

# STANDING ORDERS OF THE LEGISLATIVE COUNCIL OF PAPUA.<sup>(1)</sup>

## I.—GENERAL.

### *Time and Place of Meeting.*

1. The Legislative Council shall meet at such times and places as the Lieutenant-Governor<sup>(2)</sup> may from time to time appoint by notification in the *Gazette*.

### *Notice of Time and Place of Meeting and of Business to be Dealt With.*

2. Except in cases of emergency such notification shall be published at least 60 days before the date appointed for the meeting; and, at the time of such publication, the Clerk of the Council shall send to each member notice of the time and place appointed, by letter addressed to his usual place of abode, or such address as a member may have registered with the Clerk of the Council as that to which he wishes such notice to be sent. The notice shall enumerate the subjects for discussion at the meeting as entered in the Order Book at the time of sending such notice.

3. Before the sitting the Clerk shall deliver to each member a paper, called the Business Paper, containing all the subjects to be brought before the meeting as contained in the Order Book.

### *Hour of Meeting.*

4. The hour of meeting shall be ten o'clock of the forenoon, unless some other hour shall have been fixed by the Council.

### *Presidency of Legislative Council.*

(Sec. 32, Papua Act).

5.—(1.) The Lieutenant-Governor<sup>(2)</sup> shall preside at all meetings of the Legislative Council at which he is present.

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(1) Particulars of these Standing Orders are as follows:

Act under which made.	Date on which made by Legislative Council.	Date on which published in Papua Govt. Gaz.
Papua Act 1905-1940	8. 12. 1908	7. 4. 1909 <sup>(a)</sup>

(a) The *Standing Orders of the Legislative Council* were published, incorrectly, in Papua Govt. Gaz. of 3. 3. 1909 and the publication was cancelled by a notice published in Papua Govt. Gaz. of 7. 4. 1909.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

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(2.) In his absence the senior member of the Legislative Council who is present shall preside.

### *Quorum.*

(*Sec. 30, Papua Act*).

6. The presence of at least one third of the members of the Legislative Council (including the Lieutenant-Governor<sup>(2)</sup> or the member presiding) shall be necessary to constitute a meeting of the Council for the exercise of its powers.

### *Adjournment in Case of no Quorum.*

7. Should a quorum of members not be present at the expiration of half-an-hour from the time appointed for the meeting or at any time during the sitting, the meeting shall stand adjourned until a quorum is present.

### *Order Book.*

8. The Clerk shall keep an Order Book in which shall be entered in the order of time in which he shall have received notification thereof the subjects to be brought under discussion at each meeting.

### *Minutes.*

9. The Clerk shall keep a Minute Book in which shall be fully recorded all proceedings at each meeting.

### *Prohibition of Import Duties Discriminating against the Commonwealth.*

(*Sec. 37, Papua Act*).

10. The Legislative Council shall not by any Ordinance impose higher duties upon the importation into the Territory of any goods produced or manufactured in or imported from Australia than are imposed on the importation into the Territory of the like goods produced or manufactured in or imported from other countries.

### *Opening of Proceedings.*

11. As soon after the hour appointed for the meeting as a quorum shall have assembled, the Lieutenant-Governor,<sup>(2)</sup> or the member who is to preside, shall take the chair and call upon the Clerk to read the minutes of the previous meeting, which shall thereupon be confirmed or corrected and settled. Provided that if the said minutes shall have been previously published in the *Gazette* any member may move that the minutes be taken as read, and if the motion be adopted they may be confirmed, or corrected, or settled without being read by the Clerk.

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(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

II.—PROCEEDINGS AT MEETINGS.

*Order of Business.*

12. With the exception of messages from the Lieutenant-Governor<sup>(2)</sup> and questions of privilege, which shall take precedence over all other matters, the business of the Council shall be arranged in the Business Paper, and be taken in the following order, viz. :—

1. Petitions.
2. Questions.
3. Motions.
4. Bills.

Provided that a deviation may be allowed by the presiding member for good reason shown.

(1) PETITIONS.

*Presentation of Petitions.*

13. A petition may be presented to the Lieutenant-Governor<sup>(2)</sup> or presiding member by any member, provided that there shall be endorsed upon it a certificate signed by some member of the Council that in his opinion the petition is throughout perfectly respectful and deserving of presentation.

