



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-FIFTH PARLIAMENT, FIRST SESSION

NO. 16: 4 SEPTEMBER – 20 SEPTEMBER 2012

September 2012				
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3	4	5	6	7
10	11	12	13	14
17	18	19	20	21

This document provides a summary of significant procedures and precedents in the Legislative Assembly. It is produced at the end of each sitting period. Where applicable the relevant standing orders are noted.

MEMBERS

16.1 By-Election for Electorate of Heffron

The Speaker informed the House that the writ, issued on 23 July 2012, for the election of a member to serve in the Legislative Assembly for the electoral district of Heffron in place of Kristina Kerscher Keneally, resigned, had been returned with a certificate endorsed by the Electoral Commissioner advising of the election of Ron Hoenig to serve as member for the electoral district of Heffron. Mr Ron Hoenig was introduced, took the pledge of loyalty, signed the roll of the House and took his seat as member for the electoral district of Heffron.

Votes and Proceedings: 4 September 2012, p.1221

Hansard: 4 September 2012, p. 14497

16.2 Valedictory Speech

Standing and sessional orders were suspended to allow the business of the House to be interrupted and permit the giving of a valedictory speech by the member for Sydney on 20 September. In accordance with this resolution, a 15 minute valedictory speech was made by Ms Clover Moore. During the speech Ms Clover Moore obtained a 5 minute extension of time.

Votes and Proceedings: 18 September 2012, p.1269 and 20 September 2012, p.1281

Hansard: 18 September 2012, galley p.53 and 20 September 2012, galley p. 25

Sessional Order 365

16.3 Commission to administer the Pledge of Loyalty or the Oath of Allegiance

The Speaker reported that Her Excellency the Governor had issued commissions to the Speaker, Deputy Speaker and Assistant Speaker as people before whom the Pledge of Loyalty or Oath of Allegiance, required by law to be taken by every Member of the Legislative Assembly before that Member shall be permitted to sit or vote in the Legislative Assembly, may be taken.

Votes and Proceedings: 4 September 2012, pp.1220-1

Hansard: 4 September 2012, p. 14497

NB: New Commissions were issued after the Constitution Act was amended to provide for newly elected members to have a choice of taking the pledge of loyalty to Australia or an oath of allegiance to the reigning sovereign.

16.4 *Interruption of business to permit inaugural speech*

In accordance with the resolution of the House, business before the House was interrupted at 7.30 pm for the inaugural speech of the Member for Heffron. The Member received an extension of time.
Votes and Proceedings: 12 September 2012, pp.1251 and 1255.

Hansard: 12 September 2012, pp. 15061 and 15089-91

Standing Order 63

BUSINESS

16.5 *Suspension of standing and sessional orders to permit the consideration of Government and Opposition motions accorded priority*

Standing and sessional orders were suspended to permit the immediate consideration of both notices for motions to be accorded priority during the sitting. These motions were:

1. *That this House supports the Government's actions to boost jobs and economic development in the Northern Rivers.* (Moved by Member for Clarence).
2. *That this House supports keeping existing council-run child care services in public hands following this Saturday's local government elections.* (Moved by Member for Canterbury).

Votes and Proceedings: 5 September 2012, p.1231

Hansard: 5 September 2012, p. 14654

NB: Suspension of standing orders was required to allow both motions to be considered at the same sitting.

Standing Order 365

16.6 *Motion conveying an apology for forced adoption practices.*

Standing and sessional orders were suspended to permit consideration of a motion conveying the apologies of the House for the practice of forced adoption to be considered during the time for general business on Thursday 20 September 2012. The resolution provided for:

- A representative of mothers whose children were adopted to address the House prior to the Premier moving the motion on the apology for the practice of forced adoption.
- Consideration of a motion to be moved without notice by the Premier regarding the apology for forced adoption practices, with the following speaking time limits:
 - i. Premier – 7 minutes;
 - ii. Leader of the Opposition – 7 minutes; and
 - iii. Two other speakers – 5 minutes each.

As this motion was heard during the prescribed time for consideration of general business the resolution adopted by the House provided for certain general business to be conducted on Wednesday 19 September 2012 during government business.

Votes and Proceedings: 12 September 2012, p.1251 and 19 September 2012, p.1275

Hansard: 12 September 2012, p. 15061 and 19 September 2012, galley p. 40

NB: Suspension of Standing Orders was required to alter the routine of general business.

