



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-FIFTH PARLIAMENT, FIRST SESSION

NO. 7/2013: 10 – 19 SEPTEMBER 2013

September 2013				
M	T	W	T	F
9	10	11	12	13
16	17	18	19	20

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

BILLS

Crimes Amendment (Zoe's Law) Bill (No.2).

The House debated the second reading of this private members' bill on Thursday 19 September 2013. The bill, which seeks to provide a remedy in circumstances where an unborn child is killed as a consequence of a criminal act, is reportedly to be subject of a conscience vote in the Legislative Assembly.

A conscience, or free vote, is where members vote according to their own personal views rather than voting in accordance with an official "party line". Determination of what matters may be considered to be conscience votes are matters for the parties themselves and are not covered by any procedure or standing order of the House.

However Standing Order 85 which sets the maximum time limits for debates and speeches still applies to any bill which may be the subject of a conscience vote. Accordingly, the Premier (or one Minister deputed) has an unspecified time limit, as does the Leader of the Opposition (or one member deputed) even though their contributions may be personal rather than party policy and members will not vote in accordance with any party line.

Votes and Proceedings: 19 September 2013, p.1838.

Hansard: 19 September 2013, pp. 23817 – 27.

Standing Order 85

BUSINESS

Notice of Motion seeking to be accorded priority, ruled out of order

On 11 September 2013, the Notice of Motion given by the member for Lakemba, Mr Robert Furolo, on the subject of gun crime, was ruled out of order by the Speaker, following a point of order from the Leader of the House.

It was the Speaker's determination that the Notice offended Standing Order 77, which provides that "a Member shall not anticipate discussion of any matter which is on the Business Paper". In this case the notice made specific reference to the *Firearms Amendment (Prohibition Orders) Bill* currently before the House.

The question was then put, that the other motion in the name of Mr Kevin Anderson, be accorded priority. Following a division, the question was resolved in the affirmative.

(NB: Notices of motions sought to be accorded priority are given before Question Time on Tuesdays and Wednesdays during sitting weeks. No more than two notices may be given at any one sitting.

If only one notice is given, or the second notice is given but then ruled out of order or withdrawn, then the remaining Notice is not accorded priority by default. Its priority, or otherwise, must still be agreed upon by the House in order for it to proceed.

Accordingly, at the time provided in the Routine of Business, the member has the opportunity to make a statement for up to three minutes on why the House should accord their notice priority over other business. In so doing they may refer briefly to the substance of the motion but not comprehensively debate it. If priority is established to the House's satisfaction, the member may move their motion.

Votes and Proceedings: 11 September 2013, p.1804.

Hansard: 11 September 2013, pp.23321-23.

Standing Order 77

Standing Order 109

Minister granted a further extension of time to complete her answer during Question Time

On 12 September 2013 at the Speaker's discretion, the Minister for Sport and Recreation was granted a further extension of time in which to complete her answer to a question put to her by the Member for Cronulla, Mr Mark Speakman.

The Minister had already been granted a two minute extension by the Speaker in response to a request by Mr Speakman. However, as those two minutes had expired, the Speaker then allowed the Minister further time in which to complete her answer, in view of the "level of interjections and the unparliamentary behaviour of Opposition members".

(NB: With regard to the two minutes of extra time, Standing Order 131(3) provides that the member who has asked the question, may seek additional information from the Minister, at the Speaker's

discretion. Only the member who asks the question may ask for an extension of time and any request for additional information made in accordance with the Standing Order does not constitute a supplementary question.

The further extension of time which was then granted to the Minister, in order that she might complete her answer, derives from the Speaker's authority under Standing Orders 131(4) to order that the timing clock be paused at any time during a Minister's answer. In this case, that further time was provided with the indulgence of the House, rather than an order being given to pause the clock).

Votes and Proceedings: 12 September 2013, p.1813.

Hansard: 12 September 2013, p.23443.

