<td>13/05/2009</td>
<td>15087</td>
<td>Primrose</td>
</tr>
<tr>
<td>28/10/2009</td>
<td>18822</td>
<td>Primrose</td>
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Arguing the importance of the matter is not the same as arguing its urgency.

25/03/2009 PDp. 13691 Primrose

The ruling of President Willis on 15 September 1993 relating to the latitude of debate when establishing urgency of a matter of public interest is not relevant to the latitude of debate on the suspension of standing orders. (See 'Matter of Public Importance' for Willis ruling.)

25/03/2009 PDp. 13692 Primrose

The only comments that are in order are those that relate to why one item of business should proceed and other items should consequently be delayed. Members must confine their remarks to why their item is more urgent than other items on the Notice Paper.

Numerous rulings including –
24/06/2009 PDp. 16649 Primrose
11/03/2010 PDp. 21273 Fazio
24/06/2010 PDp. 24728 Griffin (Deputy President)

When speaking on the motion for the suspension of standing orders, members should speak only about the urgency of the matter, not about the motives of the member in moving the motion.

21/10/2010 PDp. 26533 Fazio
12/08/2011 PDp. 4320 Harwin

When speaking for the suspension of standing orders, members should address why an item of business is more important than any other item on the Notice Paper

18/10/2009 PDp. 18821 Primrose
12/11/2009 PDp. 19472 Primrose
13/05/2010 PDp. 22629 Fazio

Members should direct their remarks to the matter of urgency. However, in doing so, they are not precluded from speaking about parts of the motion.

23/06/2010 PDp. 24557 Fazio
01/09/2010 PDp. 24942 Fazio

When speaking on a motion to suspend standing orders, members' comments should be directed to establishing the priority of the matter.

15/09/2011 PDp. 5750 Harwin

Dilatory motions

Members must make it clear to the House when the motion they are moving is a dilatory motion. The motion of the member “That this debate be now adjourned” is out of order as the member did not make his intentions clear.

25/02/2010 PDp 20921 Fazio
Selected President’s Rulings: August 1975 to June 2012

Explanations of speeches

Under standing order 71 [now SO 89] members may rise to speak a second time in debate to make an explanation in reply to some material point on which they have been misquoted or misunderstood.

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<th>Date</th>
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<th>Speaker</th>
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<tr>
<td>24/11/2000</td>
<td>PDp. 10826</td>
<td>Burgmann</td>
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<tr>
<td>28/6/2001</td>
<td>PDp. 15633</td>
<td>Burgmann</td>
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Latitude of debate

It is permissible to complain that certain matters have not been dealt with in a bill but not to go to considerable length and build up a case to support that contention.

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<tr>
<th>Date</th>
<th>Reference</th>
<th>Speaker</th>
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<tr>
<td>10/03/1977</td>
<td>PDp. 5041</td>
<td>Budd</td>
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It is reasonable to give reasons why a select committee should not be revived, but not to the point of giving a full-length speech, covering all the pros and cons of the matter at issue.

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<th>Date</th>
<th>Reference</th>
<th>Speaker</th>
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<tr>
<td>18/08/1977</td>
<td>PDp. 7379</td>
<td>Budd</td>
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Latitude of debate - address in reply

Although the practice has been to permit the address in reply debate to be wide ranging, members remarks should be relevant to something in the Governor’s speech.

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<tr>
<th>Date</th>
<th>Reference</th>
<th>Speaker</th>
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<tbody>
<tr>
<td>20/9/1983</td>
<td>PDp. 852</td>
<td>Johnson</td>
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<tr>
<td>23/8/1989</td>
<td>PDp. 256</td>
<td>Solomons (Deputy President)</td>
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In the address in reply debate, members are entitled to great latitude in their contributions. Members should keep within the ambit of the Governor’s speech and draw on matters outside that ambit only to support their contributions.

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<tr>
<td>14/3/1991</td>
<td>PDp. 957</td>
<td>Johnson</td>
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Latitude of debate - budget debate

It is standard practice for members speaking to the budget debate to be allowed wide latitude.

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<th>Date</th>
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<th>Speaker</th>
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<tr>
<td>2/11/1983</td>
<td>PDp. 2214</td>
<td>Johnson</td>
</tr>
<tr>
<td>14/11/1989</td>
<td>PDp. 12194</td>
<td>Johnson</td>
</tr>
<tr>
<td>20/5/1997</td>
<td>PDp. 8802</td>
<td>Gay (Deputy President)</td>
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Traditionally, there has been a free ranging debate on the budget. The practice has been that when a member is speaking to the budget he will to some degree direct his remarks to the papers.

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<tr>
<td>21/10/1987</td>
<td>PDp. 14832</td>
<td>Healey (Deputy President)</td>
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Manner of delivery

It is against the philosophy of the chamber for members to make a speed-reading contribution and say as much as possible in the time available on the adjournment debate, merely to have it published in Hansard. When appropriate the Chair will interrupt those members and suggest that they slow down their delivery.

12/10/1993 PDp. 3590 Gay (Deputy President)

The purpose of members addressing the House is fundamentally to inform members of the House and not to have matters recorded in Hansard. It is therefore important that members deliver their speeches with appropriate volume, speed and clarity so that other members are readily able to understand.

16/11/1993 PDp. 5376 Willis

An adjournment debate enables members to put issues to the House, but not in a manner that other members cannot understand. Members are requested to speak slowly so that Hansard and other members can understand.

21/9/1994 PDp. 3435 Gay (Deputy President)
27/02/2008 PDp. 5510,11 Primrose

Debate must be conducted in the English language.

5/12/1994 PDp. 6379 Willis

Members should read at a speed that enables other members to understand what is being said.

1/4/1998 PDp. 3544 Gay (Deputy President)
01/07/2003 PDp. 2434 Fazio (Deputy President)

Members should address their comments to the Chair, use the microphone when given the call and not mumble.

06/09/2006 PDp. 1456 Fazio (Acting President)

Members should speak loudly enough for Hansard to hear them.

02/06/2011 PDp. 1935 Nile (Assistant President)

Quotations / Reading extracts SO 91

It is not in order to quote from a Hansard report of speeches made in another place in this session. According to Erkine May’s Parliamentary Practice (p 414 18th ed.) this rule prevents fruitless arguments between members of two distinct bodies who are unable to reply to each other, and guards against recrimination and offensive language in the absence of the party assailed: but it is mainly founded upon the understanding that the debates of the other House are not known, and that the House can take no notice of them. If members were to read whole speeches made by members in another place it could not fail to have a stultifying effect on the status and character of the House as a
It is in order to refer to what a member said in debate on a previous occasion.

Members may refer to debates of the previous Session.

Members should supply the official name from a document from which they are quoting.

Members are not required to give the authorship and page number of a book from which they are quoting.

Nothing in the standing orders says members must quote everything in the document from which they are quoting.

While reasonable quotation is perfectly proper in order to emphasise a member’s argument, Members should generally curtail quotations as far as possible. Members should also clearly state when they are quoting and when they are not.

The House is more interested in the arguments of members than in those of other people. Where documents are a part of the public record, it is suggested that members would best serve the purpose of the House by giving a synopsis of these documents, rather than delivering lengthy quotations.

It is a waste of Parliamentary funds that members should quote extensively from material which is readily available in the Parliamentary Library.

There is no point of order involved in failing to reveal the nature of a document from which a member seeks to quote.

Members should not attempt to read onto the record comprehensive lists, but instead give a precis of a number of examples.
For the purpose of Hansard, members should source the document from which they are quoting and identify the beginning and end of quotations.

24/3/1992 PDp. 1715 Willis
25/3/1992 PDp. 1821 Willis
22/9/1992 PDp. 6103 Willis

If a document is a public document and is readily accessible it should be referred to and simply paraphrased or certain sections of it quoted which are pertinent to the debate. Alternatively, a member may seek leave to have it incorporated in Hansard. That question is then determined on another basis. Protracted reading from a document is not appropriate.

17/11/1993 PDp. 5506 Willis

Quotes from an extract should be relevant to the subject matter of the Bill. Members should quote extracts and not read the entire contents.

17/11/1993 PDp. 5539 Willis

It is the practice and precedent of this House that members when quoting from a document should identify the document, precis its contents and quote selectively and briefly.

18/6/1996 PDp. 3013 Willis

Reading from a document that is readily available is contrary to the Standing Orders.

18/6/1996 PDp. 2990 Johnson (Deputy)

It is proper for members to read onto the record letters or quotations. If they are lengthy and it takes a member more than 30 seconds to read, members should simply refer to the source and essence of the documents, and then seek leave to incorporate them in Hansard.

28/5/1997 PDp. 9356 Willis

Members may cite newspapers in support of their argument.

22/11/1977 PDpp. 9945 Budd
23/11/1977 PDpp. 10099 Budd
30/6/1999 PDp. 41 Burgmann

It is difficult to fully comprehend the minutes of a meeting of a committee on which many members of this chamber do not serve. If the member wishes to refer to a document that she states has been made public through the committee process, it is a matter for the honourable member to vouch whether that is correct. If the honourable member wishes to use that document on the basis that it has been made public, that is a matter for the honourable member.

09/12/2004 PDp. 13687 Griffin (Deputy President)

Members should quote selectively from documents and not read large extracts.

15/11/2005 PDp. 19628 Fazio (Deputy President)
While standing order 91(4) provides that a member may read reasonable extracts from books, newspapers, publications or documents, members should not read lengthy extracts.

Members should not attempt to read onto the record comprehensive lists but instead should give a précis of a number of examples. The member should make a statement about the comments of views of the individuals or organizations she is referring to, and the number of individuals or organizations, rather than simply listing them.

It is the practice and precedent of the House that when quoting from a document members should identify the document, précis its contents and quote selectively and briefly from that document.

If a document is a public document and readily available it should be referred to and paraphrased, or certain sections of it quoted which are pertinent to the debate.

It is not out of order for members to quote from Hansard of the other place. Reasonable quotations are permissible, however members should identify the document, précis its contents and quote selectively and briefly.

Members may make limited reference to extracts of books to emphasise their argument.

Standing order 91 states that a member may read reasonable extracts from books, newspapers, publications or documents. Be they boring repetition or not, members are entitled to read from such material.

Members are permitted to read from newspapers during their contributions to the House, however members are not permitted to use newspapers as props.

Reading speeches

Although the reading of speeches is contrary to the practice of the House, nothing in the standing orders prevents a member from quoting from copious notes.
The rules of the House quite clearly provide that a member is not entitled to read a speech but a member is entitled to quote from a document, book, article, provided that document is noted and that quotes are acknowledged.

Members should not read their speeches and should not read lengthy extracts from books. However members may refer to copious notes.

Reference to the Assembly

Members cannot discuss what was done in another place, nor can they question why something was done and cast reflection upon it.

The House takes no carriage of what happens in the other place.

Reference to the Clerks

It is not in order for members to refer to advice tendered by the Clerks.

A member who uses written advice from the Clerk in a speech in the chamber is making that advice the member’s own statement; it is not to be taken as a statement of the Clerk on the bill.

Members should refrain from referring to advice given to them by the Clerk, as such advice is given in confidence.

Repetition

Standing order 85 [now 94] is directed to tedious repetition in debate and does not relate to questions asked in the House of Ministers of the Crown.

A member is not entitled to present a speech which is identical to one delivered earlier by another member.
The Chair is reluctant to declare the contribution of any member boring, tedious or repetitious unless it is absolutely necessary to do so. However, members must ensure that their remarks do not simply reiterate the same points.

Members should make debating points and not simply reiterate comments made earlier in their speech.

Once a Minister is called on to reply, he cannot then yield to give the opportunity to another member to address the House.

There is no right of reply on a procedural motion (for Assembly’s Message to be considered in Committee of the Whole forthwith), but a member may speak to the amendment.

When speaking in reply members should relate their remarks as far as possible to the debate that has already taken place.

It is highly improper for a member to introduce new matter in reply.

When speaking in reply, a member is entitled to reply to assertions that have been made by other members during debate.

In reply, a member may speak on any matter relevant to the question before the Chair, whether or not the member or any other member previously referred to that matter.
When speaking in reply, the Minister is in order in responding to comments made during the debate.

24/06/2003 PDp. 1873 **Burke (Deputy)**

It is highly irregular for the mover of a motion to seek leave to amend a motion when speaking in reply. Such an amendment is inadmissible.

17/11/2005 PDp. 19934 **Fazio (Deputy President)**

As the contributions of members to second reading debates may be wide ranging, equally any reply to those contributions may also be wide ranging.

24/06/2009 PDp. 16691 **Primrose**

Traditionally, wide-ranging debate is encouraged in this place thus enabling members to speak as broadly as possible. However, members speaking in reply should endeavour to speak only to matters that have been raised in the debate by other members. President Johnson ruled that when speaking in reply a member is entitled to reply to assertions that have been made by other members during debate. He ruled also that when speaking in reply, members should relate their remarks as far as possible to the debate that has already taken place. Members should not introduce new material when speaking in reply but may reply to assertions made by members in their contributions, whether implied or specific.

10/09/2009 PDp. 17686 **Primrose**

**Seeking the call**

Members wishing to contribute to the debate must rise to their feet and address the Chair.

1979 PDp. 2875/6 **Johnson**

When seeking the call, members should rise to their feet and address the Chair. Only when a member receives the call should they proceed to address the Chair and the House generally.

Numerous rulings including –

<table>
<thead>
<tr>
<th>Date</th>
<th>Reference</th>
<th>Speaker</th>
</tr>
</thead>
<tbody>
<tr>
<td>21/09/1982</td>
<td>PDp. 902</td>
<td>Johnson</td>
</tr>
<tr>
<td>22/11/1983</td>
<td>PDp. 3042</td>
<td>Johnson</td>
</tr>
<tr>
<td>31/5/1988</td>
<td>PDp. 743</td>
<td>Johnson</td>
</tr>
<tr>
<td>24/5/1989</td>
<td>PDp. 8393</td>
<td>Johnson</td>
</tr>
<tr>
<td>24/06/2003</td>
<td>PDp. 1904</td>
<td>Forsythe (Deputy)</td>
</tr>
</tbody>
</table>

To avoid inconvenience, members who wish to address the Chair should rise and call “Mr President”, “Mr Deputy President”, or “Mr Chairman of Committees”, as is appropriate. The onus is upon the member who wants to speak to attract the attention of the Chair.

1/12/1981 PDp. 1102 **Johnson**

If members wish to join the debate, they should seek the call and contribute from the table and not from their seats.

20/3/2002 PDp. 760 **Saffin (Deputy)**
Standing orders state clearly that members must rise and seek the call.

Numerous rulings including –

18/9/2003 PDp. 3544 Burgmann
09/05/2006 PDp. 22693 Burgmann
25/05/2006 PDp. 372 Burgmann
21/06/2007 PDp. 1459 Primrose

When members seek the call they should stand in their place and call out something akin to the words “Mr President”. A member will then be given the call and can either speak from where he or she is standing or, preferably, come forward and address the House from the table.

06/06/2007 PDp. 801 Primrose
10/04/2008 PDp. 6797 Primrose
24/06/2009 PDp. 16615 Primrose

Members should seek the call by rising in their place and asking for it rather than standing and remaining silent.

04/05/2011 PDp. 72 Harwin

Members should seek the call by saying "Mr President". The President may then infer that they are seeking the call and not just stretching their legs.

30/05/2011 PDp. 1353 Harwin

Speaking from the table

It is not incumbent upon a member to speak from the table. Members may speak from any position in the chamber they desire.

24/5/1989 PDp. 8397 Johnson

Speaking more than once

Members may not speak a second time in debate on the same motion.

20/09/1977 PDp. 7993 Budd

No member may speak more than once to a question before the House.

29/10/1986 PDp. 5611 Johnson

A member who has already spoken in debate may not speak again except by leave.

20/11/1997 PDp. 2183 Willis
25/11/1997 PDp 2367 Willis

A member may speak a second time if the remarks are strictly confined to matters upon which the member feels they have been misunderstood. The member may not introduce new matter.

02/06/2011 PDp. 1735-36 Harwin
**Speaking to an amendment**

Pursuant to the standing orders of the House, a member may not speak twice on a matter before the House. However, where new material has been introduced by way of amendment, members who have already spoken may speak again to that matter, provided they limit their speeches to the material introduced after they have first spoken.

17/11/1988 PDp. 3599 *Solomons (Deputy President)*

Members who have already spoken to a motion do not require leave to speak a second time in debate in order to speak to an amendment to the motion, but must confine their remarks to the content of the amendment.

10/05/2012 PDp. 11468 *Maclaren-Jones (Deputy)*

When a member moves an amendment to a motion, members who have previously spoken in the debate are able to speak again to the amendment only. However, members who have not yet contributed to the debate will not be able to speak twice – they must address the amendment in their contributions.

31/05/2012 PDp. 12375 *Harwin*

When speaking a second time to an amendment, members must ensure that they speak only to amendments moved after their contribution to the substantive motion.

31/05/2012 PDp. 12385 *Harwin*
DIVISIONS

Where only one voice calls for the noes, no division is required.

17/10/1990 PDp. 8583 Johnson

A member outside the Chamber cannot participate in a vote. The only voice calling for a division was that of a member who was not in the Chamber, and is therefore not in order.

23/11/2010 PDp. 27844 Fazio

Ringing of bells

The usual arrangement is that if the two Whips of the major parties have indicated that the total complement of their members is present, the Chair calls for the doors to be locked. This practice does not take account of the presence in the House of Independents and minor party members. If those members are not present in the House, and the Chair has had no indication that they will not attend, it is incumbent upon the Chair to have the bells rung for the full period of time allocated under the sessional order.

9/4/1984 PDp. 5431 Johnson

Ringing of bells for one minute only SO 114(4)

There is no provision in the standing orders to withdraw leave given under SO 114(4) for bells to be rung for one minute only.

28/11/2007 PDp. 4524 Fazio (Deputy President)

Voting in division SO 113

A member may speak against a motion and then vote for the motion. Standing Order 125 [now SO 113] only prevents a member voicing with the ayes or noes and then voting the reverse in division.

2/3/1989 PDp. 5568 Johnson

Members must vote in division in accordance with their vote by voice. However, members who have called for a division do not have to remain in the Chamber to vote in the division.

02/03/2006 PDp. 20944 Burgmann
FORMAL BUSINESS

When objection is taken to a motion proceeding as formal business under standing order 57 [now SO 44], the matter may not proceed at that time.


An item of business to which objection was taken to the matter proceeding as a formal motion is not, for the purposes of Standing Order 65 (3)(a), a matter that has been debated “within the current session”.

08/05/2008  PDp. 7206  Primrose
HANSARD

Alterations to

Although the elimination of obvious errors and inaccuracies from the Hansard report of their speeches is permissible, members should not make corrections so as to alter the sense or meaning of what was in fact said in debate, nor may they introduce new matter.

28/2/1990 PDp. 343/4 Johnson

Incorporation of material

In past years various types of material have been included in Hansard by leave of the House. In addition to the incorporation of statistical data and extracts from published works, there have been occasions when a map, a graph or photographs have been reproduced in the bound volumes of Debates. The incorporation of material in Hansard is a matter that must concern all members. It is a practice that has direct bearing on the flow and quality of debate in the chamber, and the House should always be alert to see that the courtesy extended to members in this regard is not abused.

15/8/1979 PDp. 150/1 Johnson
24/8/1983 PDp. 403 Healy (Deputy President)

It is not within the province of the Chair to determine what shall or shall not be incorporated in Hansard; it is within the province of the House to grant leave for the incorporation of material. Provided that there are no technical problems that would prevent the Government Printer including the material in Hansard, it is quite in order for a member to seek the permission of the House to incorporate it.

22/8/1979 PDp. 444 Johnson

Members wishing to have documents incorporated in Hansard should make copies available prior to seeking leave to incorporate, so that the likelihood of leave being granted is increased.

19/9/1979 PDp. 956 Johnson

A member may not give reasons when objecting to the incorporation of material in Hansard.

27/11/1979 PDp. 3869 Johnson

It is within the prerogative of a member to read an entire document if leave has been denied for its incorporation in Hansard.

16/9/1980 PDp. 939 Johnson

The resources of the State should not be used to reprint a document which is readily available to members.

18/2/1982 PDp. 2157 Johnson
7/04/1982 PDp. 3581 Johnson
24/08/1982 PDp. 342 Healey (Deputy President)
23/11/1982 PDp. 2704 Johnson
Incorporation of material in Hansard is generally undesirable unless it serves to assist the understanding of material that is used in debate such as graphs and tables that are difficult to comprehend unless they are in visual form. Hansard should be kept as near as possible to a true record.

If documents are available in the parliamentary library or from other sources, it is preferable for the source to be identified in the member’s rather than have the document incorporated. However, it is a matter for the House to decide.

It is not appropriate for members to incorporate documents in Hansard if they are publicly available.
INTERJECTIONS

Members are entitled to be heard in silence.

Numerous rulings including –
05/11/1975  PDpp. 2258  Manyweathers (Acting President)
03/04/1979  PDp. 3476  Johnson
29/10/1980  PDp. 2271  Johnson

Members should refrain from excessive interjecting.

Numerous rulings including –
17/03/1976  PDp. 4345  Budd
31/03/1977  PDp. 6144  Budd
11/01/1978  PDp. 11048  Budd
09/03/1978  PDp. 12753  McKay (Deputy President)

Members who wish to contribute to debate should, instead of interjecting, consult the Whip and have their name added to the list of speakers.

