



LEGISLATIVE ASSEMBLY

Procedural Digest

Fifty-seventh Parliament, First Session

No. 8/2022: 8 – 17 November 2022

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.

November 2022

M	T	W	T	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25

Members

Valedictory speeches

It being the last scheduled sitting period of the 57th Parliament, fourteen Members of the Assembly who will not be re-contesting their seats at the March 2023 General Election delivered their valedictory speeches during the November sitting weeks.

The House resolved on the 8, 15 and 16 November to interrupt the business of the House to permit the valedictory speeches listed below. On 15 November, the House also resolved to suspend Standing Orders to permit, amongst other things, Mr Nick Lalich MP, who was scheduled to deliver his valedictory on 16 November, to make some opening remarks and then have the remainder of his speech incorporated in Hansard.

Tuesday 8 November 2022: Mr Christopher Gulaptis MP

Wednesday 9 November 2022: Mr Jamie Parker MP
Mr Kevin Conolly MP

Tuesday 15 November 2022: Mrs Melinda Pavey MP
The Hon. Victor Dominello MP
The Hon. Brad Hazzard MP
The Hon. Geoff Lee MP
The Hon. Gabrielle Upton MP
The Hon. David Elliott MP

Wednesday 16 November 2022: Mr Nick Lalich MP
The Hon. Shelley Hancock MP
The Hon. Jonathan O'Dea MP
Mr Guy Zangari MP

Thursday 17 November 2022: The Hon. Rob Stokes MP

Votes and Proceedings (Proof): 8/11/2022, p. 1944; 9/11/2022, p. 1970; 15/11/2022, pp. 1980, 1982, 1985; 16/11/2022, pp. 2000, 2002; 17/11/2022, p. 2027.

Hansard (Proof): 8/11/2022, pp. 2-5; 9/11/2022, pp. 71-75, 75-78; 15/11/2022, pp. 3-7, 24-31, 47-56;



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16/11/2022, pp. 54-62, 78-85; 17/11/2022, pp. 73-76

Standing Orders 63 (Inaugural or valedictory speeches) and 365 (Suspension of Standing Orders).

Procedural note

The giving of valedictory or inaugural speeches for a period of up to 20 minutes is provided for by SO 63. A motion to interrupt business may be moved without notice to permit such speeches, provided that a Member speaking is not interrupted. Any interrupted business may be resumed at the conclusion of the valedictory or inaugural speech. The House can also move to suspend Standing Orders under SO 365 to permit the interruption of the normal routine of business for any purpose, including the giving of valedictory speeches, however unlike a motion under SO 63, debate is allowed on a motion to suspend Standing Orders.

Business

Consideration of a private members' bill during Government Business

The [October 2022 Digest](#) described the increased use of suspensions of Standing Orders to bring on Private Members' Business during time reserved for Government Business. The November sitting period saw further use of this type of suspension on Wednesday 16 November, when the House resolved to give precedence to the [Prevention of Cruelty to Animals Amendment \(Prohibitions for Convicted Persons\) Bill](#). The suspension motion was moved by the Leader of the House and passed on the voices without debate.

The Bill had been introduced in the Legislative Council by the Honourable Emma Hurst of the Animal Justice Party. As with other recent AJP legislation, Mr Alex Greenwich MP took carriage of the Bill in the Assembly. During the second reading debate, Mr Greenwich referred to the high number of private members' bills passed during the 57th Parliament:

I pay tribute to and thank the Hon. Emma Hurst and her staff for the successful passage of the legislation. It is the third Animal Justice Party bill that I have had the honour and privilege of sponsoring in the Legislative Assembly. It will be the third Animal Justice Party bill to pass the Parliament. New South Wales is a safer place for animals as a result of the work of the Animal Justice Party.

After contributions from Government, Opposition and Greens members, the Bill passed on the voices without amendment. It was assented to on 25 November 2022.

Hansard (Proof): 16/11/2022, p. 5.

Votes and Proceedings: 16/11/2022, p. 1995.

Standing Order 365 (Suspension of Standing Orders)

Question to a non-government member

During Question Time on 10 November, a question without notice was directed to an independent member rather than a member of the governing political party.