Standing Order 97 (as amended by sessional order), Standing Order 107 and Standing Order 365

16.7 *Suspension of standing and sessional order to permit discussion on multiple 10,000 signature petitions*

Standing and sessional orders were suspended to permit two petitions signed by 10,000 or more persons at the one sitting.

Votes and Proceedings: 12 September 2012, p.1252

Hansard: 12 September 2012, p. 15062

NB: Suspension of Standing Orders was required to enable multiple petitions to be heard on one sitting day as the routine of business may provide for one petition to be discussed each Thursday. This will facilitate such positions currently on the Business Paper in the remaining sitting weeks scheduled his year.

Sessional Order 125A

16.8 *Community Recognition Notices*

The Speaker made the following statement:

“I would like to advise members that from this week community recognition notices will appear in a separate section of the Business Paper, as a distinct number series. The community recognition notices will be published in full in the Business Paper on the Wednesday and Thursday in the week they are considered in the House, and published in Hansard.”

Votes and Proceedings: 12 September 2012, p.1250

Hansard: 12 September 2012, p. 15049

NB: This change was introduced to streamline CRN procedures and to minimise the administrative requirements of publishing these notices.

Standing Order 133 (as amended by sessional order)

PETITIONS

16.9 *Discussion of petition signed by 10,000 or more persons*

Discussion proceeded on the subject matter of the petition signed by 10,000 or more persons that had been received by the House from certain citizens "requesting legislation to halt and exclude coal seam gas or coal exploration and extraction in the Southern Highlands, and that a moratorium be placed on mining or extraction activities in the Southern Highlands until the enactment of the requested legislation". In accordance with the sessional order, no question was put at the conclusion of the discussion.

Votes and Proceedings: 6 September 2012, p.1241

Hansard: 6 September 2012, p.14811

Standing Order 125A (adopted as a sessional order)

Discussion proceeded on the subject matter of the petition signed by 10,000 or more persons that had been received by the House from certain citizens "requesting a container deposit levy be introduced in New South Wales". In accordance with the sessional order, no question was put at the conclusion of the discussion.

Votes and Proceedings: 13 September 2012, p.1263

Hansard: 13 September 2012, p. 15211

Standing Order 125A (adopted as a sessional order)

Discussion proceeded on the subject matter of the petition signed by 10,000 or more persons that had been received by the House from certain citizens "requesting new road safety legislation to implement AustRoad standards and improve safety at vehicle breakdowns". In accordance with the sessional order, no question was put at the conclusion of the discussion.

Votes and Proceedings: 13 September 2012, p.1263

Hansard: 13 September 2012, p. 15215

Standing Order 125A (adopted as a sessional order)

Discussion proceeded on the subject matter of the petition signed by 10,000 or more persons that had been received by the House from certain citizens "requesting that the existing retail trading laws be retained in their entirety". In accordance with the sessional order, no question was put at the conclusion of the discussion.

Votes and Proceedings: 20 September 2012, p.1284

Hansard: 20 September 2012, galley p.57

Standing Order 125A (adopted as a sessional order)

Discussion proceeded on the subject matter of the petition signed by 10,000 or more persons that had been received by the House from certain citizens "requesting the installation of lifts at Unanderra Railway station as a matter of urgency". In accordance with the sessional order, no question was put at the conclusion of the discussion.

Votes and Proceedings: 20 September 2012, p.1284

Hansard: 20 September 2012, galley p.59

Standing Order 125A (adopted as a sessional order)

DISORDER

16.10 Points of Order

The Speaker made the following considered statement:

"I wish to make a statement in relation to the raising of points of order.

Standing Order 93 states that "A Member may at any time raise a point of order relating to a breach of the standing orders or the practice of the House.....".

This Standing Order gives all members the right to make his or her point of order at any stage of the proceedings without interruption, until disposed of by the Chair. This Standing Order does not however, provide members with an opportunity to raise points of order that seek only to interrupt the member speaking or to debate the matter. Points of order must relate to a breach of a particular Standing Order or practice of the House and be succinct, clearly enunciated as such and argument is not permitted. Standing Order 94 states that only the question of order shall be stated to the Speaker. As Speaker I am therefore obliged to ensure that the right to raise a point of order is not misused to unduly interrupt the proceedings of the House.