19/09/1979  PDp. 951  Johnson

It is not in the interest of members to interject; neither is it in the interest of the member speaking to encourage such interjection.

30/10/1979  PDp. 2373  Johnson

Interjections are disorderly at all times.

Numerous rulings including—
18/6/1996  PDp. 3014  Willis
19/6/1997  PDp. 10356  Sham-Ho (Deputy)
25/11/2009  PDp. 19813, 19819  Fazio

Members should be aware of the high standards that have been set over many years in the House. Those standards will be lowered if members continue to conduct themselves in a disorderly fashion. Members are to contain themselves while another member has the call.

26/8/1981  PDp. 566  Johnson

Members may not enter into the debate from outside the chamber.


Under standing order 93 [now SO 84] no interjections are permitted. However, the Chair may exercise discretion and allow interjection provided it does not interfere with the contribution of the member with the call.

29/4/1993  PDp. 1789  Gay (Deputy President)
It is contrary to the standing orders for members to interject whilst a member has the call. The Chair accepted that this tends to be honoured more in the breach than in its observance. However, when such activity reaches a height at which no-one, particularly members of Hansard, can hear the proceedings and the House dissolves into a disorderly rabble, the Chair is forced to take some action. Members on both sides of the House should give consideration to the proper dignity and operation of the chamber.

23/11/1994  PDp. 5628  Willis

Personal explanations are serious matters and are generally heard in silence. Members should honour tradition and listen to the member in silence.

23/10/1996  PDp. 5205  Willis

The Chair will not tolerate interruptions to personal explanations. It is gross discourtesy to interrupt a member on a matter of considerable seriousness.

30/10/1996  PDp. 5513  Willis

If members want to contribute to the debate, they should seek the call at the appropriate time rather than interject on the member who has the call.

15/11/2007  PDp. 4233  Fazio (Deputy President)
26/10/2010  PDp. 26741  Fazio

Members should be careful when interjecting as their comments may be misinterpreted.

23/11/2010  PDp. 27829  Fazio

Members should allow Ministers to answer their questions without interruption.

05/12/2007  PDp. 5067  Primrose
02/04/2009  PDp. 14320  Primrose

Although strictly disorderly, interjections are tolerated if they facilitate debate and meaningful discussion across the chamber. Interjections will not be tolerated if disruptive, such that members are unable to hear the responses of Ministers to questions asked of them.

23/10/2008  PDp. 10459  Primrose

As noted in Odgers’ Australian Senate Practice, interjections are contrary to the standing orders and are disorderly at all times. By tradition, the Chair tolerates interjections that are not disruptive, particularly if they facilitate the exchange of views and arguments in debate. However, the Chair will not tolerate disruptive interjections.

28/06/2007  PDp. 2072  Primrose
25/10/2007  PDp. 3363  Primrose

Members will not be prevented from interjecting when it is part of the flow of debate, only when it interferes with debate.

02/04/2009  PDp. 14326  Primrose
A practice has developed in this House of members acknowledging interjections, which are disorderly at all times. In accordance with tradition the Chair tolerates interjections that facilitate debate and argument. However, the fundamental privilege of the member with the call to speak freely and be heard is breached when other members continually interject. The Chair will not interfere so long as the interjections facilitate debate and do not cause disruption and infringe on a member’s fundamental privilege to be heard.

24/06/2009 PDp. 16631 Primrose

Members should allow the free flow of debate in this Chamber. The prime privilege of members in this place is the ability to be heard. Members should not interject solely for the purpose of preventing another member from expressing a point of view.

24/09/2009 PDp. 18093 Primrose

The level of interjection should not be such that Ministers answering questions have to shout to be heard.

24/11/2009 PDp. 19648 Primrose

Question time is for the asking of questions and the giving of answers. Members must not interject. There are other forms of the House, such as the adjournment debate, available to members in which they may reply to comments they do not like.

11/08/2011 PDp. 4205 Harwin

The sledging of members during question time, whether it was intended that the sledging be heard or not, is unparliamentary and unhelpful. Members should resist the temptation to engage in that sought of behavior.

23/11/2011 PDp. 7630 Harwin

Although interjections are disorderly they can be offensive and the subject of points of order.

30/05/2012 PDp. 1297 Harwin

Acknowledgement of

Members are not to reply to any interjections.

18/10/1991 PDp. 2636 Evans (Deputy)

It is not disorderly for a Minister to answer an interjection.

23/06/2004 PDp. 9890 Burgmann

Interjections are disorderly, whether acknowledged or not.

19/06/2007 PDp. 1180 Primrose
Members should ignore interjections.

Numerous rulings including—

12/05/2010    PDp. 22510    Fazio
24/11/2010    PDp. 28060    Griffin (Deputy President)

Members giving notices of motions must not respond to interjections.

01/12/2010    PDp. 28626    Fazio
MATTERS OF PUBLIC INTEREST

When moving for the discussion of a matter of public interest, members are required to establish a degree of urgency sufficient for the House to agree to the motion. Often in matters of this nature it is necessary to give some indication of the substance of the debate to follow in order to establish the degree of urgency necessary. In putting their case members should make statements that bear on the question of urgency rather than on the substantive issue.

15/09/1993 PDp. 3123 Willis
MEMBERS

Activities outside the House

Members must not use the address of the parliamentary institution for the registration of companies with the Corporate Affairs Commission or the Stock Exchange. It is also highly undesirable for members to use Parliament House as their address for the registration of motor vehicles or for their driver’s licences.

20/10/1988  PDp. 2704  Johnson

Political slogans should not be posted within the precincts of the Parliament.


Assurances of Members

The House must accept the word of a member that a matter is in the public domain.

6/6/2001  PDp. 14404  Burgmann

Conduct

General

Members are to sit upon the seats of the chamber and not upon the steps.

05/03/1980  PDp. 5076  Johnson

Members may not converse with people in the public gallery.

Numerous rulings including –

18/5/1993  PDp. 2155  Gay (Deputy President)
12/9/1996  PDp. 4071  Willis
24/10/2007  PDp. 3177  C. Robertson (Deputy President)
28/08/2008  PDp. 9655  Primrose
27/10/2010  PDp. 26888  Fazio

Members may not contribute to debate when they are in the gallery area of the chamber.

15/12/1995  PDp. 5078  Gay (Acting President)

Members of Parliament occupy a very special and privileged position in our society, and nowhere more so than within the precincts of the Parliament. Parliament is not a school: there are no prefects; there are no schoolmasters; and the good and orderly conduct of the Parliament depends on the common sense, courtesy and observation of propriety by members. If that were not the case it would be open to any member to do things which may be found to be excessive by his or her colleagues. This line of propriety is very fine and completely ill defined. It relies entirely upon the good sense and courtesy of members.

It is not conducive to the proper conduct of the Parliament and the administrative aspects of it that
animals be brought into the parliamentary precincts, whether such animals be feral, domestic, endangered or of any other kind, notwithstanding the strong feelings that individual members may have in relation to those particular causes that are dear to their hearts. If the espousing of those causes were to be let run rampant, other than through the normal processes of the proceedings of the Parliament, this place would become chaotic.

14/10/1992 PDr. 6793 Willis

It is unparliamentary to use props in Parliament.

Numerous rulings including—
21/09/2005 PDr. 18012 Burgmann
13/11/2007 PDr. 3892 Primrose
25/02/2010 PDr. 20908 Fazio
02/12/2010 PDr. 28817 Fazio
17/06/2011 PDr. 2658 Harwin
16/02/2012 PDr. 8396, 8399 Harwin

Members are not permitted to use newspapers as props.
08/05/2012 PDr. 11183 Harwin
31/05/2012 PDr. 12405 Harwin

Members may not chew gum in the chamber.
11/5/1994 PDr. 2227 Evans (Deputy)

It is in order for a member to refer to a newspaper article during debate, but it is not appropriate to display the article.
23/09/2010 PDr. 25952 Fazio

Members yelling out in chorus the word “boring” is not acceptable behaviour in a parliamentary chamber.
20/5/1997 PDr. 8810 Gay (Deputy President)

There is no standing order that requires members to tell the truth.
20/3/2002 PDr. 735 Burgmann

Members must show due respect for the Chair, and be silent when the Chair is speaking. It is not the role of a member to tell other members to sit down. When taking a point of order, the member must wait until they are given the call before speaking.
03/07/2003 PDr. 2819 Fazio (Deputy President)

Question time is not for intimate conversation across the chamber.
16/10/1996 PDr. 4832 Willis

Members should remain seated while the member with the call is speaking.
05/06/2007 PDr. 685 Primrose
## Reading newspapers

Members should read newspapers in the reading room rather than in the House.

<table>
<thead>
<tr>
<th>Date</th>
<th>Reference</th>
<th>Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>15/9/1994</td>
<td>PDp. 3014</td>
<td>Willis</td>
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</tbody>
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The reading of newspapers is not covered by the standing orders; it is a precedent of the House that members are not permitted to read newspapers or magazines when debate is in progress.

<table>
<thead>
<tr>
<th>Date</th>
<th>Reference</th>
<th>Member (Deputy)</th>
</tr>
</thead>
<tbody>
<tr>
<td>22/11/1995</td>
<td>PDp. 3693</td>
<td>Kirkby</td>
</tr>
</tbody>
</table>

Reading a newspaper in the chamber is not acceptable and is disorderly.

<table>
<thead>
<tr>
<th>Date</th>
<th>Reference</th>
<th>Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/6/1995</td>
<td>PDp. 899</td>
<td>Willis</td>
</tr>
<tr>
<td>17/6/1997</td>
<td>PDp. 10351</td>
<td>Sham-Ho (Deputy)</td>
</tr>
<tr>
<td>26/6/1997</td>
<td>PDp. 11197</td>
<td>Goldsmith (Deputy)</td>
</tr>
<tr>
<td>21/5/1998</td>
<td>PDp. 4990</td>
<td>Chadwick</td>
</tr>
<tr>
<td>17/6/1998</td>
<td>PDp. 5912</td>
<td>Gay (Deputy President)</td>
</tr>
<tr>
<td>07/06/2006</td>
<td>PDp. 683</td>
<td>Burgmann</td>
</tr>
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</table>

Members must not read either newspapers or magazines in the House. The reading by members of other material, including comic books, is also not permitted. However, there is no prohibition in either the standing orders or previous rulings on the reading of books by members.

<table>
<thead>
<tr>
<th>Date</th>
<th>Reference</th>
<th>Member (Deputy)</th>
</tr>
</thead>
<tbody>
<tr>
<td>20/10/2004</td>
<td>PDp. 11650</td>
<td>Fazio</td>
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</tbody>
</table>

The reading of newspapers in the Chamber is out of order. However, the reading of photocopies of documents that are the subject of debate is not disorderly.

<table>
<thead>
<tr>
<th>Date</th>
<th>Reference</th>
<th>Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>31/08/2006</td>
<td>PDp. 1221</td>
<td>Burgmann</td>
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</tbody>
</table>

## Betting in the Chamber

The chamber is not a gambling casino. Bets between members are out of order.

<table>
<thead>
<tr>
<th>Date</th>
<th>Reference</th>
<th>Member</th>
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</thead>
<tbody>
<tr>
<td>7/11/1979</td>
<td>PDp. 2605</td>
<td>Johnson</td>
</tr>
</tbody>
</table>
The chamber is not a gambling casino, nor is it a place for settling gambling debts. It is contrary to law to wager on an election result. Members should know better than to suggest otherwise.


Placing bets in the Chamber is against the standing orders.

03/12/2009 PDp. 20536 Fazio

Conduct - members called to order

SO 192

Members who have been called to order remain on those calls to order until the conclusion of the sitting day, even if the sitting day continues for more than one calendar day.

02/06/2011 PDp. 1966 Harwin

Conduct - noise or interruption in chamber

SO 84

If members wish to converse they should do so outside the chamber.

Numerous rulings including—

25/03/2009 PDp. 13659,66 Primrose
22/09/2010 PDp. 25818 Fazio
10/11/2010 PDp. 27436 Westwood (Deputy)
02/06/2011 PDp. 1832, 88 Harwin
08/03/2012 PDp. 9223 Gardiner (Deputy President)
14/06/2012 PDp. 12797 Harwin

Too much audible conversation in the chamber is disorderly.

Numerous rulings including—

2/12/1975 PDp. 3386 McKay (Deputy President)
23/03/1977 PDp. 5492 Budd
8/11/1979 PDp.2761 Johnson
14/11/2006 PDp. 3749 C. Robertson (Deputy)
31/05/2011 PDp. 1470 Harwin
02/06/2011 PDp. 1742, 1855 Harwin

Audible private conversations make it difficult for the Chair and members to hear contributions to debate. Members wishing to engage in private conversations should retire to the members' lounge. Such behaviour is disrespectful not only to the member with the call but to the Chamber as a whole.

24/09/2009 PDp. 18114 Fazio (Deputy President)

When conversation must be conducted in the chamber it should not be done across the table but behind the President’s Chair.

1/12/1983 PDp. 4116 Johnson
Members should be heard in silence.

**Numerous rulings including—**

<table>
<thead>
<tr>
<th>Date</th>
<th>Ruling</th>
<th>Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>30/05/2007</td>
<td>PDp. 413</td>
<td>Primrose</td>
</tr>
<tr>
<td>25/11/2009</td>
<td>PDp. 19832</td>
<td>Griffin (Deputy President)</td>
</tr>
<tr>
<td>02/09/2010</td>
<td>PDp. 25098,116</td>
<td>Fazio</td>
</tr>
<tr>
<td>16/06/2011</td>
<td>PDp. 2449-50</td>
<td>Harwin</td>
</tr>
<tr>
<td>12/08/2011</td>
<td>PDp. 4340</td>
<td>Gardiner (Deputy President)</td>
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<tr>
<td>06/03/2012</td>
<td>PDp. 8924</td>
<td>Maclaren-Jones (Deputy)</td>
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The attention of members listening to debate should not be distracted by constant interruption from other members in the President’s gallery.

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<thead>
<tr>
<th>Date</th>
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<tbody>
<tr>
<td>29/11/2007</td>
<td>PDp. 4646</td>
<td>Primrose</td>
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<tr>
<td>04/12/2007</td>
<td>PDp. 4827</td>
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The member with the call should speak through the Chair and all other members should listen to the contribution without interruption.

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<tbody>
<tr>
<td>26/11/2008</td>
<td>PDp. 11773</td>
<td>Primrose</td>
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<tr>
<td>22/10/2009</td>
<td>PDp. 18527</td>
<td>Primrose</td>
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Members who persist with disrupting behaviour will be prevented from participating further in the debate. Despite a divergence of views, members should respect the traditions of the House and allow debate to proceed in an orderly manner.

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<tr>
<td>24/06/2008</td>
<td>PDp. 9065</td>
<td>Primrose</td>
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It is not appropriate to clap in the Chamber.

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<tr>
<td>25/02/2010</td>
<td>PDp. 20928</td>
<td>Fazio</td>
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Members must keep conversation to an absolute minimum so that the Chair can hear the member with the call.

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<tr>
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<tr>
<td>02/06/2011</td>
<td>PDp. 1831</td>
<td>Gardiner (Deputy President)</td>
</tr>
<tr>
<td>25/08/2011</td>
<td>PDp. 4633</td>
<td>Harwin</td>
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It is understandable that from time to time it is necessary for members to conduct conversations. However, members engaged in conversations should be as quiet as possible so that Hansard and other members can hear the speech of the member with the call.

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<td>02/06/2011</td>
<td>PDp. 1886</td>
<td>Harwin</td>
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Members may consult their staff in the President's gallery, but they should not disturb the proceedings in the Chamber.

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<tbody>
<tr>
<td>21/06/2011</td>
<td>PDp. 2933</td>
<td>Harwin</td>
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</table>
When members leave the Chamber at the conclusion of formal business, they should do so quickly and quietly and not interrupt the debate in progress.

31/05/2012   PDp. 12366   Harwin

Conduct - when President rises

There is a tradition that members be seated when the Chair is on his or her feet. Members are required to give their attention to what the Chair is saying and doing in order that the proceedings of the House may be conducted efficiently and expeditiously.

7/5/1997   PDp. 8137   Willis

Conflict of interest

The standing orders of this House refer to pecuniary interest not to conflict of interest, and they prohibit members from voting in a division or serving on a committee inquiry into matters in which they have a direct pecuniary interest not in common with the general public or matters of public policy. The disclosure of pecuniary interest by a member is designed to prevent any potential conflict of interest developing between a member's public and private interests. The fact that a member's spouse, child, mother, grandparent, nephew or cousin is standing for election to another Parliament does not amount to a conflict of interest and does not require disclosure in the pecuniary interests register.

17/10/2007   PDp. 2679   Primrose

A member may not vote in any decision on a question in which the member has a direct pecuniary interest, unless it is in common with the general public or it is on a matter of state policy.

14/11/2007   PDp. 4062   Primrose

Courtesy to the Chair

The bells are rung for the Parliament to commence at respective times. Ministers and a quorum should be present at those times in order that the President may enter the chamber in accordance with the standing orders and sessional orders. The amount of noise emanating from members in the chamber should be kept to a reasonable level. It is within the power of the House to remove members who behave in a disorderly manner. Members should pay the courtesies which are due to the occupants of the Chair.

13/12/1988   PDp. 4720   Johnson
02/03/1989   PDp. 5533   Johnson

The Chair should be recognised and addressed. All comments should be made through the Chair and not the opposite side of the chamber. A member cannot expect the protection of the Chair if that member does not acknowledge and address the Chair. Replies to interjections should, by courtesy, be made through the Chair otherwise cross-talk between individuals can develop into a morass of interruptions and that debases the debate.

13/6/1990   PDp. 5426   Willis
For some time there has been a tendency for members to show no obeisance to the Chair. This has occurred irrespective of who has occupied the Chair. A number of members walk in and out of the chamber without making obeisance to the Chair. The Chair will take action against the members who do not pay the Chair the respect that is due to it.

10/5/1984  PDp. 525/6  Johnson

When members cross in front of the Chair they must acknowledge the Chair, and when leaving the House they should also acknowledge the Chair.

9/3/1993  PDp. 420  Evans (Deputy)

Members should not turn their backs on the Chair.

13/4/1989  PDp. 6396  Johnson
30/5/2001  PDp. 13920  Burgmann
10/05/2007  PDp. 187  Fazio (Deputy President)

First (maiden) speeches

The tradition is that members do not interject during a maiden speech.

23/11/1982  PDp. 2731  Johnson

It is usual to extend normal courtesies to members making a maiden speech.

25/10/1995  PDp. 2272  Gay (Deputy President)

The making of a personal explanation does not preclude a new member from making what would be his or her maiden speech at some later stage.

27/2/1986  PDp. 521  Johnson

Members who re-enter the Council and have during previous service made a maiden speech, are not accorded, a second time, the courtesies usually accorded to a maiden speaker.

27/2/1986  PDp. 821  Johnson

The customary courtesies are expected during the inaugural speech of a member.

19/11/2001  PDp. 16801  Burgmann

Members’ attire

The size of badges worn in this House should not exceed the size of the Legislative Council badge.

20/5/1997  PDp. 8805  Gay (Deputy President)

Erskine May says that members are not permitted to wear decorations in the House. Accordingly the wearing of a uniform or military insignia is contrary to the long-established custom of the House.

1/7/1999  PDp. 1795  Burgmann
In the chamber members may not wear badges that are larger than the Legislative Council badge.

20/10/1999  PDp. 1602  Burgmann
11/4/2001  PDp. 13557  Burgmann
22/09/2004  PDp. 11262  Burgmann
16/11/2005  PDpp 19711-19712  Burgmann

Male members must wear jackets in the chamber.

27/3/2001  PDp. 12569  Nile (Deputy)

The attire of members should conform to standards of neatness, cleanliness and decency, but the call cannot be denied to a member simply because he or she is dressed in a manner that departs from tradition in some way. To prevent a member from speaking or voting would be to interfere unnecessarily with the right of a member to represent his or her constituents.

10/4/2001  PDp. 13377  Burgmann

Use of electronic devices and cameras

For the same reason that it is regarded as discourteous for members to read newspapers in the Chamber, it is discourteous also for members to use electronic devices.

23/10/2007  PDp. 3025  Primrose

The principle to be observed in relation to the use of electronic devices in the Chamber is that their use should not interrupt or disturb proceedings. Members can bring mobile phones and BlackBerry devices into the Chamber provided they are set on silent mode, and can use them to send messages and emails. The use of laptops in the Chamber is acceptable, including the reading of newspapers online, provided that their use does not interrupt the proceedings of the House. The use of cameras by members in the House when the House is sitting is not acceptable, this includes the use of camera phones.

05/03/2009  PDp. 13014  Primrose

Members must not use mobile phones to take or receive calls and the taking of photographs in the Chamber with a mobile phone is prohibited.

10/11/2010  PDp. 27415  Fazio

Members must ensure that their mobile phones are set to silent.

26/11/2009  PDp. 19990  Fazio
02/12/2009  PDp. 20381  Fazio
09/11/2010  PDp. 27252  Fazio

Members must not engage in telephone conversations whilst addressing the House.

02/06/2010  PDp. 23525  Moselmane (Deputy)

Members must not play music via their laptop.

13/03/2012  PDp. 9380  Harwin
Members are permitted to read from a Blackberry.

02/04/2012      PDp. 10272      *Maclaren-Jones (Deputy)*

**Suspension of member for gross disorder**      SO 192

A member, in refusing to withdraw remarks ruled offensive by the Chair, is guilty of gross disorder.