*Motion that Petition be Read.*

14. Any member may move that such a petition be read and, in making such motion, must confine himself to a brief statement of the persons from whom the petition comes, of the number of signatures attached thereto, and of the material allegations contained therein, and of the purport of the prayer of the petition. If such motion is seconded and carried the Clerk shall read the petition.

*No Debate on Petition.*

15. On the presentation of a petition no debate thereon or relating thereto shall be allowed, but it shall be laid upon the table of the Council, or on motion duly made, seconded and carried shall be referred to a special committee. Such motions shall specify the number of members who shall form a quorum of the committee.

*Hearing of Parties whose Rights are Affected.*

16. When any petition is referred to a special committee all persons whose individual rights or interests are peculiarly affected by any proposed action or Ordinance to which the petition relates may

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(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

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be heard by the committee, either in person, or at the discretion of the committee, by counsel.

### (2) QUESTIONS.

#### *Notice of Question.*

17. Any member desiring to ask a question shall (except in cases of emergency and with the leave of the Council) give notice thereof by delivering a copy of it in writing to the Clerk at least one day before the day on which he intends to ask the question.

#### *Mode of Asking Question.*

18. When the time for asking questions shall have arrived, the Lieutenant-Governor<sup>(2)</sup> or presiding member shall call on the member in whose name a question appears in the Business Paper. The member so called on shall ask the question by simply referring to its number in the Business Paper.

#### *Answers.*

19. In answering any question a member is not to debate the subject to which it refers. The reply to such questions may be read, and in such a case a written copy of it shall be at once handed to the Clerk.

#### *Matters to which Questions must Relate.*

20. No question shall be addressed to any official member except to the Government Secretary. Questions addressed to the Government Secretary must relate to public affairs or to a matter of administration.

21. A question addressed to an unofficial member must relate to some bill, motion, or other matter connected with the business of the Council for which he is responsible.

#### *Rules Relating to Questions.*

22. Questions must comply with the following conditions:—

- (a) A question must not publish any name or statement not strictly necessary to make the question intelligible;
- (b) If a question contains a statement the member asking it must make himself responsible for the accuracy of the statement;
- (c) A question must not contain any argument, inference, imputation, epithet, or ironical expression;

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(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

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- (d) A question must not refer to any debate that has occurred or answer that has been given at the current meeting;
- (e) A question must not be asked about proceedings in committee which have not been placed before the Council by a report from the committee;
- (f) A question must not ask for an expression of opinion, or for the solution of an abstract legal question, or of a hypothetical proposition;
- (g) A question may not be asked as to the character or conduct of any person except in his official or public capacity;
- (h) A question reflecting on the character or conduct of any person, whose conduct can only be challenged on a substantive motion, may not be asked;
- (i) A question making or implying a charge of a personal character may be disallowed;
- (k) A question fully answered must not be asked again.

(3) MOTIONS.

*Power to Move.*

23. Every member upon due notice being given may propose any resolution which does not dispose of or charge any part of the public revenue.

*Proposal of Money Votes.*

(*Sec. 35, Papua Act*).

24. An Ordinance, vote, resolution or question, the object or effect of which is to dispose of or charge any part of the revenue of the Territory, shall not be proposed in the Legislative Council except by the Lieutenant-Governor,<sup>(2)</sup> unless its proposal has been expressly allowed or directed by him.

*Motions to be Seconded.*

25. A motion not seconded may not be further debated, and no entry thereof shall be made in the minutes.

*Vote on Motions.*

26. When a motion has been made and seconded and the debate thereon concluded, the question shall be put to the meeting by the presiding member.

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(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

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### *Withdrawal of Motions.*

27. A motion may be withdrawn with the leave of the Council, but if so withdrawn may be made again at some other meeting of the Council on due notice.

### *Reintroduction of Motions.*

28. No motion shall, except by leave of the Council, be proposed which is the same in substance as any motion which during the previous twelve months shall have been resolved in the affirmative or negative.