According to Erskine May's Parliamentary Practice, (23rd edition, page 452), interruptions that are not valid points of order should not be allowed to interrupt debate.

I remind members that points of order that are of a frivolous nature or of dubious validity are disorderly and that members who repeatedly breach the standing orders by raising spurious points of order may lead to the Chair presuming that their seeking the call is not being made on serious grounds.

I also remind members that failure or tardiness in resuming their seat, when specifically directed to do so by the Chair, is in itself a breach of order, and will have the consequence of removal from the House."

Votes and Proceedings: 19 September 2012, p.1274

Hansard: 19 September 2012, galley p.29

Standing Order 93 and 94

16.11 *Removal of a member for a specified time*

During Question Time, the Member for Kogarah was directed to leave the Chamber for the remainder of Question Time for disorderly conduct.

Votes and Proceedings: 4 September 2012, p.1222

Hansard: 4 September 2012, p 14502

Standing Order 249A (as adopted by sessional order)

During Question Time, the Member for Wollongong was directed to leave the Chamber for the remainder of Question Time for disorderly conduct.

Votes and Proceedings: 4 September 2012, p.1222

Hansard: 4 September 2012, p 14502

Standing Order 249A (as adopted by sessional order)

During Question Time, the Member for Keira was directed to leave the Chamber for the remainder of Question Time for disorderly conduct.

Votes and Proceedings: 4 September 2012, p.1222

Hansard: 4 September 2012, p 14505

Standing Order 249A (as adopted by sessional order)

During Question Time, the Member for Canterbury was directed to leave the Chamber for one hour for disorderly conduct. At the conclusion of Question Time, the Manager of Opposition Business requested the Speaker reconsider the suspension of the member for Canterbury in order for the member to be able to take part in the proceedings on the motions to be accorded priority. The Speaker acceded to the request and the Member for Canterbury was re-admitted.

Votes and Proceedings: 5 September 2012, p.1231

Hansard: 5 September 2012, p 14651

Standing Order 249A (as adopted by sessional order)

During Question Time, the Member for Bankstown was directed to leave the Chamber for the remainder of Question Time for disorderly conduct.

Votes and Proceedings: 6 September 2012, p.1239

Hansard: 6 September 2012, p 14796.

Standing Order 249A (as adopted by sessional order)

During Question Time, the Member for Macquarie Fields was directed to leave the Chamber for the remainder of Question Time for disorderly conduct.

Votes and Proceedings: 12 September 2012, p.1251

Hansard: 12 September 2012, p. 15056

Standing Order 249A (as adopted by sessional order)

16.12 *Removal of a member by the deputy serjeant-at-arms*

During Question Time, the Member for Macquarie Fields was removed from the Chamber by the Deputy Serjeant-at-arms for disorderly conduct.

Votes and Proceedings: 11 September 2012, p.1244

Hansard: 11 September 2012, p. 14901.

QUESTION TIME

16.13 *Request for additional information*

A Member, in accordance with Standing Order 131(3), requested additional information from the Minister for Education after the five minutes for answering the original question had expired. The Speaker permitted additional information to be provided.

Votes and Proceedings: 4 September, p.1221; 11 September 2012, p.1244

Hansard: 4 September, p.14507; 11 September 2012, galley p.14905

Standing Order 131(3)

A Member, in accordance with Standing Order 131(3), requested additional information from the Premier, and Minister for Western Sydney after the five minutes for answering the original question had expired. The Speaker permitted additional information to be provided.

Votes and Proceedings: 5 September, p.1231; 6 September, p.1239; 12 September, p.1251; 19 September, p.1274; 20 September 2012, p.1282

Hansard: 5 September, p.14642; 6 September, p.14789; 12 September, galley p.31; 19 September, galley p.30; 20 September 2012, galley p.38.

Standing Order 131(3)

A Member (Opposition), in accordance with Standing Order 131(3), requested additional information from the Minister for Fair Trading after the five minutes for answering the original question had expired. The Speaker permitted additional information to be provided.

Votes and Proceedings: 5 September, p.1231; 6 September, p.1239; 20 September 2012, p.1282

Hansard: 6 September 2012, p.1479a; 5 September 2012, p.14644; 20 September 2012, galley p.45.