21/06/2007      PDp. 1464, 67      *Primrose*
MINISTERIAL STATEMENTS

There is no provision in the standing orders for anyone other than the Leader of the Opposition or a member appointed on his behalf to speak in response to a Ministerial Statement. Other members may not speak unless they have the leave of the House.

18/11/2004 PDp. 13138 Griffin (Deputy)
MOTIONS

It is not possible to move a motion if another motion is already before the Chair.

30/11/1976 PDp. 3801 Budd
NOTICES OF MOTIONS

Date for setting down

A notice of motion may not be set down for a day later than four weeks from the day of giving notice. Notice will not be placed on the business paper of any motion so scheduled.


Giving of

For the efficient and fair operation of the House, by practice members may not give notice of more than one substantive motion at a time when notices of motions are called for.

24/5/1995 PDp. 81 Willis

Members have the right to read notices of motions in their entirety, even if they are lengthy.

05/05/2004 PDp. 8263 Burgmann

The standing orders allow members to simply state what their notice of motion is about. However, if members wish a notice of motion to be read in full, it will be read in full.

30/08/2006 PDp. 1077 Burgmann

Members should not engage in discussion and debate, or respond to interjections, when giving notice of a motion.

11/05/2010 PDp. 22274 Fazio

07/09/2010 PDp. 25214 Fazio

The giving of notices is not an opportunity for debate. The standing orders allow members to give notices of motions, which can sometimes be lengthy. Members should listen to the member giving their notice of motion in silence.

22/06/2011 PDp. 3035 Harwin
OFFENSIVE EXPRESSIONS

General

It is contrary to the standing orders to make an offensive remark about a member. It is also contrary to May’s Parliamentary Practice, which states that it is most unparliamentary to make a charge of uttering a deliberate falsehood against another member.

23/11/1977 PDp. 10117 Budd

When Members wish to raise a point of order they should direct the attention of the Chair to the words which are considered offensive or disorderly. It is then for the Chair to determine whether the words complained of are offensive or disorderly and should be withdrawn.

Offensive words must be offensive in the generally accepted meaning of that word. Whether particular words are offensive or disorderly may often depend on the context in which they are used. If the Chair is of the opinion that words complained of are offensive or disorderly, the Member concerned will be called upon to conform to the rules of the House and retract the offensive expression and, in a serious case, make an apology to the House if required by the Chair. When ordered to withdraw a statement, a Member must withdraw without qualification or reservation. The request for withdrawal of an offensive expression must come from the Member reflected upon and must be made at the time the remark was made and cannot be raised some time later.

31/03/1987 PDp. 9586 Johnson

The withdrawal of offensive remarks is not conditional; either the member withdraws or does not withdraw.

5/12/1994 PDp. 6376 Willis
24/05/2012 PDp. 11908 Mitchell (Deputy)

It is for the Chair to determine whether the words complained of are offensive or disorderly and should be withdrawn. The Chair should place himself in the place of the member who claims to be offended. If the Chair consequently believes the words to be offensive they should be then withdrawn.

18/10/1989 PDp. 11371 Johnson

Remarks deemed offensive that refer to the actions of a member raising a matter of privilege are to be withdrawn.

24/4/1979 PDp. 4990 Johnson

Exception to a remark made in debate must be taken by the member to whom the remark is directed.

04/06/2009 PDp. 15779 Primrose
Members must not make sexist and racist remarks.

30/5/2001    PDp. 13916    Burgmann
15/12/2005   PDp. 20604    Burgmann
17/10/2006   PDp. 2595     Burgmann

When a person is in public life and a Member of Parliament, the risk of being criticised in a political way must be taken. Politics is not an area for sensitive persons. In the course of debate when Members canvass the opinions and conduct of their opponents, they must expect criticism.

01/04/2009    PDp. 14180    Primrose

A member cannot take a point of order that a member was using an offensive expression if the member was addressing a member privately and not addressing the House at the time the expression was used.

24/11/2009    PDp. 19647    Fazio

Applies to individuals, not groups

Offensive words must be offensive in some personal way. When a person is in political life it is not offensive that things are said about him or her politically. There may be occasions on which remarks offensive to an identifiable member may not be regarded as unparliamentary when applied to a group where members cannot be identified.

31/3/1987    PDp. 9586     Johnson

A remark is offensive only if it was made with respect to an individual and not to a group.

20/10/1988   PDp. 2684     Johnson
23/10/2007   PDp. 3010     Primrose
21/10/2009   PDp. 18356    Primrose
03/12/2009   PDp. 20526    Fazio
12/08/2011   PDp. 4326     Gardiner (Deputy President)
14/03/2012   PDp. 9556     Harwin

The standing orders that refer to offensive language apply to an individual not a group. President Willis said offensive words must be offensive in some personal way. When a person is in political life it is not offensive that things are said about him or her politically. There may be occasions on which remarks offensive to an identifiable member may not be regarded as unparliamentary when applied to a group where members cannot be identified.

26/06/2003   PDp. 2201     Burgmann

To suggest the Government has treated the community in a cheap, deceitful and disgraceful way is not unparliamentary language if used in a collective sense.

06/05/2004   PDp. 8566     Fazio (Deputy President)
Reference to the Opposition as behaving like riffraff would be acceptable parliamentary language. However, reference to the Opposition as riffraff is unparliamentary.

12/06/2002  PDP. 2975  Burgmann

A number of Presidents have ruled that, with some exceptions, collective insults are allowed.

03/04/2008  PDP. 6346  Primrose

There is a distinction between expressions applied to an individual member and those applied to a group of members. However, some expressions may be so offensive that even when applied to a group rather than an individual they may be regarded as unparliamentary. All members should seek to use good temper and moderation when canvassing the opinions and conduct of opponents in debate.

29/10/2009  PDP. 18989  Primrose

Remarks are offensive only if they are directed at an individual. If the remarks are directed at the Opposition, the Government or a political party they cannot be ruled to be offensive. The President may on occasion ask members to voluntarily withdraw their remarks, however the member cannot be directed to withdraw their remarks unless they are ruled to be personally offensive in some way.

15/06/2011  PDP. 2297  Harwin

A remark is offensive only if it is made with respect to an individual and not to a group. However, the right of free speech in this Chamber with the protection of privilege is an important right that members need to do their jobs effectively. Orderly debate is the basis of the right to free speech. The long tradition of rulings in relation to groups should not be taken as license to flout other provisions relating to reflections upon members.

20/10/2011  PDP. 6817  Harwin

Quotation of offensive words

The quotation of offensive words, if pertinent to a question, are in order subject to the enforcement of standards of good taste by the House. A Member who goes beyond the bounds of good taste must accept the consequences.

24/10/1989  PDP. 11593/4  Johnson

Expressions ruled offensive

The expression “a shabby manoeuvre” ruled out of order when used against another member of the House.

25/11/1976  PDP. 3545  Budd

The expression “punch-drunk dream” ruled offensive when exception was taken.

18/8/1977  PDP. 7367  Budd

OFFENSIVE EXPRESSIONS
To suggest that a member has subjected the chamber to filth is unparliamentary and should be withdrawn.

11/01/1978  PDp. 11028  Budd

The word “lie” is not offensive when used in general terms and not in reference to a specific person. When such an allegation is made against a specific person, the remark should be withdrawn.

15/2/1983  PDp. 3965  Johnson

Members may not refer to another member of the House as "a liar" or as "lying".

Numerous rulings including –

22/10/1987  PDp. 15008  Healey (Deputy President)
2/5/1990  PDp. 2115  Johnson
19/4/1994  PDp. 1352  Gay (Deputy President)
07/12/2004  PDp. 13331  Burgmann
12/11/2008  PDp. 11153  Primrose
12/06/2012  PDp. 12533, 34  Harwin

The expression “He deliberately lied” is offensive and should be withdrawn.

19/11/1997  PDp. 2062  Gay (Deputy President)

A distinction is to be made between the terms “a liar” and “untruth”. A person who repeats an untruth that has been related to him is not necessarily a liar.

6/12/1988  PDp. 4434  Johnson

The interjection “It is because you tell lies” is offensive and should be withdrawn.

29/3/1990  PDp. 1292  Johnson

To suggest that the reasons given by the member were either lies or distortions of the truth is disorderly.

22/09/2004  PDp. 11271  Griffin (Deputy)

It is unparliamentary to call another member a "liar", but it is not unparliamentary for a member to refer to "lies".

25/10/2010  PDp. 28255  Primrose

The statement “It ill behoves the Leader of the Opposition, posing as a democrat, to praise authoritarian regimes and the way they undercut markets” is offensive and should be withdrawn.

29/9/1983  PDp. 1394/5  Johnson

To say that a member is “inciting riots” is out of order and should be withdrawn.

21/10/1987  PDp. 14852  Healey (Deputy President)

The probability is that the word “prostituted” is unparliamentary and should be avoided.

9/11/1988  PDp. 2924  Solomons (Deputy President)
It is out of order to call a member of the other House a “red-necked troglodyte”.

2/3/1989        PDp. 5571        Solomons (Deputy President)

Term “redneck” ruled offensive when applied to any member of the House.


Referring to the Premier as a drug addict carries certain connotations, and is offensive, despite the explanation that the reference was to an addiction to tobacco.

16/9/1992        PDp. 5748        Willis

While it is unparliamentary to use offensive words about a member of another chamber, the Chair would have to be persuaded much more strongly that “idiot” is an offensive word.

15/9/1994        PDp. 3005        Willis

The term “idiot” is offensive.

26/6/2001        PDp. 15278        Burgmann

To call another member “stupid” is offensive.

21/5/1997        PDp. 8926/27       Willis

To call a Minister of the Crown “a dill” is disrespectful and unparliamentary.

8/4/1998        PDp. 3831        Sham-Ho (Deputy President)

The imputation that a member is dumb ruled unparliamentary.

19/9/2002        PDp. 5021        Burgmann

The statement that the member took steps to avoid what was seen as duty to his country at the time is offensive and must be withdrawn.

21/5/1997        PDp. 8928/29       Willis

“Treacherous turncoat” ruled to be offensive.

9/9/1999        PDp. 208        Saffin (Deputy President)

“Unpatriotic” deemed unparliamentary.

20/11/2003        PDp. 5387        Burgmann

Calling the action of a Minister cowardly is very close to using unparliamentary language and casting aspersions on the Minister’s character.

19/3/1992        PDp. 1376/7        Gay (Acting President)

Calling a member “tutti-frutti” is an offensive expression.

17/6/1998        PDp. 5947        Willis
It is unparliamentary to call members of the House names. The term “Tutti Frutti Pezzutti” ordered to be withdrawn.

22/11/1994 PDp. 5494 Goldsmith (Deputy President)

“Rat” ruled to be offensive.

27/10/1999 PDp. 2040 Burgmann

Reference to a member as “sexist” deemed offensive.

31/10/2002 PDp. 6306 Kelly (Deputy President)

Members may not make sexist comments or sexist noises in the House. Cat noises made when women members are speaking is extremely sexist, and such behaviour will not be tolerated.

19/11/2002 PDp. 6917 Burgmann

Reference to a member as a fishwife ruled offensive.

18/10/2001 PDp. 17573 Burgmann

“Sit down, you fish wife” is sexist and unparliamentary.

02/07/2003 PDp. 2522 Fazio (Acting President)

Reference to a member as “a most unpleasant person” ruled offensive.

18/10/2001 PDp. 16630 Kelly (Deputy President)

A request for two members to “talk dirty” ruled unparliamentary.

31/10/2002 PDp. 6306-6307 Kelly (Deputy President)

Reference to a member as affected by alcohol ruled unparliamentary.

5/12/2002 PDp. 7867 Burgmann

“Minister Monsanto” deemed unparliamentary.

01/04/2004 PDp. 7946-7947 Fazio (Deputy President)

“Thug boy” deemed unparliamentary.

11/05/2004 PDp. 8670 Burgmann

To suggest that a member of a committee is doing the Government’s bidding is offensive and should be withdrawn.

22/09/2004 PDp. 11261 Burgmann

The expression “his Greek generals’ fascist connections” is disorderly and should be withdrawn.

03/06/2004 PDp. 9544 Burke (Deputy)
Referring to a member as a “nong” is unparliamentary.
21/10/2004 PDp. 11807 Burgmann

“Duplicitous Labor lapdog” ruled unparliamentary.
18/11/2004 PDp. 13159 Fazio (Deputy President)

“Minister for Road Kill” ruled offensive.
28/02/2006 PDp. 20653 Burgmann

To suggest that members of a political party are usually at the bar is offensive.
07/06/2006 PDp. 686 Burgmann

Members may refer to the policies or strategies of other members as fruitcakes, but they must not refer to the members themselves as fruitcakes.
26/09/2006 PDp. 2157 Burgmann

Referring to a member as “an idiot” and “a buffoon” ruled unparliamentary.
06/06/2007 PDp. 796 Primrose

An allegation that the member supported the Federal Treasurer in dodging taxes ruled offensive.
21/06/2007 PDp. 1467 Primrose

Referring to a member as a “grub” ruled offensive.
23/10/2007 PDp. 3009 Primrose

Accusing a member of involvement in organised crime ruled offensive.
23/10/2007 PDp. 3010 Primrose

“Absolute crap” ruled unparliamentary.
23/10/2007 PDp. 3015 Primrose

Accusing a member of having been in the staff bar ruled offensive.
03/04/2008 PDp. 6374 Primrose

Referring to a member as “a two-faced, backstabbing, double-dealing bastard” ruled unparliamentary.
11/11/2008 PDp. 11067 Primrose

Indicating that a member had “bowed to blackmail” ruled offensive.
03/12/2008 PDp. 12324 Primrose
Referring to a member as “the Underbelly of the Labor Party” ruled offensive.
10/09/2009 PDp. 17677 C. Robertson (Deputy)

Referring to a member as a “dunderhead” ruled offensive and withdrawn.
12/11/2009 PDp. 19465 Primrose

“Whinger” ruled offensive and withdrawn.
11/03/2010 PDp. 21257 Fazio

Allegation that a member was “working to wind down the activities of the forest industry” ruled offensive and withdrawn.
12/05/2010 PDp. 22445 Fazio

“Cowboy” ruled offensive and withdrawn.
13/05/2010 PDp. 22659 Fazio

“Bovver boy” ruled unparliamentary.
20/05/2010 PDp. 23193 Griffin (Deputy President)

Referring to a member as being "happy as a proverbial pig" ruled unparliamentary and withdrawn.
10/11/2010 PDp. 27468 Griffin (Deputy President)

Referring to a member's "lies" ruled offensive but referring to a "smear" ruled not unparliamentary.
25/11/2010 PDp. 28256 Fazio

Exception taken to a description of a member as "the mouthpiece of the egg corporation" and should be withdrawn.
02/06/2011 PDp. 1727 Harwin

"Fraud and a hypocrite" ruled unparliamentary and withdrawn.
02/06/2011 PDp. 1748 Harwin

Suggestion that a member was "squawking" ruled offensive and withdrawn.
02/06/2011 PDp. 1842 Harwin

A suggestion that a member "doesn't get it" withdrawn.
02/06/2011 PDp. 1860 Harwin

Offence taken to a suggestion that a member negotiated with the Government concerning his notices of motions for bills. Imputation withdrawn.
02/06/2011 PDp. 1981 Harwin
Offence taken to a suggestion that a member did not want to be known as a member of his political party and the comment withdrawn.
02/06/2011 PDp. 1911 Gardiner (Deputy President)

Offence taken to a suggestion that a member was crying crocodile tears and comment withdrawn.
02/06/2011 PDp. 2040 Harwin

Suggestion that a member is "loose with the truth" ruled offensive and withdrawn.
20/06/2011 PDp. 2746 Harwin

Offence taken to the statement "There is no one as stupid as someone who does not want to learn". Statement withdrawn.
02/08/2011 PDp. 3343 Harwin

Referring to a member as "mumbling into her beard" ruled offensive and withdrawn.
10/08/2011 PDp. 4056 Harwin

Offence taken to being called "a piece of work". Words withdrawn.
12/08/2011 PDp. 4334 Gardiner (Deputy President)

"Hypocrite" ruled offensive and withdrawn.
12/10/2011 PDp. 6002 Harwin

"Lying prick" ruled unparliamentary and withdrawn.
15/09/2011 PDp. 5743 Harwin

Referring to "the corrupt member in the other place" ruled unparliamentary.
15/02/2012 PDp. 8172 Harwin

"You never tell the truth" ruled offensive and withdrawn.
02/04/2012 PDp. 10283 Harwin

Remarks are offensive only if they are directed at an individual. However, the use of provocative language such as "scumbag" is extremely disorderly and does not improve the dignity of the Chamber.
04/04/2012 PDp. 10614 Harwin

Offence taken to the reference to a member in the other House as “Robert Road Crash”, and words withdrawn.
23/05/2012 PDp. 11738 Harwin

Offence taken to being referred to as “low-life gutter scum”, and words withdrawn.
23/05/2012 PDp. 11780 Gardiner (Deputy President)
Offence taken to being called “a disgrace”, and comment withdrawn.
24/05/2012 PDp. 11908 Mitchell (Deputy)

Expressions ruled not offensive

The word deceptive can be capable of an innocent interpretation; that is, a thing can be deceptive although it is not intended to be deceptive. Therefore, it is not an unparliamentary expression.
11/01/1978 PDp. 11033 Budd

To suggest that a member’s comments were stupid ruled not unparliamentary.
11/01/1978 PDp. 10992 McKay (Deputy President)

It is not unparliamentary for a member to allege in debate that another member has misled the House. Such an allegation can be dealt with later in the debate or by way of a personal explanation at the appropriate time.

It is for the Chair to determine whether words complained of are offensive or disorderly and should be withdrawn. The word “gag” if used in the colloquial sense is not offensive.

It is not offensive for a member to state that another has “changed his or her mind four times in one hour”. It is a matter which could be construed as being grounds for a personal explanation or for refutation of that allegation in debate.
15/10/1992 PDp. 7033 Willis

The expression “mafia” is not unparliamentary because it refers to the general and not the particular, which is the basis upon which members may take objection.

To refer to another member as a “monster” might be seen as unparliamentary language. To refer to what a member does as “monstering” is robust language, but not unparliamentary.
28/2/2001 PDp. 11968 Burgmann

An allegation that a member is of unsound mind not deemed to be unparliamentary.
5/12/2002 PDp. 7868 Burgmann

For a word to be deemed offensive it must be offensive in a personal sense. It is in order for a member to make comments of a political nature about another member.
14/11/2002 PDp. 6778 Sham-Ho (Deputy)

The term "mud-slinger" is not unparliamentary.
5/12/2002 PDp. 7867 Burgmann
It is not parliamentary for one member to accuse another of being immoral. It is not unparliamentary for a member to say to another member that it is for that member to decide whether his or her actions are moral.

12/10/1993 PDp. 3553 Willis
The term “boofhead” ruled not unparliamentary unless the member so referred to finds it offensive.

07/04/2005 PDp. 15214 Burgmann
A remark is offensive only if it relates directly to a member rather than to a member’s tactic or strategy. To say a member is using a “terrorist tactic” is not offensive.

30/11/2005 PDp. 20253 Burgmann
The term "tangentially challenged" does not have a plain meaning that would be generally understood in the House or elsewhere. Accordingly, it cannot be ruled to be offensive.

20/06/2011 PDp. 2756 Harwin
To state that a member "knows why you go blind and lose your hearing" ruled not to be offensive as none of the words used are offensive and it is impossible to impute some other meaning to the words other than that found in the dictionary.

08/11/2011 PDp. 7011 Harwin
While the word "dope" may be unparliamentary, it is not offensive.

07/03/2012 PDp. 9054 Harwin
Suggestion that a minister had “professed” sympathy ruled not to be offensive.
ORDERS OF THE DAY

The motion for debate on a committee report moved earlier in the day and adjourned until a later hour, can resume at a later hour of the same sitting day, even though it is not on the Notice Paper. After the mover’s speech, debate must be adjourned until the next sitting day.

14/02/2012 PDp. 8061 Harwin
PAPERS

Claims of privilege  
SO 52

It is not appropriate for the Chair or other members of the House to question the member with the call when that member has assured the House that the matter being read onto the record is not material provided to the House under standing order 52 and subject to a claim of privilege.

03/09/2009  PDp. 17266  Primrose

Order for Papers—Administration of Justice  
SO 53

The Crown Solicitor has advised that all papers which contain material relating to the administration of justice fall within the terms of standing order 19 [now SO 53]. Papers which make reference to actual court proceedings would be papers having reference to the administration of justice. Papers which contain material relating to the administration of justice, whether it be material touching upon or concerning papers relating to court proceedings or the police investigation leading to such, may be papers having reference to the administration of justice. The administration of a sentence on conviction and the orders made may be related to the administration of justice by the courts of the Crown. This is particularly so where material concerns conditions of custody where such could be seen as giving effect to or are closely connected with the sentence of the court.

9/4/2002  PDp. 1194,95  Burgmann

The production of papers concerning the administration of justice must only be called for by address to the Governor.

21/10/2004  PDp. 11765  Burgmann

Documents relating to legal action fall within the administration of justice. Under standing order 53, they may only be requested in the form of an address to the Governor.

24/06/2009  PDp. 16638  Primrose

Power to call for documents  
SO 52

It is long and firmly established precedent that both Houses of this Parliament take the view that the respective Houses have inherent or implied power to call for documents. The number of precedents in this regard is so overwhelming that if one were to regard them in any common law context they would constitute “part of the Law of the Parliament”.