Standing Order 131(3) & (4)

General business notice of motion considered outside of the Routine of Business

On 12 September 2013, during the time provided for Government Business, the Leader of the House obtained the leave of the House for the Member for Kiama, Mr Gareth Ward, to move General Business Notice of Motion (General Notice) No. 2545 as a formal motion without debate.

The motion recognised the distinguished community service of Ann and Bob Harrison in the Shellharbour area and commended Mr Harrison as a former member of the Legislative Assembly for the electorate of Kiama.

(NB: Under the current standing and sessional orders, General Business Notices of Motion are considered on Thursday mornings until 1 pm. In this instance, leave was sought for time to be provided during Government Business for a motion to be moved, which would otherwise have lapsed before the next business day).

Votes and Proceedings: 12 September 2013, p.1815.

Hansard: 12 September 2013, p.23448 - 49.

Standing Order 96

Standing Order 97

Standing Order 105(3)

Time provided for Community Recognition Statements

On Wednesday 18 September 2013, the member for Balmain, Mr Jamie Parker, obtained the leave of the House to extend the period for the taking of Community Recognition Statements.

(NB: When the House sits on a Wednesday, the Standing Orders provide that Government Business conclude by 1.15 pm and for Community Recognition Statements to then be taken for a total of fifteen minutes. On this occasion, Government Business concluding before 1.15, leave was granted to allow Community Recognition Statements to continue beyond the fifteen minute period and conclude at 1:30 pm

The granting of leave, pursuant to Standing Order 96, means that the House gives its permission for something to occur which would not otherwise be permissible. A request for leave cannot be debated, nor can leave be granted, if any one member dissents).

On Thursday 19 September 2013, the Deputy Speaker then made the following statement in relation to the time provided for Community Recognition Statements:

“Prior to calling on Community Recognition Statements I want to reinforce statements I’ve made in recent weeks. The time set aside for Community Recognition Statements is 15 minutes in total. I will first give the call to those members that have not made a community recognition statement at this sitting. If there is time before the expiry of the 15 minutes I will then give the call to those members wishing to make a subsequent statement.”

Votes and Proceedings: 18/09/2013, p. 1828; 19/9/2013, p. 1843.

Hansard: 18/09/2013, pp. 23708; 19/9/2013, p. 23872

Standing Order 96

Standing Order 97

Standing Order 108A (as adopted by sessional order)

MEMBERS

Resignation of the Member for Miranda

On Tuesday 10 September 2013, the Speaker advised the House that on 3 September 2013, she had received a letter from Graham Annesley resigning his seat as member for the electoral district of Miranda. Upon which the Leader of the House moved a motion that was agreed to by the House, that in accordance with section 70 of the *Parliamentary Electorates and Elections Act 1912*, the seat be declared vacant.

(NB: Under s. 33 of the *Constitution Act 1902*, a member's seat becomes vacant upon receipt by the Speaker of a letter of resignation. A seat may also become vacant upon the death of a sitting member or by expulsion from the House in accordance with standing order 254.

The date of the by-election is determined by the Speaker in consultation with the Electoral Commissioner, the Premier and the Leader of the Opposition. If the Speaker is absent, the Deputy Speaker may act on her behalf. If both the Speaker and the Deputy Speaker are absent, then the Governor may issue the writ).

Votes and Proceedings: 10/09/2013, p. 1790

Hansard: 28/08/2013, p. 23169

MINISTERIAL APPOINTMENTS

In a Ministerial Statement, on 10 September 2013, the Premier informed the House that on 30 August 2013, Her Excellency the Governor appointed the Honourable Gabrielle Cecelia Upton MP as a member of the Executive Council and as Minister for Sport and Recreation; and that Mark Raymond Speakman was appointed Parliamentary Secretary for Tertiary Education and Skills with effect on and from 2 September 2013.

Votes and Proceedings: 10/09/2013, p. 1790

Hansard: 28/08/2013, p. 23169