



# PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SEVENTH PARLIAMENT, FIRST SESSION  
NO. 5/2021: 12 – 21 OCTOBER 2021

October 2021				
M	T	W	T	F
11	12	13	14	15
18	19	20	21	21

*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.*

## SITTINGS

Following the suspension of sittings in August and September 2021 due to the COVID-19 pandemic, the Legislative Assembly returned to sit in October. In a historic first, the House met in a hybrid arrangement, with some Members participating remotely via video link and others participating in person in the Chamber. Special arrangements were put in place to facilitate the participation of Members remotely and to allow for COVID-safe proceedings in the Chamber. The arrangements are outlined in detail below.

On Tuesday 12 October, the Member for Blacktown, Mr Stephen Bali MP, became the first Member to participate in proceedings via video link when contributing to the second reading debate on the *Electric Vehicles (Revenue Arrangements) Bill 2021* and its cognate bills, *the Environmental Planning and Assessment (Infrastructure Contributions) Bill 2021* and the *NSW Generations Funds Amendment Bill 2021*.

### **Hybrid Sittings**

When the Assembly first met at midday on Tuesday 12 October it resolved that any Member not vaccinated against COVID-19, or who declined to disclose their vaccination status, could not enter the Chamber, except in the course of walking through to vote. The House then agreed to a motion to authorise the use of an official video facility to enable Members not physically present in the Chamber to participate in proceedings.

The House then agreed to a motion to enable Members to participate in proceedings remotely during the October sitting weeks, and to set conditions for remote participation. The motions regarding the video facility and remote participation included the following provisions:

- Members not physically present in the Chamber could only participate remotely by using the official video facility from their electorate office, parliamentary office or another location following consultation with the Speaker
- The contributions of any Member participating via the official video facility would be recorded, published and broadcast as if the Member had been in the Chamber

- The Standing and Sessional Orders of the Legislative Assembly would continue to apply except by resolution of the House
- Members participating by official video facility could move any motion or amendment to a bill in consideration in detail
- However, Members participating by official video facility could not:
  - Vote
  - Be counted for quorum
  - Call for a division
  - Call for a quorum to be counted
  - Take or speak to a point of order, unless the point of order related to a question they had asked or answered during Question Time, or the point of order related to an item of business in their name on the Business Paper
  - Interject
- That the Speaker would use a formal call list to allocate the call for each debate, on the advice of the Whips in consultation with the crossbench.

*Votes and Proceedings: 12/10/2021, pp. 1263-5.*

### ***Days of Meeting***

On Tuesday 12 October, the House also agreed to sit on the reserve week of 23, 24 and 25 November, and to sit on three Fridays in November, being 12, 19, and 26 November. The House agreed that the routine of business for the Friday sitting days would be determined at a later date.

*Votes and Proceedings: 12/10/2021, pp. 1265-6.*

## **BUSINESS**

### ***Changes to the Routine of Business in October***

On Tuesday 12 October, the House agreed to an amended Routine of Business for the October sittings. Amendments included:

- General Business Notices of Motion to be given only in writing (rather than orally in the Chamber)
- Community Recognition Statements (CRS) to be given only in writing, with Members able to submit up to four written CRS each sitting day
- A number of items not required to be orally reported to the House by the Speaker, but recorded in the Votes and Proceedings. Items included: messages from the Governor; reports, tabling of Statutory Instruments; Committee reports and government responses; petitions with less than 10,000 signatures and lapsing of business.
- Adjournment at the conclusion of Private Members' Statements each day.

The House also agreed for the remainder of the 2021 sitting year to allow Members to lodge up to 16 (rather than 9) written questions per sitting week, with the Leader of the Opposition able to lodge up to 21 (rather than 12) written questions per sitting week. The House also agreed that whenever a scheduled sitting of the House is cancelled in accordance with Sessional Order 47A, Members are to be able to lodge written questions as if the House were sitting. The increase in the number of questions Members can lodge each week was to account for the lost opportunities to put questions to the Executive as a result of the cancelled August and September sittings.

*Votes and Proceedings: 12/10/2021, p. 1265-6.*

*Hansard (Proof): 12/10/2021, pp. 12-3.*

SO 97 (routine of business), 132 (written questions), 47A (postponing meeting times).

## ***Western and South-West Sydney – Public Interest Debate - amendments***

On Wednesday 13 October, Ms Prue Car MP moved the following motion for the Public Interest Debate:

That this House:

- (1) Notes the people of the west and the south-west of Sydney have endured the harshest lockdowns of any place in Australia at any time during the pandemic.
- (2) Condemns the Government for hitting the west and south-west of Sydney with excessive tolls, fines and charges.
- (3) Calls on the Government to end the two Sydneys they have created, rebuild our State and end the division.