The Member for Sydney, Mr Alex Greenwich MP, an independent himself, directed his question on how the Public Accounts Committee has ensured oversight and transparency in government expenditure to the Member



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for Lake Macquarie, Mr Greg Piper MP, in Mr Piper's capacity as the Chair of the Public Accounts Committee. Mr Speaker, noting the significance of the moment, remarked 'we are about to see history made'.

As was also noted by Mr Speaker at the time, the question was asked pursuant to SO 127, which permits members to direct questions relating to the affairs of a committee to its Chair during Question Time. While there have been examples of this standing order being used recently, this may have been the first time it was used to direct a question to a cross-bench Member. In the Legislative Assembly, Committee Chairs are generally members of the Government.

During his response, Mr Piper thanked Mr Greenwich for the question:

I thank the member for Sydney, my good friend, for his question, which certainly did surprise me. I thank him for his interest in the issues of public accountability and governance in New South Wales. That is so important. I recognise the entire crossbench, my colleagues who do so much in supporting me.

Votes and Proceedings: 10/11/2022, p. 1976

Hansard (Proof): 10/11/2022, p. 37-38

Standing Orders 127 (Question to Committee Chair) and 131 (Question Time)

New Standing Orders

On Thursday 17 November 2022, the Leader of the House moved, by leave, that the House adopt [new and amended Standing Orders](#) as recommended by the Standing Orders and Procedures Committee. The motion was agreed to on the voices. Further information on the Committee's inquiry and report is included later in this Digest.

The new Standing Orders relate to the following:

Standing Orders 2, 10, 10A, 10B and 11: Election of the Speaker

Standing Order 10, which previously provided the process for the nomination and election of the Speaker, has been separated into three Standing Orders:

SO 10 – When an election for Speaker takes place

SO 10A – The nomination process for the election of the Speaker

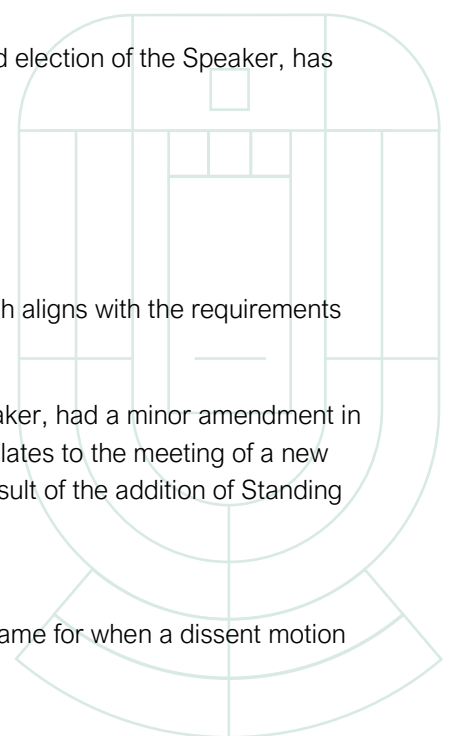
SO 10B – Procedures for the election of the Speaker

The procedures have been clarified to provide for a straightforward process which aligns with the requirements contained in the *Constitution Act 1902*.

Standing Order 11, which relates to the procedures after the election of the Speaker, had a minor amendment in which headings were included to assist in readability. Standing Order 2, which relates to the meeting of a new Parliament after a general election, required a consequential amendment as a result of the addition of Standing Orders 10A and 10B.

Standing Order 95: Dissent from Speaker's ruling

Standing Order 95 was amended to provide greater clarity concerning the timeframe for when a dissent motion should be considered.





Standing Orders 129 and 131: Question Time

As reported in the [May 2022 Digest](#), SOs 129 and 131 were temporarily amended by sessional order on 10 May 2022 to require answers to questions be 'directly relevant', increase the number of questions allowed, reduce the time permitted per answer and extend the total time permitted for Question Time.

The new Standing Order 129 formalises the requirement that answers be 'directly relevant', and Standing Order 131 was amended so that:

- Answers to questions cannot exceed three minutes.
- No question shall be asked after 55 minutes from the Speaker calling on questions or the answering of 14 questions, whichever is the longer. So long as Question Time has a maximum period that does not exceed 70 minutes.
- Points of order taken during an answer to a question should not be vexatious, repetitive, interfering or used to make a statement in response to the answer.
- When the Speaker stops the clock during an answer, the Member's speaking time clock shall be stopped but the overall timing clock for Question Time shall continue to run.