2/5/1996  PDPp. 705/6  Willis

Tabled documents  
SO 54

Under standing order 20 [now SO 54] all papers and documents laid upon the table of the House by a Minister shall be considered public and may by ordered to be printed on motion without notice. Where there is no doubt that it is a public document, members are entitled to view it and take extracts from it. The same applies to the general public. It is a public document; it attracts privilege.

22/5/1990  PDp. 4054  Johnson
When documents are tabled in this Parliament for members of this chamber only to peruse, members may not quote from them or reveal any of their contents until and unless the House has resolved to make the documents public.

5/12/2002 PDp. 7750 Burgmann

Tabling of documents quoted in debate SO 56

There is nothing in standing order 56 that determines the time a document ordered to be tabled must be tabled. The House does not have the power to determine the timing of the tabling of the document under the standing orders.

07/09/2006 PDp. 1617 Fazio (Acting President)

The Chair has no responsibility to judge the accuracy or correctness of a document tabled.

07/09/2006 PDp. 1620 Donnelly (Deputy)

Standing order 56 applies only to documents quoted by Ministers in debate and not to documents quoted by private members.

10/09/2009 PDp. 17672 C. Robertson (Deputy)

Members must wait until the conclusion of a Minister's answer to a question before moving that a document quoted be tabled under standing order 56.

16/02/2012 PDp. 8391 Harwin

A Minister can table a document quoted in an answer either at the end of question time or following the answer in response to an order of the House under standing order 56.

16/02/2012 PDp. 8392 Harwin

If a Minister is quoting from a specific document as part of his answer, the document can be the subject of a motion under the standing order. However, if the Minister is quoting from copious notes in answer to a question it does not fall into the same category.

23/02/2012 PDp. 8823 Harwin
PERSONAL EXPLANATIONS  

SO 88

Purpose of

A member is entitled to make a personal explanation to correct some wrong statement that has been made and which casts some reflection upon him. That is the purpose of making a personal explanation.

11/9/1975   PDpp. 1009  Budd

Personal explanations should allow the member concerned to explain a matter reflecting on the honour, character or integrity of that member, or to explain any matter which reflects upon the member in a personal way. They should not be used to explain matters on behalf of any other person. The matter which is the subject of the personal explanation should not be amplified or debated. Provocative or disputative language should not be used. The use of personal explanation to reply to or explain a matter upon which a member has been misquoted or misunderstood is outside the scope of Standing Order 70. That type of explanation is covered by the provisions of Standing Order 71.

27/2/1986   PDp. 521  Johnson

The ruling of President Johnson of 27/02/1986 is a reminder to all members about the form in which personal explanations should be given.

12/10/2011   PDp. 5999-6000  Harwin

Personal explanations should be confined to the parameters set down by President Johnson, namely: to explain a matter reflecting on the honour, character or integrity of a member; to explain any matter which reflects upon the member in a personal way; should not be used to explain matters on behalf of any other person; the matter should not be amplified or debated.

18/11/1992   PDp. 9095/6/7  Willis

The purpose of a personal explanation is not to canvass views expressed by another member. The sole purpose of a personal explanation is to correct a misquotation or a misinterpretation of something that the member seeking to make the personal explanation believes occurred.

17/11/1994   PDp. 5188  Willis

General

A personal explanation may only be given with the indulgence of the House.

16/2/1982   PDp. 1883  Johnson

A member making a personal explanation may not debate or amplify the matter.

Numerous rulings including—

5/3/1981   PDp. 4483  Healey (Deputy President)
22/10/1985   PDp. 8203  Johnson
11/9/1990   PDp. 6822  Johnson
28/6/2001   PDp. 15633  Burgmann

66  PERSONAL EXPLANATIONS
In making a personal explanation, a member must demonstrate to the House that they have been misrepresented or that some aspersion has been cast upon them. They may not debate the matter.

22/10/1987  PDp. 15013  Healey (Deputy President)

The making of a personal explanation does not preclude a new member from making what would be his or her maiden speech at some later stage.

27/2/1986  PDp. 521  Johnson

In making a personal explanation a member is entitled to defend himself but not others.

26/2/1986  PDp. 383  Johnson

A personal explanation should not contain an explanation of the conduct of another person.

12/10/1988  PDp. 2057  Solomons (Deputy President)

The House can withdraw leave to give a personal explanation after it has been given.

21/9/1988  PDp. 1533  Johnson
15/11/1988  PDp. 3217  Johnson

Members must not attempt to make personal explanations under the guise of points of order.

22/10/1997  PDp. 1156  Willis
01/12/2005  PDp. 20420  Burgmann

A personal explanation under the standing orders is a series of facts outlined by the speaker. Discussion and justification cannot be part of the personal explanation.

02/06/2004  PDp. 9278  Burgmann

A personal explanation may only be made when there is no business before the Chair.

1/7/1999  PDp. 1880  Burgmann
28/11/2001  PDp. 18949  Burgmann
08/12/2004  PDp. 13462  Burgmann

Personal explanations must be within the leave granted by the House.

29/05/2007  PDp. 306  Primrose

A member may, with the leave of the House, explain how his or her honour, character or integrity has been reflected upon but must not debate the subject matter of the explanation. Leave may be withdrawn at any time if the member contravenes the standing order.

23/10/2008  PDp. 10468  Primrose
PETITIONS

Petitions must conform with the rules of practice. The wording of a petition should be confined to facts or material allegations to support the prayer of the petition. Further, the use of the Legislative Council crest on the printed form of a petition is inappropriate as it could imply that the petitions has the endorsement of the House.

2/8/1989 PDp. 9112 Johnson
Petition ruled out of order because it was a photocopy of signatures.

19/4/1994 PDp. 1307 Willis
There is no requirement that a petition be submitted to the Clerks before it is presented to Parliament. However, submitting a petition to the Clerks will ensure that the petition is in order. Members may vote against the motion that a petition be presented if they are of the opinion that it has not been presented in a suitable form.

26/10/2006 PDp. 3507 Burgmann

Irregular petitions – change in procedure for suspending standing orders

Previously, members sought the leave of the House to move a motion to suspend standing orders to allow the presentation of an irregular petition. In future, if a member obtains the leave of the House to suspend standing orders, that will be considered sufficient to allow the member to present the irregular petition.

23/02/2010 PDp. 20675 Fazio
POINTS OF ORDER

Taking a point of order, rules for

Members may not use points of order to make a debating point.

Numerous rulings including –

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<tr>
<th>Date</th>
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<tr>
<td>7/9/2000</td>
<td>8741</td>
<td>Burgmann</td>
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<tr>
<td>1/4/2004</td>
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<td>30/11/2005</td>
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<td>25/11/2010</td>
<td>28258</td>
<td>Fazio</td>
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<td>22/11/2011</td>
<td>7506</td>
<td>Harwin</td>
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<td>14/06/2012</td>
<td>12830</td>
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It is not a point of order for a member to claim that he or she has been misrepresented.

Numerous rulings including –

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<td>03/06/2004</td>
<td>9512</td>
<td>Burgmann</td>
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<td>08/06/2005</td>
<td>16534</td>
<td>Burgmann</td>
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<td>07/06/2006</td>
<td>687</td>
<td>Burgmann</td>
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<td>25/10/2006</td>
<td>3314</td>
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<td>20/10/2010</td>
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There is no point of order on misleading the House.

Numerous rulings including –

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<td>30/10/2008</td>
<td>10903</td>
<td>Primrose</td>
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<td>13/11/2008</td>
<td>11338</td>
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<tr>
<td>02/12/2008</td>
<td>12189</td>
<td>Primrose</td>
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<tr>
<td>12/11/2009</td>
<td>19465</td>
<td>Primrose</td>
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<tr>
<td>02/09/2010</td>
<td>25100</td>
<td>Fazio</td>
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<tr>
<td>09/05/2011</td>
<td>399</td>
<td>Harwin</td>
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If a member wishes to raise a point that somebody has a pecuniary interest they cannot do it on a point of order. They must do so by substantive motion.

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<td>30/11/1976</td>
<td>3799</td>
<td>Budd</td>
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It is disorderly for members to take points of order in the adjournment debate for the sole purpose of eroding another member’s time.

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<td>30/6/1999</td>
<td>1782</td>
<td>Burgmann</td>
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When members take points of order they should direct attention to the breach of order, where possible citing the relevant standing order. Members should desist from taking unnecessary or frivolous points of order merely to disagree with something, to contradict a statement or to correct an apparent error in debate. Matters relating to the accuracy or truthfulness of answers should not be raised by point of order, because no question of order is involved.

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<td>11/4/2002</td>
<td>1372</td>
<td>Burgmann</td>
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</table>
Selected President’s Rulings: August 1975 to June 2012

Members must not take points of order and then proceed to debate the issue. Points of order must relate to rules governing debate in this Chamber.

01/03/2006 PDp. 20759 Burgmann

If members want to take points of order they should indicate their intention to do so, not just stand up.

02/05/2006 PDp. 22328 Fazio (Acting President)

A member wishing to speak to a point of order must stand in his place and seek the call.

09/05/2006 PDp. 22693 Burgmann

The member cannot take a point of order on a matter that is ruled not a point of order.

02/05/2006 PDp. 22332 Fazio (Acting President)

Members must not take frivolous points of order.

18/10/2007 PDp. 2858 Primrose

A point of order is not required for the Chair to rule that a question is in contravention of the standing orders.

15/05/2008 PDp. 7647 Primrose

There is no point of order that a member distorted facts.

02/12/2008 PDp. 12193 Fazio (Deputy President)

There is no point of order that a member distorted what another member said.

03/12/2008 PDp. 12359 Primrose

Members who wish to take a point of order must wait until they are given the call before they speak.

20/10/2010 PDp. 26359 Fazio

A point of order in relation to an answer to a question without notice must be confined to whether the answer complies with standing orders.

06/03/2012 PDp. 8934 Harwin

Members must not take frivolous points of order. There are forms of the House that are appropriate for the members should they wish to respond to remarks at which they have taken offence.

09/05/2012 PDp. 11315 Harwin

Debate on

A member may not, on a point of order, seek to introduce material which was ruled out of order in the earlier debate on the same matter.

13/12/1988 PDp. 4714 Solomons (Deputy President)
It is no longer the practice of the House to restrict a member to speak only once on a point of order. Rulings by previous Presidents to the contrary are to be disregarded.

9/5/1989 PDp. 7580 Johnson

Members must relate their remarks on a point of order to the point of order.

24/5/1989 PDp. 8304 Willis (Deputy)

When speaking on a point of order, a member cannot introduce material into the debate that is to do with the substantive issue.

26/09/2002 PDp. 5486 Burgmann

A member wishing to speak to a point of order must wait until the member with the call has finished speaking, unless they wish to object and take a point of order on the member with the call.

03/12/2003 PDp. 5659 Burgmann

Members must relate a subsequent point of order to the original point of order.

13/11/2007 PDp. 3898 Primrose
14/11/2007 PDp. 4019 Primrose

In speaking to a point of order it is not in order for a member to comment on the quality or otherwise of the point of order raised.

23/09/2008 PDp. 9747 Fazio (Deputy President)

Members must speak to the point of order, not to the substantive comments that were the subject of the point of order.

21/10/2009 PDp. 18397 Fazio (Deputy President)

Members must speak to the point of order, not to the substantive comments that were the subject of the point of order.

21/10/2009 PDp. 18397 Fazio (Deputy President)

Procedure on

When a member takes a point of order it must be dealt with, even if the time for debate expires while the matter is being dealt with.

21/3/2002 PDp. 911 Burgmann

A question must be successfully asked within the time limit prescribed. Debate on a point of order, and a ruling on it, may go on past the time limit.

5/6/2001 PDp. 14279 Burgmann

When a point of order is taken on a point of order, the second point of order is decided first.

08/06/2006 PDp. 887 Burgmann
When a point of order is being taken all members except the member taking the point of order must resume their seats.

26/09/2006 PDp. 2154 Burgmann

When a point of order is taken, the member who has been interrupted must resume their seat.

02/12/2010 PDp. 28810 Fazio
POSTPONEMENT

It has been the longstanding practice of the House to postpone notices of motions by way of substantive motion rather than by leave.

Casting vote

A casting vote should always vote for further discussion where this is possible. Where no further discussion is possible, the decision should not be made except by the majority.

16/5/1990 PDp. 3405 Johnson

The Chair should always vote for further discussion where this is possible. Where no further discussion is possible, the decision should be taken by the majority. The casting vote on an amendment to a bill should leave the bill in its existing form.

Applying these principles to the stages in the passage of a bill, the Chair should give its casting vote in favour of the first and second readings of the bills and in favour of motions that the bill be considered in committee. The Chair would oppose the third reading of a bill on the basis that it would limit discussion.

In relation to subordinate legislation, the practice of the House is governed by the principle that no proposal to reject or amend a bill or instrument in the form in which it is before the House shall be agreed to unless there is a majority in favour of such rejection or amendments.

30/5/1990 PDp. 4756/7 Johnson

It is clear the only situation provided for in the standing orders, the Constitution Act and by practice, where the casting vote is exercised in the House is where there is an equality of votes after a division. To assert that the casting vote has any relevance to the recall of the House is a misunderstanding of the concept of the recall.

26/6/1990 PDp. 5564/5 Johnson

According to tradition, the Chair casts its vote to allow further debate.

18/9/2001 PDp. 16620 Burgmann

When there is an equality of votes the Chair casts its vote so as to maintain the status quo.

28/11/2001 PDp. 18945 Burgmann

The Chair should always vote for further debate where this is possible. Where no further debate is possible, decisions should not be taken except by a majority. A decision to adjourn the House to have a discussion is a decision which, in my view, should not be taken except by the majority.

09/08/2011 PDp. 3904/5 Harwin

Participation in debate

The fact that a member becomes President does not deny him the right to participate in debate. As the same standing orders apply to other Presiding Officers who assume the Chair in my absence, that does not deny them the right to participate in debate should they wish to do so. I am sure that
anyone who occupies the Chair would take full cognisance of the standing orders and not contravene them.

11/5/1989 PDp. 8039/40 Johnson

Role of the Chair

The President is not only the Master of the House, he is the Servant of the House, and as the Servant of the House he usually intervenes when his Masters tell him. The Chair does not intervene very often. If something is right outside the standing orders he will intervene.

1/8/1989 PDp. 8737 Johnson

The only person in the Chamber able to direct members what to do is the Chair.

17/10/2006 PDp. 2595 Burgmann

It is not the practice of the Chair to seek to intervene in debate. However, it is the practice of the Chair to seek to uphold the standing orders of the House.

13/11/2007 PDp. 3895 Primrose

Canvassing the Chair's ruling

Members may not canvass or flout rulings of the Chair.

Numerous rulings including –

10/03/1977 PDp. 5047 Budd
1/12/1982 PDp. 3629 Johnson
09/12/2004 PDp. 3679 Fazio (Deputy President)
14/11/2006 PDp. 3709 Burgmann
23/09/2008 PDp. 9739 Fazio (Deputy President)
10/11/2010 PDp. 27425 Fazio
PRIVILEGE

Assault on member

An assault on a member not occurring in his coming or going from the House and not on account of his behaviour in Parliament is not a matter of privilege.

12/8/1980 PDp. 18/19 Johnson

Comity between the Houses

A notice of motion for a select committee to inquire into and report on the effectiveness of current laws, practices and procedures in protecting Government employees who make allegations against government officials or parliamentarians, with particular reference to the treatment by the Legislative Assembly of a former employee, is in contravention of the principle of sole cognisance of the Houses, and the principles of comity and mutual respect between the Houses, and is out of order.

04/06/2008 PDp. 8100/1 Primrose
18/06/2008 PDp. 8620/1 Primrose

Contempt SO 190

Although conduct may not fall within the categories of contempt outlined in the standing orders, the conduct may nevertheless constitute contempt.


Members refusing to comply with the ruling of the President may be found guilty of contempt and suspended from the services of the House.

18/10/1989 PDpp. 11372/3, 11379-82 Johnson

The mere fact that a notice of motion to censure a member of the House has been given, but not moved, does not constitute contempt; it is not an act or omission obstructing or impeding a member in the discharge of his duties.

30/5/1990 PDp. 4735 Johnson

Demands and threats by individuals calculated to intimidate a member into an undesirable course of action is a contempt of Parliament.

26/11/1997 PDp. 2494 Willis

Hansard SO 51

Usually, the day after a debate has taken place galley proofs of the Hansard reports are provided to members. The copies of the report of the debates that are available a short time later are also proof copies. Only those proofs and the bound volumes of Hansard are privileged documents. Members should take care when they quote, copy or distribute the galleys, the proofs or extracts from the volumes, that they take particular note of the fact that only those documents detailed are privileged.


76 PRIVILEGE
Member prevented from entering the Chamber

A matter of privilege arises if a member who intends to speak in debate is physically prevented from entering the Chamber.

23/06/2009 PDp. 16468 Primrose

Court process within parliamentary precincts

It is a breach of the privileges of the House for a member to be served with a process issued by court within the parliamentary precincts. Such an action constitutes a serious contempt of the rights and privileges of members of the House.

1/6/1988 PDp. 953 Johnson
PROCEDURAL MOTIONS

Adjournment as a matter of urgency  

The motion for adjournment under standing order 13 [now SO 201] is merely a procedural device to provide an opportunity to discuss a matter of public importance. The moving of an amendment to that motion is outside the standing orders.

19/5/1993  PDp. 2250  Gay (Deputy President)

Committal - no debate allowed  

The motion that the House resolve itself into a Committee of the Whole is a purely formal motion on which no debate is allowed.

29/10/1986  PDp. 5668  Johnson

Latitude of debate

In debating a procedural motion, members should restrict their comments to the terms of the motion and not the substance of the matter.

26/2/1987  PDp. 8875  Johnson
19/11/1987  PDp. 16385  Johnson

 Debate on the motion to adjourn debate on a matter must be confined to the reasons for and against the debate being adjourned, and not canvass the substantive issue.

19/4/1989  PDp. 6726, 6728, 6732  Johnson

The debate on adjournment must be confined to the adjournment motion only. Second Reading material should not be introduced.

8/8/1989  PDp. 9505  Solomons (Deputy President)
QUESTIONS AND ANSWERS

Questions to Ministers and other members  SO 64

Questions to ministers concerning public affairs  SO 64(1)

While there are limits to the content of questions, it is not possible to say where they are without considering a specific question. It is impossible to lay down a rule about what might go beyond the limits and what the contents of a question should be. Broadly, questions should seek information. It is the habit of many members on both sides of the House when asking questions to give information at the same time. Members more or less ask a Minister to agree with what they are saying. That is an abuse of the privilege of asking questions but it is an abuse that is practiced every time the House meets. It is impossible to be strict about what the contents of a question should be but if anything occurred which was an abuse, the Chair should certainly intervene.

17/3/1976 PDpp. 4296  Budd

For a question to be admissible it must comply, inter alia, with Standing Orders 29 and 32A [now SO 64 & 65]. Those standing orders provide, first, that to be in order a question addressed to a Minister must relate to public affairs. This implies that a question must relate to a matter within the government’s responsibility or which could be dealt with by an administrative or legislative action. Second, a question should not give more information than is necessary to explain the question itself and should not contain argument or express opinions. Questions should be concise and not contain any material, quotations or statements of fact unless it is strictly necessary to the asking of the question. Third, questions should be interrogatory in nature and should not be used as a means of indulging in debate on an issue. Apart from these rules there are a number of other rules concerning the content of questions which need to be brought to the attention of members. A question should not, in effect, be a short speech or mainly limited to giving information. Questions may not contain inferences or imputations, epithets, ironical or offensive expressions. In addition, a question may not contain hypothetical matter and may not ask for an expression of opinion or a legal opinion. Lengthy or involved questions and questions outside the immediate knowledge of Ministers should be placed on the Notice Paper. All members should appreciate that the principle object of questions is to seek information, or press for action by a Minister.

22/10/1986 PDp. 5094/95  Johnson

Members should confine their questions to matters that can be attended to by members of the Cabinet of the New South Wales Government.

15/3/1983 PDp. 4544  Healey (Deputy President)

Standing orders 29 and 30 [now SOs 64 & 65] relate to the asking of questions. Standing order 29 states that questions may be put to Ministers of the Crown relating to public affairs. That does not cover public affairs of any place outside the jurisdiction of New South Wales. Similarly, question time is not a medium to seek the opinion of a Minister on something that does not relate to public affairs.

14/5/1997 PDp. 8535  Willis
The purpose of questions without notice is to elicit information from Ministers of the Crown concerning the public administration of the State. Although it is customary for members to preface questions with a setting for their questions, such prefaces should be contained and not made a feature providing information that is otherwise publicly available.

21/9/1995 PDr. 1258 Willis

Questions must be addressed to one Minister relating to that Minister’s portfolio or to the portfolio represented by that Minister. If a member has a question relating to another Minister, it will have to be the subject of a second question.

30/11/1994 PDr. 5953 Willis

Questions may be put to Ministers relating to public affairs with which the Minister is officially connected, to proceedings pending in the House or to any matter of administration for which the Minister is responsible.

Numerous rulings including –
25/05/2006 PDr. 384 Burgmann
23/11/2006 PDr. 4709 Burgmann
06/05/2009 PDr. 6950 Primrose
20/10/2010 PDr. 26296 Fazio

Questions must relate to the conduct of public affairs within the government’s responsibility which could be dealt with by legislative or administrative action.