During debate, the Hon. Stuart Ayres MP moved:

That the motion be amended by removing paragraphs (1) to (3), and inserting the following paragraphs instead:

- (1) Notes that stay-at-home orders and local government areas of concern have been an important public health response to the COVID-19 pandemic.
- (2) Recognises the resilience of people across western and south-western Sydney, the outstanding effort of Health workers and the record-breaking uptake of vaccination across those local government areas.
- (3) Notes the Government's continued infrastructure investment in schools, hospitals, roads and public transport in western and south-western Sydney is driving the economic recovery of this State.

Debate continued, and later, Ms Sophie Cotsis MP moved:

That the motion be amended by adding the following paragraph:

- (4) Urges the Member for Holsworthy to stay and fight for western and south western Sydney as we recover from the COVID-19 pandemic.

The first question put to the House was the amendment from Mr Ayres. On division, Mr Ayres' amendment was agreed to, with the result being Ayes 15, Noes 11.

The Chair then ruled that, with the passing of the amendment of Mr Ayres, the amendment proposed by Ms Cotsis had lapsed. The motion, as amended by Mr Ayres, was then put to the House, and agreed to on the voices.

*Votes and Proceedings: 13/10/2021, p. 1297-8.*

## ***Petition Debates***

On Thursday 14 October, the first debate on a petition signed by 10,000 or more persons involving Members contributing remotely was conducted in the Legislative Assembly. The topic of the petition was a request that the Legislative Assembly stop exploration or mining within the Clarence Valley and surrounding government area.

Six Members contributed to debate, three of whom, Ms Janelle Saffin MP, Member for Lismore, Ms Tamara Smith MP, Member for Ballina, and Ms Helen Dalton MP, Member for Murray, spoke remotely from their electorates via video link.

For the first time, a recording of a debate on a paper petition of more than 10,000 signatures was uploaded to the Parliament's [YouTube](#) channel. Debates on ePetitions of more than 20,000 signatures are also uploaded, with links emailed to those petitioners who opted in to receive updates on progress of the ePetition.

*Votes and Proceedings: 14/10/2021, pp. 1305-6.*  
SO 125A (petitions with over 10,000 signatures).

On Thursday 21 October, the Leader of the House moved that Standing and Sessional Orders be suspended to permit an additional two speakers (one Opposition Member and one Cross-bench Member) to participate in the debate of the ePetition with more than 20,000 signatures concerning holistic consent sex education. The question was agreed to on the voices. In his contribution to the debate agreeing to the suspension, the Manager of Opposition Business, Mr Ron Hoenig MP, noted that leave was not generally granted for additional Members to speak in the debate on a petition.

*Votes and Proceedings: 21/10/2021, p. 1333.*  
SO 365 (suspension of standing orders) and 125A (petitions with over 10,000 signatures).

### ***A Broadcast of Proceedings Resolution for the Legislative Assembly***

On Tuesday 19 October, the Leader of the House, the Hon. Mark Speakman MP, moved to adopt a Broadcast of Proceedings Resolution as recommended in the recently tabled report by the Standing Orders and Procedure Committee. The motion was agreed on the voices.

*Votes and Proceedings 19/10/2021, pp. 1312-3.*  
SO 368 (filming and broadcast of proceedings).

#### ***Procedural Note:***

Proceedings of the Legislative Assembly have been regularly broadcast since 1993. SO 368 provides the House's authority for the broadcast and re-broadcast of proceedings in any form and by any medium on such terms and conditions as may be determined by the Speaker from time to time.

The adoption by the House of a Broadcast of Proceedings Resolution and suspension of SO 368 follows a recommendation made by the Standing Orders and Procedure Committee in its inquiry into a Broadcasting Resolution for the Legislative Assembly, the [report](#) of which was tabled on 12 October 2021.

In its inquiry, the Committee noted that SO 368 was drafted in an era of free to air television and never contemplated the broadcasting of proceedings over the internet or the livestreaming of proceedings on social media, nor the use of video-on-demand services to allow users to watch and download past broadcasts of proceedings.

Further, the terms and conditions for filming, re-broadcasting, viewing proceedings and obtaining clips of archival footage of proceedings are currently contained within a number of policy documents and locations on the Parliament's internet and intranet. The Broadcast of Proceedings Resolution takes into account the current media environment and provides a primary articulation of the principles with which any authorised broadcast or rebroadcast of proceedings must be consistent.

### ***Suspension of Standing and Sessional Orders to alter the Routine of Business in November***

On Thursday 21 October, the House agreed to suspend Standing and Sessional Orders to provide for proceedings to commence at 12.30 pm on Remembrance Day, 11 November. The later than usual starting time allows Members to mark Remembrance Day either in their own electorates or in the city. Similar resolutions have been agreed to in the past when Remembrance Day has fallen on a sitting day.