### (4) **BILLS.**

#### (a) **GENERAL.**

### *Initiation of Ordinances.*

29. No member shall propose any Ordinance the object and effect of which would be to dispose of or charge any portion of the public revenue, unless such Ordinance shall have been proposed by the direction or with the express sanction of the Lieutenant-Governor.<sup>(2)</sup>

### *Private Bills.*

30. Any member desiring to introduce a bill other than a Government bill shall apply to the Council for leave to do so, stating at the same time the object and leading features of such bill.

### *Introduction of Private Bills.*

31. Every such application shall be made in the form of a motion, and the member making such application shall at the same time deliver to the Clerk a copy of his motion containing the title of his proposed bill.

### *Delivery of Copy of Bill to Clerk.*

32. Leave being granted on question being put and carried, the member desirous of introducing such bill shall deliver a copy thereof to the Clerk, and a day shall thereupon be fixed for the first reading thereof.

### *Publication of Bill.*

33. The bill shall thereupon be printed, circulated amongst the members, and laid upon the table as hereinafter provided with respect to bills generally.

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(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

*Precedence of Bill.*

34. Government bills shall take precedence in the Business Paper over all other bills, unless the Lieutenant-Governor<sup>(2)</sup> or other presiding member shall be pleased to direct otherwise.

*Circulation of Copies of Bills.*

35. When possible copies of all bills shall be sent by the Clerk to every member 60 days at least prior to the first reading thereof. Copies shall also, at such first reading, be laid upon the table, accompanied by such documents as the Lieutenant-Governor<sup>(2)</sup> shall deem necessary for the information of the Council. Such documents shall not be removed from the table until the bill to which they relate shall have been passed or otherwise disposed of.

(b) PROGRESS OF BILLS.

*First Reading.*

36. On the motion being made that a bill be read a first time no discussion shall be allowed, but on the motion being seconded it shall be put to the meeting and if carried the Clerk shall read the title of the bill. Thereupon a day shall be fixed for the second reading, which may be either the same or a subsequent day.

*Second Reading.*

37.—(1.) On the motion being made, "That a bill be now read a second time," the discussion shall be confined to the principle and merits of the bill.

*Amendments to Motion for Second Reading.*

(2.) The only amendments to the question permissible shall be one postponing the second reading to some subsequent date, or one referring the bill to some special committee. If the motion be carried the Clerk shall read the title of the bill, and thereupon a day shall be fixed for the consideration of the bill in committee, which may either be the same or a subsequent day.

*Bill in Committee.*

38.—(1.) When the time for considering a bill in committee shall have arrived the presiding member shall, without motion made, put the question, "That the Council do now resolve itself into committee to consider the bill entitled \_\_\_\_\_ clause by clause."

*Consideration of Clauses.*

(2.) When the Council has resolved itself into committee the presiding member shall call the several clauses in order by reading

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the number of each clause. If no amendment is moved to a clause when called the presiding member shall put the question, "That this clause stand part of the bill." If amendments to the clause have been carried he shall put the question, "That this clause as amended stand part of the bill."

### *Amendments.*

39.—(1.) When any member has given notice or expressed a desire to move an amendment the presiding member shall call upon him to state the words (if any) which he wishes omitted, and the words (if any) which he proposes to substitute or insert.

### *Order of Amendments.*

(2.) When the committee has given a decision on any amendment, no amendment which arises at an earlier point of the clause can, except by leave of the Council, be moved.

(3.) An amendment must comply with the following conditions:—

- (a) An amendment must be relevant to the subject-matter of the bill, and to the subject-matter of the clause to which it relates;
- (b) An amendment must not be inconsistent with any previous decision of the committee;
- (c) An amendment must not be such as to make the clause which it proposes to amend unintelligible or ungrammatical;
- (d) If an amendment refers to or is not intelligible without a subsequent amendment or schedule, notice of the subsequent amendment or schedule must be given before or when the first amendment is moved so as to make the series of amendments intelligible;
- (e) An amendment which proposes to omit the whole substance of a clause for the purpose of inserting different provisions is, as a general rule, irregular. The proper course is to negate the clause and propose a new one in its place;
- (f) The presiding member may refuse to propose an amendment which is in his opinion frivolous.