Standing Orders 266, 266A and 266B: Tabling and printing of papers

This change formalised sessional orders 266, 266A and 266B into permanent Standing Orders of the House.

Standing Order 266 permits the electronic tabling of documents with the Table Office and later announcement of the tabling in the House. Electronic documents of this kind are also authorised for publication on the Parliament's website.

Standing Order 266A permits those documents required under statute to be tabled in the Legislative Assembly, to be tabled to the Clerk when the House is not sitting. This tabling arrangement is limited, facilitating tabling pursuant to a statute, where tabling might not otherwise occur due to the parliamentary sitting schedule. It does not involve a more general, wider tabling of documents with the Clerk beyond these specific circumstances.

Standing Order 266B provides that all references to 'printing' in the Standing Orders means 'publication', including by electronic means.

Standing Order 365: Suspension of Standing Orders

This change formalised sessional order 365 into a permanent Standing Order of the House.

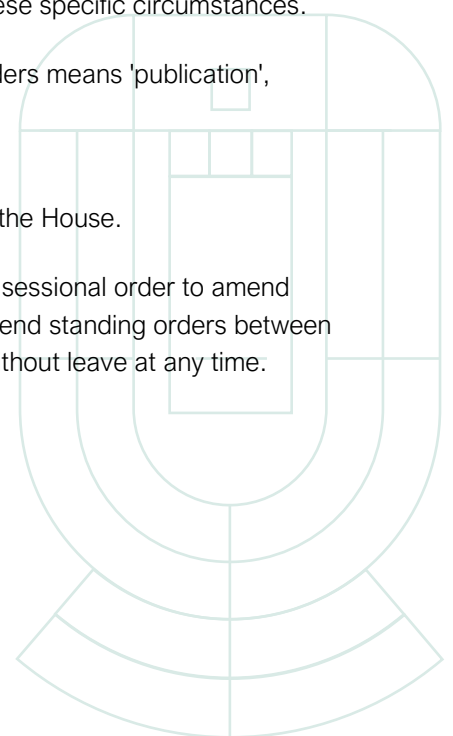
As reported in the [March 2022 Digest](#), on 24 March 2022, the House adopted a sessional order to amend Standing Order 365 to provide that Members could move, without leave, to suspend standing orders between 10am and 1.15pm. Ministers still retain the ability to move motions to suspend without leave at any time.

Votes and Proceedings: 17/11/2022, pp. 2016 – 2022.

Hansard (Proof): 17/11/2022, p. 52.

Procedural Digest: 24/03/2020, pp. 2 – 3.

Standing Orders 2, 10, 10A, 10B, 11, 95, 129, 131, 266, 266A, 266B and 365.





Committees

Standing Orders and Procedure Committee

On 17 November 2022, the Speaker tabled the [sixth and final report](#) of the Standing Orders and Procedure Committee's inquiry into the modernisation and reform of parliamentary process and procedures, which has been active throughout the 57th Parliament. As noted on page 1 of the report:

The work of the Committee has always been to pursue meaningful reforms that improve the way in which the Assembly works while preserving important scrutiny, representative and legislative functions. Improving engagement opportunities for the people of New South Wales and meeting community expectations for a modern workplace were also priorities.

The report provided an overview of the key achievements of the inquiry, recommendations for additional changes to the Standing Orders (which as reported above, were agreed to by the House) and proposals for the House to consider in the 58th and future parliaments.

As noted earlier in this Digest, the recommended changes to the Standing Orders related to tabling documents out of session, the election of the Speaker, the procedures regarding dissent from a Speaker's ruling, the procedure for Question Time and the procedure for the suspension of Standing and Sessional Orders. They were adopted by the House during the routine of business after Question Time on 17 November 2022.

Votes and Proceedings (Proof): 17/11/2022, p. 2012.

Hansard (Proof): 17/11/2022, p. 35.

