



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SEVENTH PARLIAMENT, FIRST SESSION
NO. 8/2020: 13 – 22 OCTOBER 2020

October 2020				
M	T	W	T	F
12	13	14	15	16
19	20	21	22	23

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.

SPEAKER

Deputy Speaker opens sitting

Due to the absence of the Speaker, on Tuesday 13 October 2020 the Deputy Speaker, the Hon. Leslie Williams MP, opened the sitting of the Legislative Assembly that day.

Later, the Deputy Speaker presided over Question Time, which is another task that is ordinarily performed by the Speaker.

Votes and Proceedings: 13/10/2020, p. 845.

Standing Order 15.

(Procedural note: In instances where the Speaker is absent from the Legislative Assembly, but not necessarily absent from the State, Standing Order 15 provides for the Deputy Speaker to perform the duties of the Speaker when the House is sitting.

Section 31A of the [Constitution Act 1902](#) provides for the Deputy Speaker to act as the Speaker when there is a vacancy in the office of the Speaker, the Speaker is absent from the State or is otherwise unavailable. It states:

- (1) During the absence from New South Wales of the Speaker the Deputy Speaker of the Legislative Assembly shall act in his place, and for all purposes, whether of this Act or otherwise, shall have and may exercise and perform all the powers, authorities, duties and functions of the Speaker.
- (2) Without prejudice to the generality of subsection (1) the Deputy Speaker of the Legislative Assembly, while acting in the place of the Speaker under that subsection, shall be deemed to be the Speaker for the purposes of section 71 of the *Parliamentary Electorates and Elections Act 1912.*)

CHAMBER

Members seated in the Speaker's Gallery

During the October sitting period Members continued to adhere to social distancing guidelines while in the Chamber and used the Speaker's Gallery as an extension of the Chamber. This allowed a further eight Members to participate in the proceedings of the House. The use of the Speaker's Gallery by Members was suspended briefly on Tuesday 13 October 2020 so that family and friends of the late Hon. John Fahey AC could be seated to observe a condolence motion for the former Premier.

Votes and Proceedings: 13/10/2020, p. 845.
Hansard (Proof): 13/10/2020, p. 1.

Amended procedure for establishing quorums in the House

On Thursday 15 October 2020 the Leader of the House moved that Standing and Sessional Orders be suspended to amend the procedure for the establishment of quorums for the remainder of the sitting year. The amendment ensured that the social distancing measures implemented in the Chamber in response to COVID-19 could be observed while a quorum was counted. The motion was agreed to on the voices.

Subsequently, on Tuesday 20 October, in response to a concern raised by Mr Paul Lynch MP, the Leader of the House moved that the quorum counting procedure be revised slightly so that, during the counting of a quorum, Members could remain in the Chamber until a quorum of twenty Members was established. This motion was also agreed to on the voices.

The amended quorum procedure was first used on Wednesday 21 October.

Votes and Proceedings: 15/10/2020, pp. 868-9, 20/10/2020, p. 875.
Hansard (Proof): 21/10/2020, pp. 26-7.

Standing Order 41.

s32(1) Constitution Act 1902

BUSINESS

Condolence motion – the Hon John Fahey AC

On Tuesday 13 October 2020 the Premier, the Hon. Gladys Berejiklian MP, moved a motion of condolence for former Premier, the Hon John Fahey AC. The terms of the motion were that the House:

- (1) Acknowledges with great sadness the passing of the Honourable John Joseph Fahey AC, a former Premier of the State
- (2) Recognises Mr Fahey's extraordinary service to the Parliaments of New South Wales and Australia, and his leadership of significant reform that has brought enduring benefit to the people of our state and nation
- (3) Extends to the family the deep sympathy of members of the Legislative Assembly in the loss sustained by the death, on 12 September 2020, of the Honourable John Joseph Fahey.

The motion was seconded by the Leader of the Opposition, Ms Jodi McKay MP, and supported by seventeen other Members who each spoke in the debate. At the conclusion of the debate Members and staff stood in their places as a mark of respect.

Votes and Proceedings: 13/10/2020, p. 852.

Standing Order 118.

Electronic petition signed by 20,000 or more persons

On Tuesday 13 October 2020 the Deputy Speaker announced that Mr Alex Greenwich MP had lodged an electronic petition for presentation signed by 20,000 or more persons. The terms of the petition were:

The Legislative Assembly call on the Government to work with MusicNSW and industry representatives to devise a stimulus package that will ensure the ongoing survival of the live music industry in New South Wales.

Votes and Proceedings: 13/10/2020, p. 851.

Standing Orders 119a, 120a, 121a, 122 and 123a.

(Procedural note: Citizens of NSW have been able to petition the Legislative Assembly since its inception in 1856 and hundreds of petitions are received by the Assembly each year on a variety of matters. In August 2020 the Legislative Assembly introduced electronic (or ePetitions). Citizens of NSW may now create and 'sign' petitions electronically on the Assembly's website.

The Clerk announces receipt of petitions to the House after Question Time. Petitions with more than 10,000 signatures (or 20,000 in the case of ePetitions) are announced by the Speaker.

Petitions of more than 10,000 signatures (or 20,000 for ePetitions) are scheduled for debate in the House. The ePetition tabled by Mr Greenwich was the first electronic petition received by the House with more than 20,000 signatures and will be debated in the House on a future date.)