The Leader of the House also moved that Standing and Sessional Orders be suspended to provide for a routine of business for the House on Friday 12 November and Friday 19 November. The Friday sittings commence at 9.30 am and will be dedicated primarily to Private Members' Bills. Other than considering Private Members' Bills, the shortened routine of business only provides for formalities and one hour of Private Members Statements, after which the House is to adjourn at 6.00 pm. Notably there will be no Question Time or provision for consideration of Business with Precedence.

*Votes and Proceedings: 21/10/2021, p. 1332-1333.*

SO 97 (routine of business) and 365 (suspension of standing orders).

### **BILLS**

#### ***Suspension of Standing and Sessional orders – Restoration of lapsed general business orders of the day (for Bills)***

On Tuesday 12 October, Mr Philip Donato MP moved, by leave, a suspension of Standing and Sessional Orders to restore the lapsed *Property Services Council Bill 2021* (which had been passed by the Legislative Council and placed under his name in the Legislative Assembly) to the Business Paper, with a new lapsing date of 24 November 2021.

Shortly after, Mr Roy Butler MP also moved, by leave, a similar suspension of Standing and Sessional Orders to restore the lapsed *Government Sector Finance Amendment (Government Grants) Bill 2021* (which had been passed by the Legislative Council and placed under his name in the Legislative Assembly), to the Business Paper.

The suspensions were both agreed to by the House, and the bills restored to their previous positions on the Business Paper.

*Votes and Proceedings: 12/10/2021, p. 1269.*

SO 365 (suspension of standing orders) and 105(3) (precedence and lapsing of general business).

#### ***Procedural note:***

General business orders of the day for Bills lapse six months from the date that they are set down on the Business Paper. The Private Members' Bills in the names of Mr Donato and Mr Butler, which had previously passed the Legislative Council, originally lapsed on 24 September 2021. Due to the COVID-19 outbreak in Sydney, the House did not sit during August or September.

Members require the leave of the House to move a suspension of standing orders, while Ministers can move suspensions without leave.

#### ***Postponement of general business orders of the day (for Bills)***

On Wednesday 13 October, Mr Philip Donato MP provided notice to the Clerk, pursuant to Standing Order 101, that he would postpone for a future date the order of the day for the *Property Services Council Bill 2021*. Prior to the postponement, the bill was listed first on the Business Paper for Thursday 14 October.

On Thursday 14 October, Mr Roy Butler MP used a different Standing Order (SO 170(1)) in the Chamber to postpone the order of the day for the *Government Sector Finance Amendment (Government Grants) Bill 2021*, which had been listed on the Business Paper for that day. Mr Butler postponed the order at the time that his item was read out.

*Votes and Proceedings: 14/10/2021, p. 1302.*

*Hansard (Proof): 14/10/2021, p. 9.*

SO 170(1) (postponement or discharge); 101 (Establishing program for General Business days); 80(8) (matters not open to debate nor amendment).

**Procedural note:**

The standing orders provide several ways for Members to postpone an order of the day (for Bills) appearing under their name on the Business Paper. Opportunities for postponing general business orders of the day (for bills) include:

a) A Member (or Party Whip) can give notice to the Clerk before 12pm on Wednesday to have their item postponed on the Business Paper (SO101(1))

b) Members can also postpone an order of the day under their name at the time that the item is read out by the Clerk. (SO101(3) and 170(1))

SO 80(8) provides that the withdrawal or postponement of an order of the day is not open to debate or amendment.

***Debate on a motion to re-order a general business order of the day for a bill – Voluntary Assisted Dying Bill 2021***

On Wednesday 20 October, Mr Alex Greenwich MP moved that the general business order of the day (for bills) No. 4 standing in his name (*Voluntary Assisted Dying Bill 2021*) have precedence on the following day, Thursday 21 October.

There were three general business orders of the day (for bills) listed on the business paper ahead of the *Voluntary Assisted Dying Bill 2021*, including general business order of the day No. 1 (*Property Services Council Bill 2021*), standing in the name of Mr Philip Donato MP.

Debate ensued, with Mr Donato speaking against the motion, and other Members speaking by leave. The question was put with the Speaker stating that in his opinion the Noes had it, and a division was called for. The Speaker, without completing the division, declared the question to be negatived as there were only four Members in the minority who had challenged his decision.

*Votes and Proceedings: 20/10/2021, p. 1326.*

*Hansard (Proof): 20/10/2021, pp. 48-50.*

SO 97 (routine of business), 106 (re-ordering General Business Orders of the Day (for Bills) and 181 (Divisions – Five Members or fewer, names recorded).

**Procedural note:**

SO 106 provides a mechanism for Members to seek to have a general business order of the day for a bill given precedence over other general business orders of the day listed for the following sitting day.