Bills

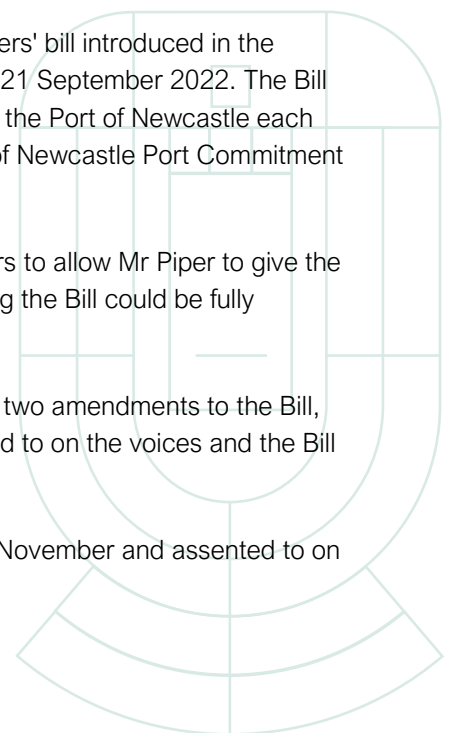
Port of Newcastle (Extinguishment of Liability) Bill 2022

The [Port of Newcastle \(Extinguishment of Liability\) Bill 2022](#) was a private members' bill introduced in the Legislative Assembly by the Member for Lake Macquarie, Mr Greg Piper MP, on 21 September 2022. The Bill sought to remove a cap on the number of containers that can be moved through the Port of Newcastle each year by extinguishing the Port of Newcastle's contractual liability under the Port of Newcastle Port Commitment Deed.

As reported in the [October Digest](#), the House agreed to suspend Standing Orders to allow Mr Piper to give the second reading speech during the lunch break on Thursday 13 October, ensuring the Bill could be fully considered before the House rose in November.

On Tuesday 8 November, during consideration in detail, the Government moved two amendments to the Bill, including an amendment to the long title of the Bill. The amendments were agreed to on the voices and the Bill was transmitted to the Council for consideration.

The Bill was returned to the Assembly by the Council without amendment on 10 November and assented to on 25 November 2022.





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Votes and Proceedings: 8/11/2022, pp. 1953-5, 15/11/2022, p. 1979.
Standing Orders 203 (proceedings after second reading), 211 (long title amended) and 239 (procedure after bills passed).

Integrity Legislation Amendment Bill 2022

On Tuesday 15 November, the House considered the [Integrity Legislation Amendment Bill](#), introduced the week prior by the Minister for Enterprise, Investment and Trade, Sport, Skills and Training, and Science, Innovation and Technology, the Hon. Alister Henskens MP. The Bill amends the *Constitution Act 1902* by expanding the regulation making power of the Government in respect of the disclosure of pecuniary interests by Members of Parliament. The amendments to the Act allow the Government to make regulations which require:

- Members of Parliament to disclose expanded pecuniary interests (including interests in trusts and the interests of immediate family members);
- Members of Parliament to disclose conflicts of interest; and
- The Clerks to publish the disclosures of Members electronically.

During consideration in detail, amendments from the Opposition, the Greens and the Member for Murray, Mrs Helen Dalton MP, were agreed to on the voices, before the bill was forwarded to the Legislative Council for concurrence. The amendment moved by Mrs Dalton inserted a requirement for members to disclose water entitlements and interests. This is an issue on which Mrs Dalton has previously attempted to enact legislation, having introduced the Water Management Amendment (Water Rights Transparency) Bill on two occasions in the current session.

On Thursday 17 November, the House passed the following resolution:

That this House:

1. Notes that should the Integrity Legislation Amendment Bill 2022 pass the Parliament, the Government proposes to make changes to the Constitution (Disclosures by Members) Regulation 1983.
2. Notes the requirements of section 14A(5) of the Constitution Act 1902 that a designated committee of the Legislative Assembly must be afforded the opportunity to consider and make representations with respect to any such proposed changes, and that such representations must be taken into account.
3. Designates the Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics as the committee for this purpose.
4. Requires the Committee to report to the House on its review of any proposed changes to the Constitution (Disclosures by Members) Regulation 1983.

The Bill was passed by the Parliament on 17 November and assented to by the Governor on 28 November 2022. The resolution of the House ensures that any changes to the regulations will be made in consultation with the Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics.

Votes and Proceedings: 15/11/2022, pp. 1983-1985; 17/11/2022, p. 2022.
Hansard (Proof): 15/11/2022, p. 34.