31/8/2000 PDr. 8551 Burgmann

A question not affecting the public affairs of New South Wales is out of order.

28/5/1997 PDr. 9329 Willis

Questions relating to the affairs of a Minister’s department or office are in order, however references in a question to the affairs of a political party are not in order.

2/11/2000 PDr. 9589 Burgmann

Questions about issues outside the responsibility of a Minister are out of order.

Numerous rulings including –
15/10/1986 PDr. 4727 Johnson
24/11/1987 PDr. 17118 Johnson
13/11/2003 PDr. 4910 Burgmann
31/03/2004 PDr. 7761 Burgmann
13/05/2004 PDr. 8962 Burgmann

Questions may be put to Ministers relating to public affairs with which the Minister is officially connected. Matters relating to a foreign government do not come under the purview of a Minister in this House.

31/03/2009 PDr. 14025 Primrose
A question relating to the rewriting of a political party’s platform is out of order as it is not a question relating to the public affairs with which a Minister is officially connected, to proceedings pending in the House, or to any matter of administration for which a Minister is responsible.

01/04/2009 PDp. 14177 Primrose

**Questions to members other than Ministers**  
**SO 64(2)**

A member may ask a question of another member provided that it concerns a bill, motion or other public matter connected with the business of the House in which the member is concerned.


Questions may be put to members relating to any matter connected with business on the Notice Paper of which the member has charge

3/7/2001 PDp. 16106 Burgmann

Questions to private members should be relate to the timing or progression of a bill or motion on the Notice Paper of which the member has charge. While Standing Order 64 (4) allows discussion of an item of private members' business outside the Order of Precedence, if the answer to a question would require the member to anticipate what he or she might say in a speech on the matter, the question is anticipating debate and would be out of order.

02/04/2012 PDp. 10286 Harwin

**Questions to Chair of a committee**  
**SO 64(3)**

It is not competent under standing order 29 [now SO 64] for members to canvass the findings of a committee in relation to a matter upon which it has not reported. It is, however, competent for a member to ask of a committee Chair questions relating to the administrative operations of the committee.

30/5/1996 PDp. 1776 Willis

Questions may be put to Chairs of committees that relate to the activities of a committee, but that question must not attempt to interfere with the committee’s work or anticipate its report.

28/6/2001 PDp. 15625 Burgmann

A question may be put to the Chair of a committee in regard to an inquiry on which the committee has not yet reported if it is in relation to the administrative operations of the committee.

29/10/2009 PDp. 18949, 50 Primrose

**Content of questions**

**Questions concerning the administration of Parliament**

The administration and domestic affairs of the Department of the Legislature or the Parliament do not fall within the ambit of Standing Order 29. May’s *Parliamentary Practice* (21st edition, p. 285) states that in the House of Commons the Speaker does not allow this. Questions to the Speaker are
addressed by private notice and written or oral questions to the Speaker are not permitted. Therefore, members should not direct any written or oral questions to the President relating to the administration of the Legislature or the Department of the Legislative Council.

11/10/1995       PDp. 1541       Willis

It is not an appropriate use of question time to address to the Chair matters relating to the administration of Parliament; rather these should be brought to the President’s attention in chambers.

14/10/1992       PDp. 6786       Willis

Questions addressed to the Chair regarding the administration and domestic affairs of the Parliament are not in order under Standing Order 29, nor are they in order according to Erskine May’s Parliamentary Practice.

25/10/1995       PDp. 2269       Willis

It is not appropriate to ask questions at question time relating to the domestic affairs of the Parliament.

17/09/1997       PDp. 52          Willis

It is out of order to address questions to the Chair regarding the administration and domestic affairs of Parliament. The President is available to discuss such matters of concern to members privately.

31/10/2000       PDp. 9326       Burgmann
31/10/2000       PDp. 9328       Burgmann
1/11/2000        PDp. 9451        Burgmann

It is out of order to address questions to the Chair regarding the administration and domestic affairs of Parliament. However, questions may be addressed to the President privately.

2/11/2000        PDp. 9585       Burgmann

Questions concerning members’ entitlements

Questions concerning parliamentary entitlements of a member should properly be put either to the Presiding Officer or to the Parliamentary Remuneration Tribunal. However, I will not respond in this place to answers directed to me about the administration of Parliament. The member is welcome to speak to me in my office.

10/05/2006       PDp. 22843      Burgmann

Questions concerning pecuniary interest disclosures

It is in order for members to ask questions to do with the pecuniary interests disclosed in the Pecuniary Interest Register by members and Ministers, but it is not in order to ask questions about a member’s background unless it is connected with something in the Pecuniary Interest Register.

10/11/1999       PDp. 2547       Burgmann

82       QUESTIONS AND ANSWERS
Selected President's Rulings: August 1975 to June 2012

While questions may be asked about entries in a member's Pecuniary Interest Register, the question must be directly related to the entry in the pecuniary interest register.

4/9/2002 PDp. 4489 Burgmann
24/10/2002 PDp. 5850 Burgmann

Questions to do with a Minister’s private affairs must be directly related to the Minister’s entry in the Pecuniary Interest Register.

4/9/2002 PDp. 4486 Burgmann

Members do not have to answer for the actions of their families, only questions relating to the Minister's own pecuniary interests.

24/10/2002 PDp. 5850 Burgmann

A Minister may be asked questions to do with public affairs or relating to his or her portfolio. Questions relating to a Minister's pecuniary interests may also be asked. However, as the Pecuniary Interests Register does not require a declaration by relatives of members, only questions relating to the Minister's own pecuniary interests may be asked.

12/11/2002 PDp. 6418 Burgmann

Supplementary questions SO 64(4)

Must seek to elucidate answer

It is acceptable to ask supplementary questions, within due limits, so long as they are necessary for the elucidation of the answers that have already been given.

13/10/1988 PDp. 2226 Johnson

At the discretion of the President one supplementary question may be put immediately by the member who asked a question to elucidate an answer.

4/12/2001 PDp. 19357 Burgmann

Supplementary questions must be directly related to the answer given by the Minister and must seek to elucidate, that is, make the answer clearer.

Numerous rulings including—

20/05/2003 PDp. 638 Burgmann
20/11/2003 PDp. 5384 Burgmann
12/11/2009 PDp. 19470 Primrose
31/08/2010 PDp. 24849 Fazio
10/05/2011 PDp. 511 Harwin
23/11/2011 PDp. 7622 Harwin

A member asking a question again may be regarded as that member seeking elucidation, but only if the original question was in order.

13/05/2004 PDp. 8968 Burgmann
Using the word “elucidate” in a question that contains additional information is not sufficient to make it a supplementary question.

15/05/2008 PDp. 7650 Primrose

Any question that does not seek elucidation of a Minister’s answer is out of order as a supplementary question. A supplementary question must arise out of the answer given by the Minister.

22/10/2009 PDp. 18513 Primrose

A supplementary question that asks for further information is not asking for elucidation of the answer and is out of order.

08/06/2010 PDp. 23815 Fazio

Using the word “elucidate” in a question then repeating part of the original question does not make it a supplementary question. A supplementary question must only ask for elucidation of the answer.

08/06/2010 PDp. 23816 Fazio

**Must not restate original question**

Supplementary questions may only be asked by the member who asked the original question.

4/12/1991 PDp. 5425 Gay (Deputy President)

12/5/1994 PDp. 2372 Willis

A supplementary question which is the same question is out of order.

13/5/1997 PDp. 8387 Willis

A supplementary question should be a new question relative to the issue, and not a repetition of the original question, either in full or in part.

23/6/1997 PDp. 10909 Willis

Members wishing to ask supplementary questions must not ask the same question or part of the same question again, even if the Minister has failed to answer the initial question or only partially answered it.

20/11/1997 PDp. 2175 Willis

A member cannot ask a supplementary question by repeating the original question.

17/06/2008 PDp. 8411 Primrose

21/10/2009 PDp. 18361 Primrose

04/05/2011 PDp. 73 Harwin

16/06/2011 PDp. 2459,63 Harwin

A supplementary question that merely repeats part of the original question is out of order.

21/10/2008 PDp. 10210 Primrose

05/03/2009 PDp. 13002 Primrose
A supplementary question must seek elucidation on an aspect of the Minister's answer and not restate the original question.

09/08/2011  PDp. 3915  Harwin
15/02/2012  PDp. 8180  Harwin

General

A supplementary question should relate to the principal subject matter of the original question.

25/6/1996  PDp. 3575  Willis

It is not in order for a member to ask a supplementary question when a purely formal answer, such as referring the matter to another Minister, has been given. A supplementary question must be based on part of the substantive answer given in response to a question.

21/11/1995  PDp. 3531  Willis

Supplementary questions should not seek to elicit a different answer from a Minister, or assist a Minister to understand the original question. A supplementary question must be a new question on the same subject.

4/6/1998  PDp. 5742  Willis

Supplementary questions are allowed in order to elucidate further information on a question which a member feels has not been effectively answered. They must be actually and accurately related to the original question and must relate to or arise from the answer given to the original question. They are not an opportunity to ask another question.


A supplementary question must seek clarification of the previous answer and must not contain new material.

Numerous rulings including—

26/10/2006  PDp. 3525  Burgmann
14/11/2006  PDp. 3709  Burgmann
15/11/2007  PDp. 4207  Primrose
18/06/2009  PDp. 16276  Primrose

A supplementary question cannot be asked if the original question has been ruled out of order.

28/6/2001  PDp. 15623  Burgmann

If a Minister does not answer a question, a member cannot ask a question to elucidate the answer.

27/09/2001  PDp. 17198  Burgmann
16/09/2003  PDp. 3275  Burgmann
26/10/2006  PDp. 2169  Burgmann
The sessional orders [now SO 65] relating to rules for questions clearly provide that questions must not contain hypothetical matter. The same rule applies to supplementary questions. A supplementary question which seeks information of a hypothetical nature rather than elucidation of the Minister's answer is out of order.

5/12/2002 PDP. 7756 Burgmann

Supplementary questions must not contain new information. Their purpose is to seek elucidation of an answer already given.

29/10/2003 PDP. 4277 Burgmann

A supplementary question is not in order if it raises a matter that was not raised in the original question and was not referred to in the Minister’s answer.

01/07/2003 PDP. 2394 Fazio (Acting President)

The rules governing supplementary questions are the same as those that govern questions.

Numerous rulings including—
31/03/2004 PDP. 7763 Burgmann
02/09/2004 PDP. 10719 Burgmann
22/02/2005 PDP. 13926 Burgmann

The sessional order [now standing order] clearly provides that the President has a discretion, at any time, to allow a supplementary question.

20/05/2003 PDP. 645 Burgmann

Members who wish to ask supplementary questions must rise and seek the call immediately after the Minister concludes the answer.

24/06/2003 PDP. 1843 Burgmann

The standing orders state that in order to ask a supplementary question the member who asked the original question must rise and seek the call.

18/09/03 PDP. 3542-3543 Burgmann

Supplementary questions may not ask for an expression of opinion.

13/11/2003 PDP. 4908 Burgmann

When a Minister says that he or she will take a question on notice no elucidation of the answer is possible.

16/11/2006 PDP. 4130 Burgmann

A supplementary question is out of order if it seeks information not referred to in the Minister’s answer.

07/05/2008 PDP. 7059 Primrose
When a question has been ruled out of order as a supplementary question it is not in order for the member who asked the question to then seek to ask another supplementary question.

A supplementary question cannot be asked to elucidate a one-word answer.

A supplementary question can only be asked by the member who asked the original question.

A supplementary question cannot be asked if the Minister answered "I refer to my previous answer".

A supplementary question cannot be asked if the Minister gave a formal answer such as "I will refer the question to another Minister".

A supplementary question may only be asked at the discretion of the President.

It is in order to ask a Minister to elucidate his answer if the Minister's time has expired before his answer is completed.

Time Limits

Under sessional orders, time for the asking and answer of a question includes any time taken up with points of orders.

A question must be successfully asked within the time limit prescribed. Debate on a point of order, and a ruling on it, may go on past the time limit.

A member is allowed to rephrase a question only when the time for asking the question has not lapsed.

In asking a question a member should not give information but rather should seek it.
Questions should be framed in the form of a question and not a statement.

02/08/1989       PDp. 8917       Johnson

Questions which are too long or provide too much detailed information should be put on the Questions and Answers Paper.

Numerous rulings including—
27/8/1991       PDp. 507       Gay (Deputy President)
04/12/1991      PDp. 5424      Gay (Deputy President)
06/03/1991      PDp. 680       Evans (Deputy)
01/04/1993      PDp. 1099      Gay (Deputy President)
11/05/1994      PDp. 2237      Willis

Questions without notice should be succinct. Cognisance should be taken of the fact that other Members are seeking to ask questions and receive answers. Lengthy questions should be placed upon the notice paper.

29/8/1990       PDp. 6561      Johnson
17/11/1994      PDp. 5181      Gay (Deputy President)

Members are entitled to give a reasonable amount of background in asking a question.

21/11/1985      PDp. 10262     Johnson
15/10/1992      PDp. 6968      Willis

Members may not preface questions with statements.

27/10/1998      PDp. 8951      Chadwick

In asking a question members should seek information and not give it, except in so far as it may be necessary to explain such question.

Numerous rulings including—
17/10/1990      PDp. 8521      Johnson
28/11/1979      PDp. 3990      Johnson
28/9/1983       PDp. 1266      Johnson
28/2/1984       PDp. 4675      Johnson

Questions should not contain too much detail and information.

1/3/1984        PDp. 4899      Johnson

A question which is the same as a question already asked may not be asked again on the same day.

16/8/1990       PDp. 5865      Johnson

It is not proper to ask Ministers for detailed statistical information that they cannot be expected to have at their command.

14/9/1994       PDp. 2931      Willis

88     QUESTIONS AND ANSWERS
Questions that demand technical answers and numerous figures would be better placed on the Questions and Answers Paper.

22/9/1994 PDp. 3508 Gay (Deputy President)

Standing orders provide that members may not debate any matter when asking a question.


There is nothing in the standing or sessional orders stating that a detailed question cannot be asked. However, it is probably more appropriate for a question seeking such detail to be put on notice.

22/05/2003 PDp. 962 Burgmann

A question is in order if it refers to what might have happened but for a decision of the House as long as it does not reflect on a decision of the House.

24/10/2006 PDp. 3155 Burgmann

It is out of order for members to make comments about questions on notice in a question without notice.

15/09/2011 PDp. 5741 Harwin

Question time is for seeking information. As the question is not about government policy and contains hypothetical matter it is out of order.

02/06/2011 PDp. 1778 Harwin

It is long-standing practice that some preamble to a question is allowed to enable the question to be intelligible and authenticated. However, the preamble should not take any more than half the time that it would take a member to ask a complete question.

26/08/2011 PDp. 4832 Harwin

Although a question may be out of order, once the question has been asked, the answer will be in order.

12/10/2011 PDp. 5991 Harwin

"Draconian" is an argumentative term and is out of order. However, the Minister may respond to those parts of the question that are in order.

22/02/2012 PDp. 8638 Harwin

Must not ask for expression of opinion

A question may not ask for an expression of opinion, legal or otherwise.

Numerous rulings including –

17/11/2004 PDp. 12958 Burgmann
22/02/2005 PDp. 13926 Burgmann
10/11/2005 PDp. 19463 Fazio (Deputy President)
Selected President’s Rulings: August 1975 to June 2012

09/05/2011 PDp. 419 Harwin
22/06/2011 PDp. 3061 Harwin

Questions should not seek legal advice or a personal opinion.

31/5/1990 PDp. 4841 Johnson
01/03/2006 PDp. 20758 Burgmann

In putting a question, no argument or opinion should be offered.

8/4/1986 PDp. 1409 Johnson

It is out of order for members to ask for expressions of opinion. However, a question requesting that a Minister explain the rationale behind a decision is in order.

18/06/2009 PDp. 16279 Primrose

"Is the Minister angry?" is seeking an expression of opinion and is out of order.

13/03/2012 PDp. 9380 Harwin

Must not contain argument

Questions must not contain arguments, inferences or imputations.

Numerous rulings including –

31/08/2004 PDp. 10461 Burgmann
20/10/2004 PDp. 11623 Burgmann
02/03/2005 PDp. 14395 Burgmann
03/08/2011 PDp. 3473 Harwin
06/09/2011 PDp. 4927 Harwin

Questions should not contain argument or ask for an expression of opinion.

Numerous rulings including –

5/12/2001 PDp. 19483 Burgmann
13/12/2001 PDp. 20133 Kelly (Acting)
4/9/2002 PDp. 4487 Burgmann
5/9/2002 PDp. 4657 Burgmann

Questions may not contain arguments, inferences or imputations, epithets, ironical or offensive expressions or inferences against a member.

Numerous rulings including –

12/03/2009 PDp. 13355 Primrose
21/04/2010 PDp. 21941 Griffin (Acting)
22/06/2010 PDp. 24377/8 Fazio
26/05/2011 PDp. 1115 Harwin
02/08/2011 PDp. 3355 Harwin
Questions should not contain argument or opinions, and only those facts necessary to explain the question.

21/11/1979 PDp. 3333 Johnson
01/11/1983 PDp. 2061 Johnson

The part of a question alleging that a member is of an “impartial” and “unprejudiced mind” ruled argumentative and out of order.

10/03/2010 PDp. 21136 Fazio

**Must not ask for statement of policy**

A question must not ask for a statement or announcement of the government’s policy, and it is a matter for the Minister to determine whether a question involves a statement of government policy.

**Numerous rulings including** –

5/6/2001 PDp. 14270 Burgmann
21/3/2002 PDp. 915 Burgmann
10/05/2007 PDp. 177 Primrose

It is not disorderly for a Minister to announce Government policy in response to a question. Members may not ask questions calling for an announcement of Government policy.

7/5/2002 PDp. 1537 Burgmann

Questions must not ask for a statement of, or announce government policy. It is out of order to ask for the Government’s response to a report of a public inquiry into a matter.

28/06/2004 PDp. 10279 Burgmann

Questions must not ask for a statement of government policy, but may ask for an undertaking from the Minister.

20/05/2010 PDp. 23162 Fazio

Questions must not ask for a statement of government policy, but a question may seek an explanation of government policy; ask a Minister about the effects of a proposal on the Minister’s portfolio; ask about the government’s intentions and the reasons for those intentions; and seek clarification of a statement made by a Minister.

12/03/2009 PDp. 13358 Primrose

**Must not contain fact unless strictly necessary**

Questions must not contain statements of fact or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated.

31/5/2001 PDp. 14072 Burgmann
5/6/2001 PDp. 14273 Burgmann
28/05/2003 PDp. 1234 Burgmann
Questions containing statements of fact or names of persons, unless they are strictly necessary to render the question intelligible and can be authenticated, are out of order.

15/11/2007       PDp. 4209       Primrose

It is not possible for the Chair to determine the veracity of facts presented by members in questions. The standing orders require that any facts presented should be limited to those that will make the question understandable. Any member who makes an assertion thereby attests to the veracity of that assertion.

15/11/2007       PDp. 4214/5      Primrose

It is in order for statements of fact to be made at the beginning of questions.

11/08/2011       PDp. 4211       Harwin

**Must not contain acronyms, epithets, hypothetical matter**

Members must not use acronyms either in questions or in answers.

11/11/2003       PDp. 4586       Burgmann
13/11/2003       PDp. 4909       Burgmann

Questions may not contain an epithet.

09/12/2004       PDp. 13653      Burgmann

Hypothetical questions are out of order.

04/05/2006       PDp. 22586      Fazio (Acting President)
11/08/2011       PDp. 4205       Harwin
13/10/2011       PDp. 6140       Harwin

**Anticipation**

[Note: standing order 65(4) provides an exception to the rule of anticipation for items of private members’ business outside the order of precedence or an order of the day relating to the budget estimates]

In responding to a question a Minister cannot refer to a matter that is before the House.

1/6/1999         PDp. 23          Burgmann

Questions must not anticipate discussion upon an order of the day or other matter on the notice paper except an item of private members’ business outside the order of precedence.

26/05/2005       PDp. 16222      Burgmann
Questions may not refer to a matter which is currently before the House.

Numerous rulings including –
21/10/1979 PDp. 2392 Johnson
3/10/1985 PDp. 7672, 7674 Johnson
7/6/1988 PDp. 1608 Solomons (Deputy President)
18/10/1989 PDp. 11307 Johnson
19/11/1992 PDp. 9298 Willis
8/5/1997 PDp. 8268 Willis

Questions asked in anticipation of discussion upon an order of the day set down for consideration by the House are out of order.
1/11/1979 PDp. 2412 Johnson
14/5/1990 PDp. 3075 Johnson

Questions should not anticipate a debate on a bill of which notice has been given.
15/3/1983 PDp. 4552 Healey (Deputy President)
27/4/1993 PDp. 1572 Willis
27/10/1994 PDp. 4755 Gay (Deputy President)

When considering whether a question without notice will anticipate debate on a bill which is currently the subject of a notice of motion, the Chair must have regard to the probability of the matter anticipated being brought before the House within a reasonable time. If it was unlikely that the matter would be before House until the distant future, then it does not fall within the ambit of anticipation.
28/4/1993 PDp. 1660 Willis

A question which relates to a current Act and not to an amending bill before the House is in order.
5/9/2002 PDp. 4653 Burgmann

Questions must not refer to proceedings in committee not yet reported to the House.
20/09/2001 PDp. 16922 Burgmann
27/09/2001 PDp. 17226 Burgmann

Questions must not anticipate discussion upon an order of the day but as the question does not specifically relate to the legislation before the House it is not out of order.
25/05/2011 PDp. 977 Harwin

A question that falls within the ambit of the bill before the House is out of order.
24/08/2011 PD. 4488 Harwin

A question that anticipates debate on a bill before the House is out of order.
23/11/2011 PD. 7626-7 Harwin
A question that may anticipate debate on a bill introduced earlier in the day is out of order.