SO 97 sets down a routine that the House is to follow in conducting its business and provides that each sitting Wednesday there is an opportunity, shortly after Question Time, for Members to seek to re-order general business orders of the day (for bills).

SO 106 provides that at this appointed time in the routine of business, there are two opportunities for any Private Members to move to re-order an order of the day for a bill for which they have carriage, so that the bill is listed for debate ahead of all other general business orders of the day (for bills) on the next sitting day.

If a Member moves such a motion and is successful, the second opportunity lapses. However, if a Member moves a motion but the motion is defeated, then another Member may take the opportunity to move that their bill take precedence.

Under SO 181, if there are five or fewer Members on a side on a division, the Speaker will, without completing the division, declare the question resolved and the number and names of those in the minority are recorded.

### ***Suspension of standing and sessional orders – Electric Vehicles (Revenue Arrangements) Bill 2021 to proceed for assent without cognate bills***

On Tuesday 12 October, the order of the day was read for the resumption of the adjourned debate on the motion of the Hon. Dominic Perrottet MP, that three cognate bills be read a second time: the *Electric Vehicles (Revenue Arrangements) Bill 2021*; *Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021*; and the *NSW Generations Funds Amendment Bill 2021*.

These three bills were part of a ‘budget package’ which originally comprised five cognate bills relating to the 2021-22 NSW Budget. Two of the five bills, the *Appropriation Bill 2021*, and the *Appropriation (Parliament) Bill 2021*, passed Parliament on 24 June 2021, and were assented to on 28 June 2021; leaving the remaining three bills before the Legislative Assembly for consideration.

On Tuesday 12 October, debate resumed in the Legislative Assembly and the three bills proceeded through all stages. The second reading of the bills was agreed to on the voices, with the Treasurer, the Hon. Matt Kean MP, then requesting that the *Electric Vehicles (Revenue Arrangements) Bill 2021* be considered in detail. The Treasurer moved amendments to the Bill which were also agreed to on the voices. The third reading of the three bills was then agreed to on the voices, and the bills were forwarded to the Legislative Council for concurrence.

On Wednesday 20 October, the Temporary Speaker (Mr Lee Evans MP) reported a message from the Legislative Council returning the *Electric Vehicles (Revenue Arrangements) Bill 2021* with amendments with which the Council requested the concurrence of the Legislative Assembly. The Temporary Speaker ordered that the amendments be taken into consideration forthwith.

The order of the day was read, and the Treasurer moved that the Legislative Council amendments be agreed to. Debate ensued and the question was put and passed.

Later that day, the Leader of the House, the Hon. Mark Speakman SC MP, moved that Standing Order 197 be suspended to permit the cognate bill, *the Electric Vehicles (Revenue Arrangements) Bill 2021*, to be presented to the Governor for assent notwithstanding that the remaining two cognate bills in the budget package (the *Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021*; and the *NSW Generations Funds Amendment Bill 2021*), had not been passed or otherwise disposed of. The Leader of the House had moved a similar motion in June 2021 so that the *Appropriation Bill 2021*, and the *Appropriation (Parliament) Bill 2021* could be separated from the budget package and presented to the Governor for assent at that time. Debate ensued, and the motion was agreed to on the voices.

*Votes and Proceedings: 12/10/2021, p. 1266, pp. 1287-8; 20/10/2021, pp. 1320-3 and pp. 1325-6.*  
SO 197 (cognate bills – presentation to the Governor) and 365 (suspension of standing orders).  
*Hansard (Proof): 20/10/2021, pp. 47-8.*

**Procedural note:**

Cognate bills are bills which are related to each other and presented as a package to be considered together. Cognate bills can be considered separately from each other at any stage (SO 194 and 195). However, SO 197 provides that cognate bills shall not be presented to the Governor for assent until all bills have been passed or otherwise disposed of.

The motion of the Leader of the House on 20 October 2021 to suspend standing orders allowed for the *Electric Vehicles (Revenue Arrangements) Bill 2021* to be presented to the Governor for assent before the Parliament concluded its consideration of the two remaining budget bills: the *Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021*; and the *NSW Generations Funds Amendment Bill 2021*.

## MEMBERS

### **Appointment of new Premier and Ministry**

On Tuesday 12 October, the Leader of the House, the Hon. Mark Speakman MP, informed the House that on 5 October the Hon. Gladys Berejiklian MP had resigned as Premier, and that the Hon. Dominic Perrottet MP had been subsequently elected and sworn in as the new Premier.

The Leader of the House then provided details of the new Ministry formed by the Premier including the appointment of the Hon. Paul Toole MP as Deputy Premier, Minister for Regional New South Wales, and Minister for Regional Transport and Roads on 6 October.

Details of the appointments were recorded in the [Votes and Proceedings](#) for that day.

*Votes and Proceedings: 12/10/2021, p. 1266-1268.*