### *Postponement of Consideration of Clauses.*

40. The consideration of a clause may, on motion made, be postponed.

*New Clauses.*

41. New clauses shall be considered after the clauses in the bill as printed have been disposed of and before the consideration of the schedules (if any). Notice of a proposed new clause shall be given previous to the sitting unless the presiding member considers such notice may be dispensed with.

42. The presiding member shall call on the member in whose name a new clause stands, and if that member moves, the Clerk at the table shall read the marginal note of the clause, and it shall then be taken to have been read a first time. The question shall then be put, "That this clause be read a second time." If this is agreed to amendments may be moved and after these (if any) have been disposed of the question shall be put, "That this clause (or that this clause as amended) be added to the bill as clause No.        and that the subsequent clauses be re-numbered accordingly."

*Schedules.*

43. The consideration of the schedule or the schedules (if any) shall follow the consideration of the clauses. Schedules shall be put from the Chair and may be amended in the same manner as clauses, and the consideration of new schedules should follow the consideration of original schedules.

*Adjournment.*

44. If the consideration of a bill in committee is not completed it may on motion made be adjourned until the next or some subsequent sitting of the Council.

*Resumption.*

45. When the time arrives for the resumption of the consideration of a bill in committee, the Council shall resolve itself into committee without question put.

*Conclusion of Committee Stage.*

46. When the consideration of a bill in committee has been completed the Council shall resume its sitting without question put.

*Third Reading.*

47.—(1.) When the bill has been considered in committee it may on motion made be read a third time, either forthwith or at some subsequent sitting.

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### *Questions to be Put.*

(2.) On motion for the third reading of a bill being made and seconded, the presiding member shall put the question as follows: "That this bill be now read a third time."

### *Amendments on Motion for Third Reading.*

(3.) To this question the only amendments shall be:—

- (a) That the third reading be postponed to some subsequent day.
- (b) That the bill be recommitted, either generally or for a limited purpose.
- (c) Verbal amendments.

### *Enacting Clause and Preamble.*

48. If the motion for the third reading be carried, the Clerk shall read the title to the bill and the preamble (if any) and the enacting clause.

### *Numbering Ordinances.*

49. After the bill has been read a third time the question shall on motion made be forthwith put, "That the bill do now pass and be Ordinance entitled, An Ordinance for ."

### *Presentation.*

50. After the last-mentioned question has been put and resolved in the affirmative, the Ordinance as passed shall be presented by the Clerk to the Lieutenant-Governor<sup>(2)</sup> for his assent thereto.

## III.—MISCELLANEOUS.

### *Voting in Legislative Council.*

(*Sec. 33, Papua Act*).

51.—(1.) Questions arising in Legislative Council shall be determined by a majority of votes.

(2.) The Lieutenant-Governor<sup>(2)</sup> or member presiding shall in all cases be entitled to vote, and shall also, if the numbers are equal, have a casting vote.

### *Method of Voting.*

52. The Clerk shall collect the votes by calling upon each member to give his vote, commencing with the junior member, and each member on being called upon shall give his vote in distinct terms for or

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(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

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against the motion, and after having taken votes the Clerk shall declare the result and record the same in the minutes, distinguishing the name and vote of each member.

*Disqualification for Voting on Ground of Pecuniary Interest.*

53. A member may not vote on any question in which he has a pecuniary interest; if he votes on such a question his vote may on motion be disallowed.

*Rules of Debate.*

54. The following rules of debate shall be observed:—

- (a) Members in discussing any question shall address the presiding member and shall, except when the Council is in committee, stand while so doing;
- (b) Members shall not read their speeches;
- (c) In discussing any question no member shall speak more than once, except when the Council is in committee. But a member who has introduced a substantive motion shall be allowed a reply.

*Practice of Parliament of Commonwealth to Obtain in Some Cases.*

55. Any question relating to procedure or the conduct of the business of the Council not provided for in the preceding Orders shall be decided according to the practice in the Parliament of the Commonwealth.

*Suspension of Standing Orders.*

56. If the Lieutenant-Governor<sup>(2)</sup> or other presiding member shall declare a bill to be of an urgent nature, or that the exigencies of the case require it, motion may be made at any time, and without notice, that the Standing Orders be suspended. If the motion be carried the Standing Orders shall be suspended so far as is necessary to carry out the object for which the motion was made. No debate shall be allowed on such motion being made.

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(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

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