15/02/2012 PDp. 8174 Harwin

Where a matter is in the public domain, it would be nonsense to constrain members’ discussion of it just because the House has established a committee to inquire into the matter.

22/05/2012 PDp. 11616 Harwin

Answers – rules for

SO 65

Answer must be relevant

A Minister’s answer should be relevant to the question.

Numerous rulings including —

14/4/1981 PDp. 5796 Johnson
15/3/1983 PDp. 4552 Healey (Deputy President)
9/5/1984 PDp. 382 Johnson
09/11/2011 PDp. 7103 Harwin
15/02/2012 PDp. 8172 Harwin
23/02/2012 PDp. 8827 Harwin

Answers should be relevant to the question asked. However, some generality is always allowed in answering a question.

Numerous rulings including –

29/11/2005 PDp. 20034 Burgmann
25/10/2006 PDp. 3315 Burgmann
07/06/2007 PDp. 984 Primrose

Under the new sessional orders [now SO 65] relating to questions, answers are required to be relevant to the question asked.

25/10/2001 PDp. 17971 Burgmann
17/9/2002 PDp. 4773 Burgmann
25/9/2002 PDp. 5255 Burgmann

In answering a question a Minister has two requirements: the answer must be relevant and the Minister must not debate the question.

20/09/2006 PDp. 1882 Burgmann
21/09/2006 PDp. 2046 Burgmann
22/09/2009 PDp. 17824 Primrose
24/08/2011 PDp. 4495 Harwin

Question time is an opportunity for members to seek information, it is not the time for the minister to answer a question that he thinks another member might ask.

21/06/2011 PDp. 2890 Harwin
Member must not debate the question

A Minister may not debate the question, but that does not include the issue to which the question referred.

Numerous rulings including —

14/10/2003    PDp. 3694    Burgmann
18/10/2005    PDp. 18671    Burgmann
29/10/2009    PDp. 18948    Primrose
18/05/2010    PDp. 22819    Fazio
06/04/2011    PDp. 320     Harwin
16/02/2012    PDp. 8395    Harwin

Comparing the question with another question is debating the question and is out of order.

21/10/2004    PDp. 11774    Burgmann

Although a Minister may not debate a question, he or she is not restricted from debating the issue to which the question refers.

13/11/2008    PDp. 11341    Primrose
29/10/2009    PDp. 18948    Primrose

While it is inappropriate to debate the question, it is not inappropriate to debate the issue that is the subject of the question.

13/10/2011    PDp. 6140    Harwin

Answers given by a different Minister

It is in order for the Leader of the Government to answer any question that is directed to Ministers.

26/5/2000    PDp. 5901    Burgmann
21/11/2000   PDp. 10349    Burgmann
25/10/2001    PDp. 17971    Burgmann

It has been the practice for many years in this House that the Leader of the Government may answer any question.

16/09/2003    PDp. 3282    Burgmann

Ministers may transfer a question to another Minister.

09/12/2004    PDp. 13652    Burgmann

If the Leader of the Government wishes to answer the question, he can do so either in his capacity as Leader of the Government or in his capacity as the Minister of whom the question should have been asked. A Minister can answer a question in any way he or she sees fit as long as the answer is relevant.

17/11/2004    PDp. 12957    Burgmann
Answers - General

Past Presidents' rulings indicate that a Minister does not have to answer a question. A Minister may indicate that he does not wish to answer the question. He may answer it partially. He may answer it in his own manner. One would hope that Ministers would conform to past precedents and the standing orders. However, the Chair cannot compel the Minister to answer a question other than in the way he wishes.

The Chair cannot direct a Minister to answer a question.

The Chair cannot direct a Minister how to answer a question.

As long as an answer pertains to or bears upon the question it is within order. It is not for the Chair to direct a Minister how to answer a question. There is a long line of authority indicating that provided a Minister complies with the general rules of debate, he or she may answer as he or she sees fit.

A member is entitled to ask a Minister to elucidate any aspect of an answer. However, the Minister may decline to do so.

A Minister may decline to answer a question.

Ministers may answer a question as they see fit, provided that at all times the answer is relevant to the question. If the Minister has information that he can provide to the House that is relevant to the question, he should do so. If he does not have that information, he should resume his seat and allow question time to proceed.
A Minister can express an opinion in an answer, but the questioner cannot ask the Minister for an opinion.

17/10/2001 PDp. 17377 Burgmann

Although a question may be out of order, once the question has been asked, the answer will be in order.

19/3/2002 PDp. 616 Burgmann

A question may be out of order while the answer to it may not. No sessional order provides that answers to questions should not contain an announcement of Government policy. Sessional orders provide, however, that questions may not ask for such an announcement.

20/3/2002 PDp. 737 Burgmann

Ministers may answer innuendos contained in a question, provided no point of order is taken and upheld ruling the innuendos out of order.

25/9/2002 PDp. 5260 Burgmann

There is no rule stating that a Minister, in answering the question, may not waste the time of the House.

29/11/2001 PDp. 19132 Burgmann

There is nothing in the sessional or standing orders that requires a Minister not to make an assumption when answering a question.

26/06/2003 PDp. 2200 Burgmann

The requirement that statements of fact cannot be used unless they are authenticated applies only to questions; it does not apply to answers.

18/11/2003 PDp. 5083 Burgmann

A Minister cannot provide an answer to a question that has been ruled out of order.

26/09/2006 PDp. 2177 Burgmann

Although a question must not seek an opinion of a Minister, a Minister can give an opinion in his or her response to a question.

14/11/2007 PDp. 4016 Primrose

Members should not engage in the use of epithets when answering questions.

19/06/2008 PDp. 8812 Primrose

Answers should not contain inferences or imputations.

12/03/2009 PDp. 13355 Primrose
Answers containing imputations of improper motives and personal reflections are out of order.

09/09/2009 PDp. 17495 Primrose

The standing and sessional orders do not prohibit answers from containing an announcement of Government policy. However, the standing orders do provide that questions may not ask for such an announcement.

02/06/2011 PDp. 1778 Harwin
24/08/2011 PDp. 4495 Harwin
13/09/2011 PDp. 5479 Harwin

The Minister, in referring to a previous question on the same topic, is not being relevant to the question asked, and is out of order.

06/03/2012 PDp. 8934 Harwin

When answering a question Ministers may not provide an answer to a question previously asked.

30/05/2012 PDp. 12207 Harwin

Answers to questions, provision of SO 66, 67

Answers to questions on notice and answers to questions without notice must be provided within 35 calendar days after the question is asked. During any adjournment of the House, replies to these questions may be delivered to the Clerk. On the first sitting day after any lengthy adjournment, for example between the budget and spring sessions, all answers to questions on notice received by the Clerk are published in Questions and Answers. Similarly, all answers to questions without notice received by the Clerk are published in Hansard. Staff in the Legislative Council Procedure Office and the Office of the Leader of the Government are in regular contact to ensure compliance with the dates for submission of answers. To date there have been no instances of answers to questions being submitted late.

29/8/2002 PDp. 4349-4350 Burgmann

Questions asked by Ministers

There is nothing in the standing or sessional orders that precludes a Minister from asking a question.

24/10/2002 PDp. 5855 Burgmann

Questions asked on behalf of another member

A question may be asked on behalf of another member who is not present in the chamber.

22/09/2005 PDp. 18145 Burgmann
Government to determine length of time for

The Government is in charge of the Business of the House. Although an undertaking may have been given that question time would last for a specified duration, the Minister may at any time suggest that further questions be put on notice.

22/2/1990 PDp. 32/3 Johnson

It is up to the Minister to determine at what point to terminate question time.

21/10/1997 PDp. 1018 Willis
QUESTIONS FROM THE CHAIR

Put sequentially (seriatim)  
SO 102

The proper time to request that the resolutions of a motion consisting of more than one resolution 
be put seriatim is when the question is put, not during debate. If a member does not so indicate at 
that time, the question on the motion will be put as one question.

2/6/1988  PDP. 1336  Johnson

Previous question  
SO 107

A member is entitled to move the motion, pursuant to standing order 108 [now SO 107], which 
provides the previous question shall be put in the form “That the question be now put”.

5/12/1994  PDP. 6447  Willis

[Note: under standing order 107 the previous question is now put in the form “That the question be 
not now put”]

Same question  
SO 103

A motion to restore a bill to the Business Paper after it has been defeated on the second reading 
does not contravene the same question rule under standing order 113 [now SO 103].

16/09/1993  PDP. 3240/3241  Willis
QUORUM

Members sitting in the President’s gallery are present in the chamber and may not leave the chamber while quorum bells are ringing.

23/4/1996 PDp. 327 Gay (Deputy President)
REFLECTIONS

Reflections on the Chair

To suggest that the President's dealing with a matter in a certain way would be committing the error of gagging the House is a reflection on the Chair and should be withdrawn.

1/3/1979 PDp. 2655/6 Johnson

Reflections on the President cannot be made unless by way of substantive motion.

21/09/2006 PDp. 2064 Forsythe (Deputy)

Members must not make reflections on the ability of the Chair to control behavior within the House.

22/09/2010 PDp. 25815 Fazio

Reflections on the Crown (Governor)

To suggest that the Governor-General had made an infamous decision is casting a reflection on the Governor-General and is out of order.

12/11/1975 PDp. 2514 Budd

To suggest that the Governor-General is either the willing or unwilling tool in a major conspiracy by a political party to gain power is clearly casting reflections on the Governor-General.

12/11/1975 PDp. 2517 Budd

To suggest that His Excellency was placed in an embarrassing situation by being required to make untrue comments in his Opening Speech to Parliament is a personal reflection on the Governor and must be withdrawn.

17/9/1980 PDp. 1040 Johnson

Members may not cast reflections upon the sovereign nor refer to the sovereign in a disrespectful manner. Furthermore, a member may not use the name of the Queen for the purpose of influencing the House in its deliberations. It is in order however, for a member to question a Minister about matters relating to the Queen or her representatives, provided that such questions are phrased in a respectful manner.

31/5/1990 PDp. 4850 Johnson

Member should not be disrespectful to the Monarch and the royal family.

4/3/1993 PDp. 327 Evans (Deputy)

A motion to amend the Address-in-Reply motion does not constitute an irreverent use of the name of Her Majesty or the Governor.

2/3/1994 PDp. 46 Willis
To refer to Her Majesty as an “old leftie” is a transgression of Standing Order 79 [SO 91].

24/10/1996 PDp. 5311 Willis

A member cannot criticise the Governor except by way of substantive motion.

09/12/2004 PDp. 13746 Burgmann

To refer to the monarchy as a hangover is not casting an aspersion on the Queen.

07/03/2006 PDp. 21083 Burgmann

Standing order 91 prohibits members from making disrespectful references to the person in the position of the Queen, not to the position itself.

07/03/2006 PDp. 21091 Burgmann

Members should not be disrespectful to the monarch and the royal family.

21/09/2006 PDp. 2064 Forsythe (Deputy)

The requirement that members not refer to the Queen for the purposes of influencing the House in its deliberations applies only to the Queen or the Governor. It does not extend to his Royal Highness the Duke of Edinburgh.

23/11/2011 PDp. 7631 Harwin

Reflections on Judicial Officers

Reflections on a member of the judiciary cannot be debated unless raised by way of substantive motion.

23/09/1997 PDp. 303 Willis

A member may not attack a judicial officer other than by way of a substantive motion. This includes implying that there is any political motive or a connotation of interference in the actions of a judge.

24/9/1998 PDp. 7965 Chadwick

It is not permissible to criticise a member of the judiciary except in a debate on a substantive motion relating to the conduct of that member of the judiciary.

21/6/2001 PDp. 15016 Tsang (Deputy)

Previous Presidents have ruled that members may not reflect on members of the judiciary except by way of substantive motion. However, it is clear that those rulings relate to reflections on an individual member of the judiciary, rather than the judiciary as a group.

01/06/2011 PDp. 1598 Harwin

Reflections on a member of the judiciary cannot be debated except by way of a substantive motion. However, as the member was making comments about the court, not an individual member of the judiciary, the comments were not out of order.

06/03/2012 PDp. 8937 Harwin
Reflections on the House

It is offensive to refer to debate in this House as a farce.
14/11/1989 PDp. 12106 Johnson

To suggest that a motion has been moved in ambush style when in fact Standing Orders were complied with, is a reflection on the integrity of the House.
30/11/1989 PDp. 13932 Johnson

To suggest that the matter in which debate is being conducted is illegitimate is a reflection on the House.
30/11/1989 PDp. 13934 Johnson

Reflecting on the hours of sitting is not reflecting on a decision of the House.
27/6/2002 PDp. 4081 Burgmann

Members must not reflect on the integrity of the House.
02/06/2011 PDp. 1734 Harwin

Reflections on members

It is unparliamentary to call members of the House corrupt.
26/11/1976 PDp. 3694 Budd

It is a personal reflection to suggest that a member has been interested in public issues only since being on the public payroll.
16/02/1978 PDp. 11948 Budd

The comment “At least I am sober” is a personal reflection and should be withdrawn.

A question which by imputation involves a Minister in something of which the Minister is not guilty is out of order.

A question which asks why a Minister misled the House imputes improper motives should be rephrased.

A member’s given word must be accepted and should not be alleged to be false.
To suggest that a member is seeking cheap and tawdry publicity is not an imputation of improper motive and therefore is not out of order.

23/3/1983 PDr. 5158 Johnson

The statement “lies were being peddled about the countryside” does not constitute a personal reflection and is not out of order.

27/9/1983 PDr. 1156 Johnson

To suggest that a member is treating the House with contempt is a personal reflection and must be withdrawn.

22/11/1983 PDr. 2990 Johnson

The statement “members get a thrill from pornography” is a personal reflection and should be withdrawn.

01/11/1984 PDr. 3141 Johnson

Allegations of a personal nature against Members can only be made upon a direct and substantive motion. Members must exercise their privilege of free speech with good sense and good taste, so as to maintain courtesy of language towards other Members in debate. Personal references not only reduce the standard of debate, provoke retaliation and lead to disorder in the House, but degrade the Parliament in the estimation of the people.

31/03/1987 PDr. 9586 Johnson

It is offensive to suggest that a member acting under instructions from a committee is motivated by personal considerations.

09/11/1988 PDr. 2921 Johnson

To suggest that a member has deliberately sought to muddy the waters in debate is a personal reflection and should be withdrawn.

09/11/1988 PDr. 2946 Johnson

It is quite within the bounds of the customary procedures of the House to say that Ministers of the Crown have no regard for the Parliamentary process. However, to say a Minister is disregarding the law is out of order and the remarks should be withdrawn.

05/04/1989 PDr. 5839/41 Johnson

To suggest that a member displayed hypocrisy in voting is an imputation of improper motive and should be withdrawn.

30/11/1989 PDr. 13937 Johnson

To suggest that a member continually interrupts other members by taking fraudulent points of order is perhaps beyond the bounds of acceptability and should be withdrawn.

2/5/1990 PDr. 2169/70 Johnson
The statement that a member should go back to sleep as he usually does is a personal reflection and should be withdrawn.

14/5/1990 PDp. 3048 Johnson

There is no doubt, calling upon the standard reference books on offensive words, etcetera, that according to the practices normally followed in this House offensive words may not be used against any member and all imputations of improper motives and all personal reflections upon members are considered to be highly disorderly. Standing Order 81 [now standing order 91] accords with what these reference volumes say on the matter. The practice of the House, based on the practice of the House of Commons, is that members can direct a charge against other members upon their character or conduct only upon a substantive motion that admits the distinct vote of the House.

20/3/1991 PDp. 1287 Johnson

Although no offence can be taken to remarks which are quotations from a report, inferences drawn from such remarks may be offensive.

15/8/1990 PDp. 5730 Johnson

It is unparliamentary for a member to refer to another member as dishonourable.

13/10/1994 PDp. 3923 Willis

The statement that a member does “not take kindly to individuals and activist groups who take action to enforce public laws” is an imputation of improper motives and should be withdrawn.

27/10/1993 PDp. 4466 Gay (Deputy President)

Suggestions or implications that a member or Minister is lying is a breach of the Standing Orders, as the claim impinges upon the integrity of that member or Minister.

11/10/1994 PDp. 3659 Willis

That a member says of another member that he is misleading the House does not necessarily imply that the member who is accused is deliberately misleading the House.

26/10/1994 PDp. 4639 Willis

Allegations against a member of this House or a member of the other House may only proceed by way of substantive motion. It is disorderly to make allegations against members by reading a document which makes allegations.

01/06/1995 PDp. 555 Willis

Newspapers cannot be used indirectly as a means of giving substance to allegations against members.

20/09/1995 PDp. 1168 Willis
There is a difference between a member relating a statement of fact and a member reflecting upon or imputing improper motives to a member of either this House or the other place. The member should simply state the facts without opinion or reflection on those actions, otherwise the member will be out of order.

20/09/1995 PDP. 1168 Willis

It is in order to seek an explanation as to why members voted in a particular way, provided the question does not reflect on a decision of the House and is not seeking to debate an issue which is on the notice paper.

25/10/1995 PDP. 2259 Willis

Implying that members of the coalition may have been influenced in some way, perhaps for reward, by companies involved in a particular matter is an improper reflection on the motives of members.

17/11/1998 PDP. 9986 Chadwick

Imputations of improper motives to and personal reflections on members are deemed to be disorderly.

19/11/1997 PDP. 2056 Gay (Deputy President)

Members must not cast aspersions or imputations on another member except by way of a substantive motion.

Numerous rulings including –
10/11/1999 PDP. 2585 Kelly (Deputy President)
27/03/2001 PDP. 12538 Burgmann
08/05/2002 PDP. 1730 Saffin (Deputy)
27/10/2004 PDP. 12088 Burgmann
22/09/2005 PDP. 18152 Burgmann
03/06/2010 PDP. 23639 Fazio
24/11/2011 PDP. 7797 Gardiner (Deputy President)

There is no imputation or personal reflection where a member refers to an institution as racist.

01/07/1999 PDP. 1914 Burgmann

Imputations of improper motives and all personal reflections on members are disorderly.

Numerous rulings including –
21/03/2002 PDP. 946 Burgmann
06/06/2002 PDP. 2718 Burgmann
10/09/2009 PDP. 17687 Primrose
16/03/2010 PDP. 21439/40 Fazio
21/02/2012 PDP. 8516 Harwin
07/03/2012 PDP. 9046 Harwin

The parliamentary process should not be used to attack a member's reputation.

05/09/2002 PDP. 4673 Sham-Ho (Deputy)
To claim that non-disclosure of pecuniary interests is wilful deemed offensive.

12/11/2002 PDP. 6447  Kelly (Deputy President)

Impugning improper motives on a Minister contravenes the standing orders.

12/11/2002 PDP. 6448-6449  Kelly (Deputy President)

Members should refer to one another in a civil fashion, act civilly and refer to each other in a proper manner.

13/11/2002 PDP. 6567  Burgmann
13/11/2002 PDP. 6571  Burgmann

There is a distinction between an imputation against a member of the House and an imputation against actions of a member of the House.

13/11/2002 PDP. 6645  Burgmann
14/11/2002 PDP. 6759  Burgmann
19/11/2002 PDP. 6920  Burgmann

An allegation that a member is of unsound mind is not unparliamentary.

5/12/2002 PDP. 7868  Burgmann

It is disorderly for members to make imputations against members of either chamber. However, members can make imputations against members of the public.

21/10/2004 PDP. 11807  Burgmann

To suggest that a member finds the civil liberties of individuals boring is an improper reflection, and must be withdrawn.

28/05/2003 PDP. 1221-1222  Burgmann

A ruling of President Willis made it clear that an implication by one member against another member is offensive if it is of a personal nature rather than of a political nature. If a member is of the view that misleading statements have been made about his or her behaviour, the member may, in accordance with the standing orders, seek to make a personal explanation.

03/07/2003 PDP. 2730  Burgmann

Members should not take offence at political statements, only at personal references.

12/05/2004 PDP. 8784  Burgmann

References to the views of a political party are not imputations against individual members and are not out of order.

28/10/2004 PDP. 12202  Burgmann
Previous Presidents have ruled on numerous occasions that collective insults towards political parties are not unparliamentary.

21/09/2005 PDp. 18031 Fazio (Deputy President)

A member who feels that they have been misrepresented should seek to make a personal explanation rather than to take a point of order regarding offensive language.

04/09/2003 PDp. 3160 Fazio (Deputy President)

The comment that a Minister is not in the chamber because he is wheeling and dealing is an imputation and should be withdrawn.

16/10/2003 PDp. 4008-4009 Fazio (Deputy President)

Members expect debate on proceedings in this chamber and during public committee hearings to be fairly robust. Although the proceedings of the deliberative meetings of parliamentary committees should not be referred to during debate in this House, matters on the public record are open to debate and members should not be too precious about references to the behaviour of members during a public committee hearing. Otherwise, very little could be said about some committee hearings. However, members should refrain from making imputations against other members.

23/03/2005 PDp. 14797-8 Burgmann

To suggest that a member is motivated by personal gain in supporting a particular piece of legislation imputes improper motive and should be withdrawn.

