



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-FIFTH PARLIAMENT, FIRST SESSION

NO. 3/2013: 30 APRIL – 9 MAY 2013

April-May 2013				
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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.

BILLS

Restoration of private member's bill:

On 8 May 2013, the House agreed to a motion moved by the Member for Balmain to restore the *Truth in Labelling (Free-range Eggs) Bill*, which had lapsed on 9 November 2012 as a consequence of the standing orders regarding the lapsing of general business. The motion provided for the bill to be restored to the Business Paper at the stage it had reached prior to lapsing.

Votes and Proceedings: 8/5/2013, p. 1587

Hansard: 8/5/2013, p. 20229

Standing Order 105 (as amended by sessional order)

(NB: In accordance with standing order 105, as amended by sessional order, all general business notices of motions and orders of the day, including private members' bills, not commenced or not completed within 6 months lapse. Standing Order 172 provides for restoration of a lapsed order:

After Orders of the Day have commenced, a motion for restoring a lapsed Order may be moved without notice when there is no other business before the House.

As the motion was moved after Question Time (and not at a time when General Business Orders of the Day had commenced) leave was required to move the motion.

Upon restoration the bill was placed at the bottom of the order in the *Business Paper* and the 6 month time period re-commenced.)

Amendment to the second reading to defer a bill to a later time:

On 8 May 2013, the member for Sydney during debate on the *Local Government Amendment (Early Intervention) Bill* moved an amendment to the motion "That this bill be now read a second time" to leave out the word "now" and add the words "on 30 October 2013." The effect of this amendment

would be to defer consideration of the bill until 30 October 2013. The amendment was defeated on division.

Votes and Proceedings: 8/5/2013, p. 1588-9

Hansard: 8/5/2013, p. 20251

Standing Order 200 (as amended by sessional order)

(NB: Deferring consideration of a bill is effected by moving an amendment to the second reading to omit the word "now" with a view to adding words indicating a later time. Under this procedure a member will specify a certain time frame such as "That this bill be read in six months" or any other time. This procedure does not dispose of the bill but rather defers debate on it for the specified timeframe. Hence, the bill would remain on the Business Paper as an order of the day with the resumption set down for a specific date. Prior to the adoption, in 1992, of Standing Order 1999 to enable disposal of a bill, the motion "That the bill be read in six months" effectively killed off the bill, whereas under current practice any amendment that specifies 'a later time' is interpreted literally.

Standing Order 199 is now the procedure to dispose of a bill, which is effected by moving an amendment to the second reading to leave out all words after "That" and adding "this bill be disposed of".

Sessional Order (SO 80(13)) prohibits debate on a motion that the bill be read at a later time, so the question was put to a vote at the conclusion of the member's speech. The amendment was negatived and the House resumed the debate on the second reading.)

BUSINESS

Motion of censure considered as private members' business:

On 1 May 2013, standing and sessional orders were suspended after question time to enable the Leader of the House to give a notice of motion to censure the member for Kogarah. The motion suspending standing and sessional orders also provided for the motion to be considered as general business the following day. The member for Kogarah rose on a matter of privilege later that day stating that dealing with a censure motion as a general business motion denied her the full opportunity to speak to the motion of censure against her as she would not be permitted a reply. The Speaker ruled that a prima facie case had not been established. The Leader of the House advised that the House would allow the member to speak in reply.

On 2 May 2013, the Leader of the House moved the motion and the member for Kogarah spoke in reply, with the leave of the House. The motion was agreed to on division.

Votes and Proceedings: 1/5/2013, pp. 1559-60 & 1561 and 2/5/2013, pp. 1568

Hansard: 1/5/2013, pp. 19800-7; and 2/5/2013, p. 19914-22

Standing Order 85 (as amended by sessional order)

Standing Order 91 (as amended by sessional order)

Standing Order 96

Standing Order 107 (as amended by sessional order)

Standing Order 114

Standing Order 365

(NB: The procedure for a censure motion under the standing orders is for such motions to be dealt with as Business with Precedence. The speaking times for censure motions in accordance with standing order 114 enable the member the subject of the motion to speak after the mover and then in response after four other members have spoken in the debate.)

Discussion on petitions signed by 10,000 or more persons:

On 2 May 2013, the House discussed a petition signed by 10,000 or more persons from certain citizens requesting the provision of lifts and/or ramps to the platforms at Wentworthville railway station.

Votes and Proceedings: 2/5/2013, p. 1573.

Hansard: 2/5/2013, pp. 19965-8

Standing Order 125A (as adopted by sessional order)

On 9 May 2013, the House discussed a petition signed by 10,000 or more persons from certain citizens opposing the proposed downgrading of Mona Vale District Hospital.

Votes and Proceedings: 9/5/2013, p. 1603

Hansard: 9/5/2013, pp. 20397-20400

Standing Order 125A (as adopted by sessional order)

Motion on the anniversary of the Armenian Genocide:

On 8 May 2013, with the leave of the House, the Premier moved a motion, which was agreed to by the House, regarding the anniversary of the Armenian Genocide during Government Business. The Leader of the Opposition also spoke to the motion.

Votes and Proceedings: 8/5/2013, p. 1584

Hansard: 8/5/2013, pp. 20204-5

Standing Order 96

DOCUMENTS

Document tabled for incorporation in Hansard:

On 9 May 2013, the Leader of the House, with the leave of the Speaker, tabled for incorporation in Hansard a list of times and place of community consultation in relation to the White Paper entitled "A new planning system for NSW", when answering a question regarding consultation for the Metropolitan Strategy for Sydney during Question Time.

Votes and Proceedings: 9/5/2013, p. 1601

Hansard: 9/5/2013, p. 20381-2

Standing Order 271

MEMBERS

Issue of writ for vacant seat of Northern Tablelands:

On 30 April 2013, the Speaker informed the House that, in accordance with section 70 of the Parliamentary Electorates and Elections Act 1912, she had issued a writ on 22 April 2013 for the election of a member for the seat of Northern Tablelands with the nomination day being 9 May 2013, the polling day 25 May 2013 and the return of the writ by 7 June 2013.

Votes and Proceedings: 30/4/2013, p. 1547

Hansard: 30/4/2013, p. 19636

Disclosures by Members:

On 30 April 2013, the Deputy Speaker tabled the Supplementary Ordinary Returns of Members of the Legislative Assembly as at 31 December 2012.

Votes and Proceedings: 30/4/2013, p. 1548

Hansard: 30/4/2013, p. 19647

(NB: In accordance with the *Constitution (Disclosures by Members) Regulation 1983* members are required to submit an annual pecuniary interest return by 1 October each year and a supplementary ordinary return for the period 1 July to 31 December each year which includes any changes that have occurred since the annual return was submitted.)

Member removed for disorder:

During Question Time on 8 May 2013, the Deputy Leader of the Opposition, the member for Canterbury, was directed to leave the Chamber until the conclusion of Question Time for continually interjecting.

Votes and Proceedings: 8/5/2013, p. 1586

Hansard: 8/5/2013, p. 20222

Standing Order 249A (as adopted by sessional order)