Standing Order 131(3)

A Member, in accordance with Standing Order 131(3), requested additional information from the Minister for Transport after the five minutes for answering the original question had expired. The Speaker permitted additional information to be provided.

Votes and Proceedings: 5 September 2012, p.1231

Hansard: 5 September 2012, p.14647.

Standing Order 131(3)

A Member, in accordance with Standing Order 131(3), requested additional information from the Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services after the five minutes for answering the original question had expired. The Speaker permitted additional information to be provided.

Votes and Proceedings: 11 September 2012, p.1244

Hansard: 11 September 2012, p. 14902.

Standing Order 131(3)

A Member, in accordance with Standing Order 131(3), requested additional information from the Attorney General, and Minister for Justice after the five minutes for answering the original question had expired. The Speaker permitted additional information to be provided.

Votes and Proceedings: 12 September 2012, p.1251

Hansard: 12 September 2012, p.15057.

Standing Order 131(3)

A Member, in accordance with Standing Order 131(3), requested additional information from the Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast after

the five minutes for answering the original question had expired. The Speaker permitted additional information to be provided.

Votes and Proceedings: 12 September 2012, p.1251

Hansard: 12 September 2012, p.15059.

Standing Order 131(3)

A Member, in accordance with Standing Order 131(3), requested additional information from the Minister for Local Government, and Minister for the North Coast after the five minutes for answering the original question had expired. The Speaker permitted additional information to be provided.

Votes and Proceedings: 13 September 2012, p.1261

Hansard: 13 September 2012, galley p.15196.

Standing Order 131(3)

A Member, in accordance with Standing Order 131(3), requested additional information from the Minister for Health, and Minister for Medical Research after the five minutes for answering the original question had expired. The Speaker permitted additional information to be provided.

Votes and Proceedings: 13 September, p.1261; 18 September, p.1266; 19 September 2012, p.1275

Hansard: 18 September, galley p.28; 13 September, galley p.15198; 19 September 2012, galley p.37.

Standing Order 131(3)

A Member, in accordance with Standing Order 131(3), requested additional information from the Minister for Primary Industries, and Minister for Small Business after the five minutes for answering the original question had expired. The Speaker permitted additional information to be provided.

Votes and Proceedings: 13 September 2012, p.1261

Hansard: 13 September 2012, galley p.15200.

Standing Order 131(3)

A Member, in accordance with Standing Order 131(3), requested additional information from the Minister for Mental Health, Minister for Healthy Lifestyles, and Minister for Western New South Wales after the five minutes for answering the original question had expired. The Speaker permitted additional information to be provided.

Votes and Proceedings: 20 September 2012, p.1282

Hansard: 20 September 2012, galley p.47.

Standing Order 131(3)

16.14 Supplementary answer

The Minister for Fair Trading, in accordance with Standing Order 131(6), gave a supplementary answer to a question asked of him earlier in Question Time.

Votes and Proceedings: 6 September 2012, p.1239

Hansard: 6 September 2012, p. 14799

Standing Order 131(6)

The Minister for Education, in accordance with Standing Order 131(6), gave a supplementary answer to a question asked of him earlier in Question Time.

Votes and Proceedings: 12 September 2012, p.1251

Hansard: 12 September 2012, p.15061

Standing Order 131(6)

16.15 Deputy Serjeant-at-Arms

The Speaker made a statement in relation to the retirement, on 28 September 2012, of Greg Kelly, Deputy Serjeant-at-Arms.

Votes and Proceedings: 20 September 2012, 1282.

Hansard: 20 September 2012, galley p.33.

16.16 Broadcast of proceedings

The Speaker made the following statement:

“Tomorrow the House will be considering a motion to convey an apology for the practice of forced adoption.

I wish to advise the House that, in accordance with the authority provided for under Standing Order 368, I have determined that footage of the Legislative Assembly’s proceedings relating to the debate on the motion is to be rebroadcast on the Parliament’s YouTube website, simultaneously with the proceedings from the Legislative Council relating to the same matter.

The footage of proceedings from the Legislative Assembly debate will be divided into segments, which together will comprise the full debate as it occurred in the House. I can advise Members that the YouTube website also will include links to the relevant pages of the Hansard of the parliamentary debates, which members may access through the ‘What’s New’ part of the Parliament’s homepage.”

Votes and Proceedings: 19 September 2012, 1275

Hansard: 19 September 2012, galley p.40.

Standing Order 368