11/05/2004 PDp. 8697 Burke (Deputy)

It is an imputation to suggest that a member is not a Christian because of his political dealings.

29/11/2004 PDp. 20035 Burgmann

The Minister may speak about statements made by the Leader of the Opposition, but not about the Leader of the Opposition.

07/03/2006 PDp. 21050 Burgmann

Implying that other members in the Chamber are intoxicated is disorderly.

07/03/2006 PDp. 21084 Burgmann

A member must not use a newspaper article as a means of casting aspersions against or making imputations about another member.

26/09/2007 PDp. 2315 Nile (Assistant)

05/03/2009 PDp. 12989 Primrose

Imputations of improper motives and all personal reflections on either House are disorderly. There need not be a clear-cut allegation for comments to be out order.

24/06/2008 PDp. 9081 Nile (Assistant)
Usually a request for the withdrawal of remarks regarded as offensive is made by the member against whom the remarks are levelled. However, that is not a requirement of the standing orders.

24/09/2008  PDp. 9827  Primrose

The use of epithets by members, whilst contrary to the standing orders when asking questions, is not contrary to the standing orders when debating motions. However, it is contrary to the practice of this House to refer to other members by anything other than their correct title.

07/05/2009  PDp. 14844  Primrose

Although members may be tempted to respond to imputations made by others, such responses are inappropriate and contrary to the standing orders.

24/09/2009  PDp. 18096  Primrose

Members should exercise their privilege of free speech with good sense and good taste and seek to distinguish between those remarks that are offensive in a political way and those offensive in a personal way.

24/09/2009  PDp. 18135  Primrose

Asserting that a minister is ignorant of an issue is not the same as asserting that the minister is ignorant, and is not out of order.

01/06/2010  PDp. 23317  Fazio

Claiming that an amendment is not genuine and moved in an attempt to harm the successful passage of the bill is an imputation of improper motive and is out of order.

08/09/2010  PDp. 25372  Griffin (Deputy President)

When answering a question a Minister must not cast reflections on other members.

06/09/2011  PDp. 4924  Harwin
15/09/2011  PDp. 5748  Harwin
16/09/2011  PDp. 5847, 57  Harwin
11/10/2011  PDp. 5889  Harwin
15/02/2012  PDp. 8177  Harwin
04/04/2012  PDp. 10611  Harwin

Objection taken to the allegation that the member did not prepare her own speech. Comments withdrawn.

14/03/2012  PDp. 9555  Green (Deputy)

Suggestion that the motivation for moving an amendment to a bill was to influence the outcome of a particular local government election ruled offensive and withdrawn.

03/04/2012  PDp. 10445  Gardiner (Deputy President)

Suggesting that a member had leaked committee evidence was imputing an improper motive and a reflection on the member. Comment withdrawn.

29/05/2012  PDp. 12086  Harwin
That a member was being "less than genuine" in his dealings with another member, ruled a reflection and withdrawn.

31/05/2012 PDp. 12384 Harwin

**Members should be referred to by their correct title**

A member must refer to members of this House and the other place by their correct titles.

**Numerous rulings including –**
1/8/1989 PDp. 8712 Johnson
24/5/1995 PDp. 91 Willis
04/05/2004 PDp. 8190 Nile (Deputy)
02/05/2006 PDp. 22332 Fazio (Acting President)
13/03/2012 PDp. 9375 Harwin
24/05/2012 PDp. 11903 Harwin

Although it has been the practice in the past that members have referred to each other as “the Honourable”, nothing in the standing orders requires that that practice must be followed.

01/03/2001 PDp. 12153 Burgmann
11/04/2002 PDp. 1371 Burgmann
19/9/2002 PDp. 5022 Burgmann
16/9/2003 PDp. 3292 Burke (Deputy)

A member should not refer to another member as “the Honourable lady” but as “the Honourable member”.

30/4/1981 PDp. 6445 Johnson

Members must refer to Ministers as “the Honourable”.

27/10/1994 PDp. 4742 Gay (Deputy President)

The Premier should be referred to by his correct title.

06/05/2003 PDp. 258 Fazio (Deputy President)
20/05/2003 PDp. 694 Burgmann

The formal title of members of the Legislative Council is "the Honourable". Members may choose not to use that title. However, in the records of the House members are formally referred to as "the Honourable"

07/09/2010 PDp. 25239 Fazio

That a member has declined the use of the honorific does not mean that the member is not honourable; such decisions should be respected. All members should use the honorific when referring to members who have not declined its use.

15/06/2011 PDp. 2295 Harwin
Members must not abuse the honorific title.

09/08/2011    PDp. 3915    Harwin

The requirement that members refer to other members by their correct titles applies only to members of this House. The rule does not apply to references to the Prime Minister.

23/11/2011    PDp. 7625    Harwin

Members should refer to the Leader of the Opposition by his correct title.

22/02/2012    PDp. 8636    Harwin

The requirement that members refer to members of this place and the other place by their correct titles has a purpose. It maintains order and civility in the House and ensures a reasonable standard of debate.

14/03/2012    PDp. 9506    Harwin

There is no requirement for members to refer to a political party by its registered name.

30/05/2012    PDp. 12237    Gardiner (Deputy President)

Reflections on former members

There is no standing order relating to reflections on former members.

24/08/2008    PDp. 9923    Primrose

Reflections on members of the Assembly

It is unparliamentary to refer to the words of a member in another place as lies.

20/10/1976    PDp. 1959    Budd

Personal reflections on members of the other House are highly irregular.

26/5/1987    PDp. 12309    Johnson

It is objectionable for a member to say of a Minister in another place that he lied.

2/8/1989    PDp. 8963    Solomons (Deputy President)

Rulings of the President have extended the scope of Standing Order 81 [standing order 91] to include reflections on members of the other place. Reflections against members of either this House or another place must be made by way of substantive motion.

15/9/1993    PDp. 3126    Willis

Members who wish to make charges against any member of either House should do so by way of substantive motion.

27/10/1993    PDp. 4466    Gay (Deputy President)
A member is entitled to quote from an article which is part of the print media, provided that he does not associate himself with an accusation that is disparaging or reflecting on a member of another House. The member is restricted to doing so only by way of substantive motion.

19/6/1997  PDp. 10680  Willis

It is highly irregular to make personal reflections on members in the other place.

20/3/2002  PDp. 774  Saffin (Deputy)

Imputations against members of this House or of another House are out of order unless raised by substantive motion.

4/9/2002  PDp. 4494  Burgmann
5/9/2002  PDp. 4651  Burgmann
30/08/2006  PDp. 1079  Burgmann
26/11/2009  PDp. 20044  C. Robertson (Deputy)
03/06/2010  PDp. 23639  Fazio

No sessional or standing orders state how a member should refer to members in the other place.

19/09/2002  PDp. 5016  Burgmann

It is not in order to impugn members of either House, suggest improper motives or make personal reflections.

24/06/2009  PDp. 16633  Primrose

While imputations against members in the other Chamber are disorderly, only a member who is personally aggrieved by a statement can ask for the statement to be withdrawn.

23/02/2010  PDp. 20704  Fazio

It is disorderly for members to make personal reflections on members of the other House except by way of a substantive motion.

04/05/2011  PDp. 97  Harwin
24/08/2011  PDp. 4533  Harwin
19/10/2011  PDp. 6649  Harwin

Members must not cast aspersions or imputations on a member of either House except by way of a substantive motion.

09/09/2011  PDp. 5347  Harwin

Members should refer to members of the other place by their proper titles.

14/06/2011  PDp. 2186  Harwin

It is a reflection and out of order to remark that a member of the other House had "reneged on that promise for no compelling reason other than deference to her union masters".

13/10/2011  PDp. 6143  Harwin
It is out of order to make imputations against a member of the other place.
06/03/2012 PDp. 8933 Harwin

It is out of order to cast aspersions on a member of the other place.
06/03/2012 PDp. 8951 Westwood (Deputy)

Reflections on Officers

Imputations against the staff of the House are improper and should be withdrawn.
30/5/1990 PDp. 4715 Johnson

Reflections on Royal Commissioners

Comments suggesting that a Royal Commissioner lacks the capacities required for the performance of his duties is a reflection on the Commissioner and should be withdrawn.
3/11/1983 PDp. 2416 Healey (Deputy President)

Reflections on members of other Parliaments

It does not reflect great credit on this House to bandy words across the table concerning the leaders of the country, no matter to which party they belong. It would be preferable for members to confine their remarks to subject matter of the debate.
25/11/1975 PDp. 3083 McKay (Deputy President)

The standing orders and conventions are silent with regard to unparliamentary terms directed at members of other parliaments. However, the word ‘liar’ is unparliamentary.
30/11/2005 PDp. 20239 Burgmann

The standing orders do not refer to imputations against former members of another Parliament.
25/05/2006 PDp. 414 Griffin (Deputy)

The standing orders are silent with regard to unparliamentary terms directed at members of other parliaments.
12/08/2011 PDp. 4321 Harwin
23/11/2011 PDp. 7625 Harwin
23/02/2012 PDp. 8821 Harwin
03/04/2012 PDp. 10419 Harwin

It is not out of order for members to refer to the Prime Minister by name.
14/06/2012 PDp. 12823 Harwin
Reflections on votes of the House

No member may reflect upon any vote of the House except for the purpose of moving that such vote should be rescinded. To suggest that the creation of a committee by the House is a farce, is such a reflection and should be withdrawn.

16/6/1988    PDP. 2096    Johnson
02/03/1989    PDP. 5562    Johnson

It is improper and contrary to standing orders to reflect on a decision of the House, except by means of the procedures laid down. The Minister [in answering a Question] is entitled to convey community reaction provided he clearly identifies it as community reaction and does not indicate whether he is supportive of that community reaction if that reaction is contrary to a decision of the House.

29/10/1996    PDP. 5392    Willis

It is in order for the member to complain about what might have happened, but it is not in order for her to enter into debate on a matter which has already been decided by the House.

22/5/1997    PDP. 9095    Willis

Reflecting on the hours of sitting is not reflecting on a decision of the House.

27/6/2002    PDP. 4081    Burgmann

Criticising a vote of the House is unparliamentary.

5/9/2002    PDP. 4672    Sham-Ho (Deputy)

No member shall reflect upon any vote of the House except for the purpose of moving that such vote be rescinded.

04/09/2003    PDP. 3166    Griffin (Deputy)
26/09/2006    PDP. 2151    Burgmann
19/10/2006    PDP. 3024    C. Robertson (Deputy)

Members may not reflect on a decision of the House.

02/06/2011    PDP. 1760, 2040/1    Harwin
14/06/2011    PDP. 2169/70    Harwin
03/04/2012    PDP. 10455    Harwin
31/05/2012    PDP. 12373    Harwin

It is disorderly to reflect on legislation that has been agreed to previously by the House.

28/10/2003    PDP. 4161    Burke (Deputy)
The word “reflect” in standing order 91(1) means reflect in a poor way, rather than simply making a reference. To simply make a reference to a resolution or a vote of the House is in order. Any adverse or critical reference to a vote of the House would contravene standing order 91(1).

05/12/2003      PDp. 6029       Burgmann

Members may not reflect on a decision of the House just made in a division.

15/11/2005      PDp. 19628       Fazio (Deputy President)

It is out of order for any member at any time to reflect upon a vote of the House. However, a Minister is entitled to outline the chain of events that led him or her to a decision.

08/11/2011      PDp. 6989       Harwin
Members must not digress from the subject matter of the motion or bill before the House.

Numerous rulings including –

28/3/1979 PDp. 3266 Johnson
30/4/1986 PDp. 3204 Healey (Deputy President)
15/9/1994 PDp. 3022 Gay (Deputy President)
19/9/2001 PDp. 16751 Burgmann
09/12/2004 PDp. 13754 Roozendaal (Deputy)
14/06/2012 PDp. 12817 Mitchell (Deputy)

When the debate has been wide ranging, members should receive the same latitude as has been extended to other members.

1/7/1982 PDp. 239 Johnson
1/12/1983 PDpp. 4143, 4144, 4145 Johnson

It is standard practice for members speaking to the budget debate to be allowed wide latitude.

02/11/1983 PDp. 2214 Johnson
21/10/1987 PDp. 14832 Healey (Deputy President)

In debating whether standing orders are to be suspended, members should confine their remarks to the substance of the motion and not the substantive issue.

12/10/1993 PDp. 3350-1 Willis

The citing of examples from outside the State has never been a restriction in this House.

17/11/1993 PDp. 5515 Gay (Deputy President)

The standing orders require that a member's remarks be relevant to the subject matter of the debate. However, that provision has been interpreted in a fairly general way.

13/6/2002 PDp. 3067 Burgmann

It is an accepted convention in this House that members may speak in general terms when contributing to debate. Quite often the themes of members' speeches are general in nature, and this practice is adopted regularly.

13/11/2002 PDp. 6582 Burgmann

It is a convention of this House for members to speak in general terms about the way in which a committee deals with an inquiry.

13/11/2002 PDp. 6583 Burgmann
Members have an obligation when contributing to debate to ensure that their comments are relevant to the question before the House.

Numerous rulings including -

18/11/2003   PDP 5098   Burke (Deputy)
03/03/2005   PDP 14592   C. Robertson (Deputy)
29/03/2006   PDP 21647   Sharpe (Deputy)
15/11/2006   PDP 3876   Burgmann

A motion which deals with an order for papers in relation to the feasibility of, or planning for, a proposed primary school at Lake Cathie would involve some budget considerations, and comments made in debate concerning the education budget are in order.

02/09/2004   PDP 10748   Fazio (Deputy President)

It is a convention in this House that a degree of latitude is allowed to members with regard to the use by them of general comment in speeches, as opposed to questions or answers during question time. However speeches must be relevant to the question before the Chair.

26/10/2004   PDP 11876   Burgmann
20/09/2005   PDP 17911   Burgmann

Although traditionally a degree of latitude is extended to members contributing to debate on committee reports they should nevertheless confine their remarks to the report being debated.

06/04/2005   PDP 15042   Griffin (Deputy)

Members may refer to the content of speeches of other members during debate on a bill.

23/02/2005   PDP 14049   Nile (Deputy)

General references to whether a committee should conduct an inquiry at a particular time can certainly be made although the debate must be relevant to the question before the Chair.

23/03/2005   PDP 14764   Burgmann

Members may refer to the bill to illustrate their argument in support of a motion to suspend standing orders to expedite its passage. However it is not permitted to traverse the subject matter of the bill.

30/11/2005   PDP 20238   Burgmann

When a member is arguing that a bill facilitates money going towards a religious event, arguments to do with secularism are appropriate.

15/11/2006   PDP 3997   Burgmann

The contributions of members must be relevant to the question before the House. However, by tradition, debate in this House may be broad ranging.

20/10/2009   PDP 18248   Primrose
When speaking to the motion that government business take precedence of general business members must not traverse too far into the subject of the second reading debate on a bill which is on the Notice Paper.

02/06/2011 PDp. 1735 Harwin

When debating whether the committee of the whole should be given an instruction, the member should confine her comments to that motion and not to the matters that are the gamut of the second reading debate.

02/06/2011 PDp. 2034 Harwin

When speaking to an amendment, a member must confine remarks to the amendment.

05/08/2011 PDp. 3767 Harwin

When speaking to a motion to refer to the Privileges Committee comments made by a member, it is permissible for the member to place the earlier comments in context. However, the member should not go beyond the comments originally made by introducing new material.

12/10/2011 PDp. 5983-84 Harwin

Even though a matter may not be relevant to the motion before the Chair, if a member is responding to comments made earlier in debate the member is in order.

07/03/2012 PDp. 9035 Harwin

Debate on budget estimates

Members have always been extended wide latitude during debate on the budget estimates. Provided that the member refers to the State budget from time to time the contribution will be in order.

12/10/2011 PDp. 6022,23 Gardiner (Deputy President)
STANDING ORDERS

Suspension of SO 198

A substantive motion moved without notice can be moved only if no objection is taken to the motion for the suspension of Standing Orders. Objection having been taken the Minister may not proceed with such motion.

12/8/1980 PDp. 16 Johnson

Although the member had not given the required contingent notice to suspend standing orders to allow an item of business to be called on, as the House agreed to the item being called on, the matter could proceed.

26/09/2006 PDp. 2159 Burgmann

A motion to suspend standing and sessional orders cannot be moved during debate on another motion.

10/05/2007 PDp. 198 Primrose

There is nothing to prevent a member from seeking to suspend standing and sessional orders to bring on another item of business during the time set aside for debate on committee reports when there is no business immediately before the House.

02/04/2008 PDp. 6231/2 Primrose
STRANGERS

Attendance in the House  
SO 196

The President only shall have the privilege of admitting strangers to the area at the back of the President's Chair. Permission for admission of visitors into the gallery should be sought from the President. Members should be prepared to vouch that their visitors to the gallery are persons of standing in the community. No member shall stand while the President is on his feet; he shall be heard without interruption. Members shall not place their feet on the seats.

15/11/1979 PDp. 3078 Johnson

If the level of noise in the President’s Gallery from ministerial advisers who use it as a gathering place to chatter does not stop, the gallery will be cleared.

26/6/1996 PDp. 3723 Willis
26/11/1996 PDp. 6475, 6494 Willis

Advisors in the President’s gallery should remain silent.

13/05/2009 PDp. 15138 Primrose

People in the President's Gallery are to remain silent at all times, other than when members seek advice from them.

26/05/2011 PDp. 1093 Harwin

Visitors in the President's Gallery and the Visitor's Gallery must not engage in audible conversations and must not applaud or make any other gesture in response to proceedings. Members should also counsel their staff in regard to these rules. Visitors who do not abide by these rules will be removed from the President's Gallery.

23/08/2011 PDp. 4384 Harwin

Behaviour in public galleries  
SO 197

Interruption from the gallery is highly irregular. Guests in the gallery will observe the normal courtesies that the House demands or Standing Orders will be enforced, and the gallery cleared.

24/4/1979 PDp. 4999 Johnson
26/11/1982 PDp. 3261 Johnson

Reading a newspaper in the public gallery is disorderly.

30/10/1980 PDp. 2421 Johnson
9/10/1984 PDp. 1612 Johnson

It is disorderly for a person in the public gallery to converse with a member seated in the chamber.

22/11/1983 PDp. 3006 Johnson
13/11/2008 PDp. 11349 Primrose
Selected President’s Rulings: August 1975 to June 2012

It is highly irregular for members of the public to read newspapers in the gallery.

9/10/1984 PDp. 1612 Johnson

Persons in the public gallery must not pass correspondence across the bar of the House to members.

17/5/1984 PDp. 957 Johnson
2/8/1989 PDp. 8933 Johnson
30/8/1988 PDp. 714 Solomons (Deputy President)

Visitors in the gallery must remove hats.

20/10/1988 PDp. 2678 Johnson

It is highly irregular for visitors in the public gallery to take notes of proceedings. The official proceedings are available to the general public by way of the official record of Parliament. Any member of the public taking notes in the public gallery should desist.

13/11/1985 PDp. 9418 Johnson
29/10/1986 PDp. 5621 Johnson
27/10/1987 PDp. 15162 Johnson
21/8/1990 PDp. 5961 Johnson

It is disorderly for people in the public gallery to interject or make comments.

2/4/1987 PDp. 9989 Johnson
18/10/1988 PDp. 2329 Johnson
15/8/1990 PDp. 5763 Johnson
7/5/1992 PDp. 3773 Willis
17/11/1993 PDp. 5486, 5487, 5495 Willis
09/08/2011 PDp. 3919 Harwin

Visitors in the gallery will desist from interjecting and from conducting audible conversations.

02/06/2011 PDp. 1843 Gardiner (Deputy President)

People in the public gallery must be quiet or they will be removed.

17/5/1984 PDp. 996 Johnson
31/11/1991 PDp. 3931 Gay (Deputy President)
20/11/1991 PDp. 5054, 5046 Gay (Deputy President)
27/10/1994 PDp. 4773 Willis
18/06/2008 PDp. 8586 Primrose

People seated in the public gallery may not attempt to communicate directly with members in the chamber. Should they attempt to do so, they will be asked to leave the gallery. Similarly, members with friends in the gallery should not encourage such communication.

4/12/1995 PDp. 4016 Gay (Deputy President)
Neither members of the House nor visitors in the public gallery are permitted to use mobile phones when in the chamber.

12/12/1995 PDp. 4658 Johnson (Deputy)

People in the gallery are not permitted to applaud or to make any comment.

17/6/97 PDp. 10328 Willis
11/11/1997 PDp. 1411 Willis
11/11/1997 PDp. 1415 Willis
31/05/2012 PDp. 12382 Harwin

Members of the public should remain quiet while the chamber is conducting debate. If they wish to raise matters, they should do so with the appropriate Ministers and interested parties. [The interruption continuing, the President left the Chair while the gallery was cleared]

27/5/1997 PDp. 9155 Symonds (Deputy)

Members of the public in the gallery who interrupt the proceedings will be removed.

24/6/1998 PDp. 6320 Willis

People in the public gallery must not interrupt the proceedings of the House.

23/06/2011 PDp. 3225 Maclaren-Jones (Deputy)

People in the public gallery should not interfere with the conduct of this House, or take notes during the proceedings.

21/10/1998 PDp. 8664 Gay (Deputy President)

Members of the public are most welcome but they must not comment or disrupt the proceedings.

19/11/1998 PDp. 10310 Chadwick
04/06/2009 PDp. 15763 Primrose

The Chair does not recognise persons outside the chamber.

19/11/98 PDp. 10323 Johnson (Deputy-President)

Messages may not be passed from visitors in the gallery to members in the chamber.

30/8/2000 PDp. 8483 F Nile (Deputy)

Members of the public in the gallery must listen to the debate in silence and not make noise.

7/9/2000 PDp. 8770 Burgmann
30/5/2001 PDp. 13941 F Nile (Deputy)
02/05/2006 PDp. 22333 Fazio (Acting President)

Whilst some leniency is extended to members engaging in conversations in the Chamber, noise should not emanate from the gallery.

28/03/2006 PDp. 21473 Burgmann
People in the President’s Gallery must show respect and desist from conversing loudly while members are speaking.

28/06/2007   PDp. 2102   Primrose
30/10/2008   PDp. 10876  Primrose
05/05/2009   PDp. 14572  Primrose

Visitor’s in the public gallery should observe the forms of the House.

04/06/2009   PDp. 15737  Primrose

Members of the public are welcome in this Chamber. However, it is expected that visitors in the public gallery will observe the normal courtesies that the House demands and not attempt to participate in or disrupt proceedings. Various Presidents’ rulings have prescribed the behaviour expected of visitors. It is disorderly for a person in the public gallery to interject or make comments, or to attempt to communicate directly with members in the Chamber. Furthermore, visitors may not applaud, use mobile phones or cameras, or pass messages to members in the Chamber. Anyone in the gallery who does not abide by the standards of behaviour expected or who seeks to interfere with proceedings in the Chamber will be asked or directed to leave the gallery.

04/06/2009   PDp. 15732  Primrose

People in the public gallery must not interrupt the debate. If they continue to do so they will be removed from the gallery. People in the gallery must not take photos.

15/03/2012   PDp. 9668   Green
SUB JUDICE

It is not in order to quote from a judgement which is subject to appeal proceedings.

29/10/1980   PDp. 2267   Healey (Deputy President)

A question is in order if it can be answered without offending the sub judice rule. However, any further question or part of that question that might appear in any way to lead to the prejudice of a fair trial of any person will be ruled out of order.

19/10/1983   PDp. 1841/1846   Johnson

If no writs have been issued or served, then a matter is not before the courts and therefore debate on the issue is not barred by the rule against sub judice.

2/6/1987 PDp. 13356   Johnson

The sub judice rule only applies if debate on the matter would in any way prejudice the trial of a particular person.


If a case in the criminal jurisdiction has been determined and it remains only to determine the costs, the matter may be debated but with extreme caution.

30/11/1989   PDp. 13912/3   Johnson

The sub judice rule applies to matters which have been referred by the Parliament of New South Wales to a judicial body such as the Independent Commission Against Corruption.

28/3/1990   PDp. 1126   Solomons (Deputy President)

If a matter before the House has been discussed openly in public there is no reason for it not to be discussed in the House.

28/2/1990   PDp. 355/6   Johnson

A matter should not be curtailed in this House when there is no evidence for the Chair that the matter has been set down for trial.


Sub judice involves the good sense of members in not canvassing in the House matters that are before the courts. It also involves the absolute discretion of the Chair, subject to the collective will of the House. Sub judice should be treated as a convention, not a rule.

The onus falls on the Chair to weigh public interest and possible prejudice, so precise information is required. The Chair should be guided by a presumption for discussion. The likelihood of proceedings occurring in the reasonably foreseeable future is an important consideration.

Debate upon general background and related matters is permissible but there should be no reference to these specific issues before the court. Although it is unlikely that a judge will be influenced by
what is said in the House, it is undesirable that the House should set itself up as an alternative forum.

16/5/1990 PDp. 3364/69 Johnson

The Chair should be guided by a presumption for discussion rather than against it. If the Chair feels that the interests of individuals who are to appear before the court may be prejudiced, the Chair should intervene and warn the member seeking to temper his or her remarks. Because a matter is before a court it does not follow that every aspect of it must be sub judice and beyond the limits of permissible debate. This would be too restrictive of the rights of members.

22/5/1990 PDp. 4017 Johnson

Documents which are not part of proceedings before a court but which may pertain to matters before a court may be referred to in Parliament, particularly if the documents have been the subject of newspaper reports.

22/5/1990 PDp. 4021 Johnson

Parliament should not be precluded from discussing something which is generally being discussed in the media.

22/5/1990 PDp. 4023 Johnson

If the Chair is of the view that the proceedings before the court will be prejudiced by the remarks of any member in this debate, it will exercise its discretionary power and curtail the debate.

22/5/1990 PDp. 4048 Johnson

A matter is not generally sub judice if it is being considered by a judge, since it is unlikely that a judge would be influenced by debate in this place.

03/03/2005 PDp. 14600 Fazio (Deputy President)

20/09/2005 PDp. 17923-4 Burgmann

The Industrial Relations Commission does not count for the purposes of sub judice.

07/09/2006 PDp. 1644 Fazio (Acting President)

When determining whether a question should be disallowed under the sub judice convention on the grounds that the matter is currently before the courts, the Chair should be persuaded by the rulings of previous Presidents, who have been guided by a presumption for discussion rather than against it. In particular two rulings by former President Johnson in 1990 enunciate the principle that Parliament should not be precluded from discussing something which is generally being discussed in the media.

10/05/2007 PDp. 173 Primrose

The sub judice convention is a restriction that the House voluntarily imposes on itself, rather than a rule or order that must be followed. It is designed to avoid prejudice to court proceedings or harm to specific individuals through public discussion in the House. In a significant ruling delivered in 1990, President Johnson detailed the guidelines to be followed when considering whether a matter is
sub judice. I draw the attention of the House to a number of points in that ruling.

02/04/2008 PDp. 6250-1 Primrose

When considering whether a notice of motion breaches the sub judice convention, the Chair must determine whether debate on the matter would in any way prejudice the trial of a particular person currently before the courts.

11/08/2011 PDp. 4212 Harwin
## ACRONYMS
- 17, 92

## ACTS
- 1

## ADDRESS IN REPLY
- Latitude of debate: 21

## ADDRESSES
- 1

## ADJOURNMENT OF DEBATE
- See also DEBATE: Debate on 1, Relevancy 1

## ADJOURNMENT OF THE HOUSE
- 2
  - After midnight: 2
  - As a matter of urgency: 3
  - Amendment out of order: 3
  - May not be amended: 78
  - Relevancy: 3
  - May speak on more than one subject: 2
  - Minister speaking in reply: 2
  - Motion to terminate sitting: 2
  - Reply to debate: 2
  - Presence of Parliamentary Secretary: 3
  - Special adjournment: 4

## ADMINISTRATION OF JUSTICE
- See PAPERS

## AMENDMENTS
- 5
  - Circulation of: 5
  - Complicated amendments: 5
  - Debate on: 30
  - In writing: 5
  - Must not be a direct negative: 5
  - Relevancy to original question: 5

## ANIMALS
- 40

## ANSWERS
- See QUESTIONS AND ANSWERS

## ANTICIPATION
- 6
  - Answers to question without notice: 8, 92
  - Bills: 6, 8, 93
  - Six months amendment: 7
  - Budget debate: 6
  - Committees: 15
  - More effective form: 7
  - Probability of matter being debated: 7, 93
  - Questions and Answers: 92
  - Questions without notice: 6, 8

## APPROPRIATION BILLS
- See BILLS: Money bills

## ATTIRE
- See Members’ attire

## BILLS
- 9
  - Amendments should be cognate with the bill: 14
  - Anticipation: 6, 8
  - Carriage of: 9
  - Leave to introduce: 9
  - Money bills: 9
  - Recommittal: 11
  - Second reading: 9
  - Latitude of debate: 9, 11, 21
  - Third reading: 12
  - Latitude of debate: 12
  - Urgent bills: 12

## BUDGET DEBATE
- Anticipation: 6

## BUSINESS OF THE HOUSE
- Presence of a Minister: 13

## C

### CAMERAS
- See MEMBERS: Use of electronic devices and cameras

### CASTING VOTE
- Decision should be taken by majority: 74
- Instrument should remain in existing form: 74
- Principles relating to stages of a bill: 74
- To allow further debate: 74

### CHAIR
- Courtesy to: 45
- Obesiance: 45, 46

### CLAPPING IN THE CHAMBER
- See MEMBERS: Conduct

### COMMITTEE OF THE WHOLE
- Adjourned debate can resume at a later hour: 63
- Anticipation: 15
- Debate on committee reports: 15
- Relevancy: 118
- Disclosure of evidence before committees: 16

### CONDUCT OF MEMBERS
- See MEMBERS

### CONFLICT OF INTEREST
- 45, 69, 82

### CONTEMPT
- See PRIVILEGE

### CROWN
- Reflections on: 102

## D

### DEBATE - RULES OF
- Conduct of member speaking: 17
- Dilatory motions: 20
- Explanations of speeches: 21
- Interjections: See INTERJECTIONS
  - Latitude of debate - address in reply: 21
  - Latitude of debate - bills: 9, 11, 12
  - Latitude of debate - budget debate: 21
  - Latitude of debate - general: 21
  - Latitude of debate on procedural motions: 78
  - Manner of delivery: 22
  - Speaking quickly: 22
  - Member speaking to address Chair: 17
  - Members to address Chair: 18
  - Motion to discharge an order of the day, debate on: 19
  - Quotations/Reading extracts: 22
    - Members should quote selectively: 24
    - Naming source documents: 24
    - Quoting from Hansard: 23
  - Reading lists: 23
  - Reading speeches: 25
  - Reference to the Assembly: 26
  - Reference to the Clerks: 26
  - Repetition: 26
    - Speech previously delivered: 26
  - Reply: 27
    - Amendments inadmissible during: 28
      - Members should not introduce new material during: 28
      - Right of reply: 28
    - Speaking in reply: 27
    - Seeking the call: 28
    - Speaking from the table: 29
    - Speaking more than once: 29
    - Explanation of speeches: 29
    - Speaking to an amendment: 30
    - Suspension of standing and sessional orders – debate on motion for: 19, 120
  - Use of acronyms: 17

## E

### ELECTIONS
- See MEMBERS

## ENTRUSTED OFFICERS
- See PRIVILEGE
Selected President’s Rulings: August 1975 to June 2012

DIVISIONS
- One voice only: 31
- Ringing bells for full period of time: 31
- Ringing bells for one minute only: 31
- Voting in division: 31
- Member calling for does not have to vote in: 31
- Voting against view expressed during debate: 31

DOCUMENTS
- See PAPERS

E
- ELECTRONIC DEVICES
  - See MEMBERS

F
- FIRST SPEECH
  - See MEMBERS: First speeches
- FORMAL BUSINESS
  - Same question rule: 32

H
- HANSARD
  - Alterations to: 33
  - Incorporation of material: 33
  - A matter for the House: 33
  - Graphs and tables: 34
  - Publicly available documents: 33, 34

HOUSE
- See Reflections on votes of: Quorum

I
- IMPUTATIONS
  - See REFLECTIONS
- INSTRUCTIONS
  - See COMMITTEE OF THE WHOLE
- INTERJECTIONS: 35
- Acknowledgment of: 35
  - Chair may exercise discretion: 35, 36, 37

IRRELEVANCE
- See RELEVANCY

J
- JUDGES
  - See REFLECTIONS: Judicial Officers

L
- LAPSED
  - See BILLS
- LEGISLATIVE ASSEMBLY
  - Quotation of speeches in: 23
  - References to: 26
  - Reflections on members of: 112

M
- MAIDEN SPEECH
  - See MEMBERS: First speeches
- MATTERS OF PUBLIC INTEREST: 39
- MEMBERS
  - Activities outside the House: 40
  - Assurances of: 16, 24, 40, 104
  - Conduct:
    - Betting in the chamber: 42
    - Chewing gum in the chamber: 41
    - Clapping in the chamber: 44
    - Noise or interruption in the chamber: 43
    - President’s gallery: 44
    - Reading newspapers: 42
    - Use of props: 41
    - When President rises: 45
  - Conflict of interest: 45
  - Courtesy to the Chair: 43
  - First speeches: 46
  - Members’ attire: 46
  - Badges and slogans: 46, 47

N
- NEWSPAPERS
  - Members may cite from: 24
  - Quoting from: 25
  - Reading of in public gallery: 121
  - Reading of in the chamber: 42
  - Reflections on members: 106, 109

NOTICES OF MOTIONS
- Date for setting down: 51
- Giving of:
  - Reading lengthy notices: 51
  - Only one notice to be given on each call: 51

O
- OFFENSIVE EXPRESSIONS: 52
  - Applies to individuals, not groups: 53, 109
  - Expressions ruled not offensive: 61
  - Expressions ruled offensive: 54
  - For the Chair to determine: 52
  - Quotation of offensive words: 54
  - Refusal to withdraw constitutes gross disorder: 48
  - Withdrawal of: 52

ORDERS OF THE DAY
- Set down for a later hour: 63

P
- PAPERS: 64
  - Disclosure of papers subject to claims of privilege: 64
  - Documents quoted in debate: 23
  - Orders for Papers—Administration of Justice: 64
  - Power to call for documents: 64
  - Tabled documents made public: 64
  - Tabled documents not made public: 65
  - Tabling of documents quoted in debate: 65

PECUNIARY INTEREST: 45, 69, 82, See MEMBERS,
- QUESTIONS AND ANSWERS

PERSONAL EXPLANATIONS: 66
- Does not preclude the making of an inaugural speech at a later stage: 67
- May not debate the matter: 67
- Must be within leave granted: 67
- Not for the purpose of defending others: 67
- Provocative language should not be used: 66
- Purpose of: 66
- Should be heard in silence: 36
PETITIONS 68
Irregular petitions – procedure for presenting 68
Submitting to Clerk 68

POINTS OF ORDER 69
Debate on 70
Members can speak more than once 71
Must not be used to erode member's time 2
Must refer to breach of order 69, 70
No point of order on distorting facts 70
No point of order on misleading the House 69
No point of order that member was misrepresented 69
Not for making debating points 69
Procedure on 71
Second point of order decided first 71
Taking a point of order, rules for 69

POSTPONEMENTS 73

PRESIDENT 74
Canvassing the Chair's ruling 75
Casting vote 74
Decision should be taken by majority 74
Instrument should remain in existing form 74
Principles relating to stages of a bill 74
To allow further debate 74
Courtsey to 45
Obeisance 45
Participation in debate 74
Questions concerning administration of Parliament 81
Reflections on 102
Role of the Chair 75

PRESIDENT'S GALLERY 121
Behaviour in 44
Members present in during quorum call 101
Strangers 121

PREVIOUS QUESTION 100

PRIVILEGE 76
A matter of
- Arises when member prevented from entering chamber 77
- Service within parliamentary precincts 77
- Assault on member 76
- Censure motion does not constitute contempt 76
- Claims on documents 64
- Commity between the Houses 76
- Contempt 76
- Hansard 76
- Intimidation of member 76

PROCEDURAL MOTIONS 78
Adjournment as a matter of urgency 78
May not be amended 78
Committal, no debate allowed 78
Latitude of debate 78

PROPS 41

PUBLIC GALLERY 123
Behaviour in 114, 121, 122, 114
Members must not converse with strangers in 40

Q

QUESTIONS AND ANSWERS 79
Answers 94
- Can contain announcement of policy 97
- Can contain opinion 97
- Given by a different Minister 95
- Minister cannot be compelled to answer 96
- Minister may not debate question 95
- Ministers may answer as they see fit 96
- Must be relevant 94
- Must not contain inferences 97
- Provision of 98
- Some generality allowed 94
- Anticipation 92
- Probability of matter being debated 93

Government to determine length of time for 99
Questions 79
- Anticipation 93
- Asked by Ministers 98
- Asked on behalf of another member 98
- Concerning administration of Parliament 81
- Concerning members' entitlements 82
- Concerning pecuniary interest disclosures 43, 83
- Detailed or lengthy questions 88
- Must be addressed to one Minister 80
- Must concern New South Wales 80
- Must not ask for opinion 89
- Must not ask for statement of policy 91
- Must not contain argument 90
- Must not contain facts 91, 92
- Should be succinct 88
- Should seek information 88
- Sub judice 125
- To Chairs of committees 81
- To members other than Ministers 81
- To Ministers concerning public affairs 79
- Supplementary questions 83
- Cannot be asked when a formal answer given 85, 86
- Must not contain new information 84, 86
- Must not restate original question 84
- Must seek to elucidate answer 83
- Tabling of a document quoted during 65
- Time limits of 87

QUESTIONS FROM THE CHAIR 100
Previous question 100
Put sequentially 100
- Time to request 100
- Put sequentially (seriatim) 100
- Same question 100

QUORUM 101

RECALL OF THE HOUSE 4
RECOMMITTAL  See BILLS
RECONSIDER  See BILLS

REFLECTIONS 102
Answers to questions must not contain 97
- On former members 112
- On Judicial Officers 103
- On members 104
- Must be by substantive motion 106, 107
- On members of other parliaments 114
- On members of the Assembly 112
- Must be by substantive motion 112
- On members of the public 108
- On Officers 114
- On Royal Commissioners 114
- On the Chair 102
- On the Crown (Governor) 102
- On the House 104
- On votes of the House 115, 116

RELEVANCY 117
Citing examples from outside the State 117
Debate on bills 11, 12
Debate on budget estimates 119
Debate on committee reports 118
Debate on matter of urgency 3
Debate on motion for adjournment of debate 1
Members may refer to speeches of other members 118
Suspension of standing and sessional orders – debate on 117

REPLY  See DEBATE - RULES OF
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>SAME QUESTION RULE</td>
<td>32, 100</td>
</tr>
<tr>
<td>SECOND READING</td>
<td>See BILLS - Second Reading</td>
</tr>
<tr>
<td>SEEKING THE CALL</td>
<td>See DEBATE - RULES OF</td>
</tr>
<tr>
<td>SELECT COMMITTEES</td>
<td>See COMMITTEES</td>
</tr>
<tr>
<td>SERIAMT</td>
<td></td>
</tr>
<tr>
<td>Time to request</td>
<td>100</td>
</tr>
<tr>
<td>SPEAKING MORE THAN ONCE</td>
<td>See DEBATE - RULES OF</td>
</tr>
<tr>
<td>SPECIAL ADJOURNMENT</td>
<td>4</td>
</tr>
<tr>
<td>SPEECHES</td>
<td>See DEBATE - RULES OF</td>
</tr>
<tr>
<td>STANDING ORDERS</td>
<td>120</td>
</tr>
<tr>
<td>Debate on motion for suspension of</td>
<td>19, 117, 118</td>
</tr>
<tr>
<td>Suspension of</td>
<td>120</td>
</tr>
<tr>
<td>STRANGERS</td>
<td></td>
</tr>
<tr>
<td>Attendance in the House</td>
<td>121</td>
</tr>
<tr>
<td>Behaviour in gallery</td>
<td>121, 124</td>
</tr>
<tr>
<td>Applauding</td>
<td>123</td>
</tr>
<tr>
<td>Conversing with a member</td>
<td>121, 122</td>
</tr>
<tr>
<td>Interruptions</td>
<td>121, 122, 123, 124</td>
</tr>
<tr>
<td>Mobile phones</td>
<td>123</td>
</tr>
<tr>
<td>Newspapers</td>
<td>121, 122</td>
</tr>
<tr>
<td>Passing notes to a member</td>
<td>122, 123</td>
</tr>
<tr>
<td>Taking notes</td>
<td>122, 123</td>
</tr>
<tr>
<td>Wearing hats</td>
<td>122</td>
</tr>
<tr>
<td>President's Gallery</td>
<td>121, 124</td>
</tr>
<tr>
<td>Public gallery cleared</td>
<td>123</td>
</tr>
<tr>
<td>SUB JUDICE</td>
<td>125</td>
</tr>
<tr>
<td>Chair ceasing debate</td>
<td>126</td>
</tr>
<tr>
<td>Convention</td>
<td>126</td>
</tr>
<tr>
<td>Debate before determination of costs</td>
<td>125</td>
</tr>
<tr>
<td>Debate prejudicing the trial of a person</td>
<td>125</td>
</tr>
<tr>
<td>Documents not part of proceedings</td>
<td>126</td>
</tr>
<tr>
<td>Industrial Relations Commission</td>
<td>126</td>
</tr>
<tr>
<td>Matter not been set down for trial</td>
<td>125</td>
</tr>
<tr>
<td>Matters referred to a judicial body eg ICAC</td>
<td>125</td>
</tr>
<tr>
<td>Presumption for discussion</td>
<td>126</td>
</tr>
<tr>
<td>Public discussion</td>
<td>125, 126</td>
</tr>
<tr>
<td>Questions</td>
<td>125</td>
</tr>
<tr>
<td>Quoting from a judgement</td>
<td>125</td>
</tr>
<tr>
<td>Writs not issued or served</td>
<td>125</td>
</tr>
<tr>
<td>SUPPLEMENTARY QUESTIONS</td>
<td>See QUESTIONS AND ANSWERS</td>
</tr>
<tr>
<td>SUSPENSION OF MEMBER</td>
<td>48</td>
</tr>
<tr>
<td>SUSPENSION OF STANDING ORDERS</td>
<td>See STANDING ORDERS</td>
</tr>
<tr>
<td>TABLING</td>
<td></td>
</tr>
<tr>
<td>Of documents quoted in debate</td>
<td>65</td>
</tr>
<tr>
<td>VISITORS</td>
<td>See STRANGERS</td>
</tr>
</tbody>
</table>