Question Time

On Tuesday 13 October 2020 the Leader of the House, the Hon. Mark Speakman MP, moved that Standing and Sessional Orders be suspended to provide that Question Time comprise five questions only for the next two sitting weeks. The motion was agreed to on the voices.

The motion agreed to by the House continued the amendment to procedures that has taken place this year in light of COVID-19. As with Question Time in earlier sitting weeks, the Opposition asked four of the five questions and the Cross-bench asked the remaining question, with the rotation of the fifth question being arranged by agreement between Cross-bench Members.

Votes and Proceedings: 13/10/2020, pp. 845-6.

Standing Orders 131 and 365.

Tabling of the Register of Disclosures

On Tuesday 13 October 2020 the Deputy Speaker, the Hon. Leslie Williams MP, in accordance with the Constitution (Disclosures by Members) Regulation 1983, tabled the Register of Disclosures by Members as at 30 June 2020.

Votes and Proceedings: 13/10/2020, p. 849.

(Procedural note: Every six months Members disclose their pecuniary interests by submitting a return that is published in the Register of Disclosures. The Register was established in 1983 and

requires that Members place on the public record their interests in property, sources of income, gifts, contributions to travel, positions in corporations, trade unions or professional associations and debts.

The Regulation requires that the Register be available for public inspection in the Office of the Clerk. The Legislative Assembly Register is also published on the Parliament's [website](#). If a Member contravenes the Regulation governing the disclosure of pecuniary interests, the House may declare the Member's seat vacant if it considers the contravention is serious.)

Motion of no confidence in the Premier

On Tuesday 13 October 2020 the Leader of the Opposition, Ms Jodi McKay MP, gave notice of a motion of no confidence in the Premier. The terms of the motion were that the Premier no longer enjoys the confidence of the House given she:

- (1) Turned a blind eye to corruption in her Government by failing to report her knowledge of Daryl Maguire's business dealings for six and a half years, even after his resignation from Parliament in July 2018.
- (2) Failed to report a number of discussions she had with Daryl Maguire, over a number of years, about his business dealings - including congratulating him on the amount of commission he was earning from such deals.
- (3) Failed to fulfil her legal obligations under the Independent Commission Against Corruption Act to report corrupt conduct, and her obligations under the Ministerial Code of Conduct to manage conflicts of interest in her Government.
- (4) Has failed to uphold any standards of propriety across all levels of her Government.

On Wednesday 14 October 2020 the motion of no confidence was debated and negatived on division.

Votes and Proceedings: 14/10/2020, pp. 858-60.

Standing Orders 112 and 118.

(Procedural note: A motion of no confidence in a Minister constitutes Business with Precedence in the Routine of Business. Standing Order 112 sets out the speaking time limits for a motion of no confidence motion in a Minister. The mover of the motion and the Minister named in the motion initially have an unlimited time to speak, and any other Member is allowed up to twenty minutes to speak to the motion. After debate has concluded the Minister named and Member who moved the motion of no confidence each have up to thirty minutes in which to speak in response.

On this occasion the Minister named in the motion (the Premier) chose not to speak and was not present in the Chamber for the duration of the debate.

Standing Order 112 provides that a Member may move that the 'question be now put' (that debate concludes and the House vote on the motion) after four Members have spoken in the debate (inclusive of the mover and the Member leading the debate in opposition to the motion). If the 'closure' motion is agreed to, the mover and the Minister named retain the right to speak in response before the House votes on the motion.

The Leader of the House moved closure and the question was agreed to on division. Mr Jamie Parker MP subsequently sought the leave of the House to have one Member from each of the crossbench groups contribute to the debate, but leave was not granted.)

MEMBERS

Parliamentary Ethics Adviser

On Tuesday 15 October 2019 the Deputy Speaker tabled the annual report of the Parliamentary Ethics Adviser for the year ended 30 June 2020.

Votes and Proceedings: 13/10/2020, p. 849.

Standing Order 264.

(Procedural note: The Parliament Ethics Adviser is required to report to Parliament annually on the number of ethical matters raised with him, the number of Members who sought his advice, the amount of time spent in the course of his duties, and the number of times advice was given.)

COMMITTEES

Committee on Children and Young People

On Wednesday 14 October 2020 the Deputy Chair of the Committee on Children and Young People, Mr Peter Sidgreaves MP, informed the House that the Committee had resolved to conduct an inquiry into the child protection and social services system. The inquiry will scrutinise the effectiveness of the NSW child protection and social services system in responding to vulnerable children and their families. It will examine available services, the operation of those services and how they can be improved. Further information on the inquiry can be found on the Parliament's [webpage](#).

Votes and Proceedings: 14/10/2020, p. 857.

Standing Order 299(1).

Joint Select Committee on Coercive Control

On Wednesday 21 October 2020 the Leader of the House, the Hon. Mark Speakman MP, moved, by leave, that a Joint Select Committee on Coercive Control be appointed. The motion was agreed to on the voices.

The Committee will inquire into and report on coercive control in domestic relationships, with particular regard to the 'Coercive Control' discussion paper issued by the Government earlier this month. The reporting deadline is 30 June 2021.

Votes and Proceedings: 21/10/2020, p. 885.

Standing Orders 96, 315, 319 and 320.

Public Accounts Committee

On Thursday 22 October 2020 the Chair of the Public Accounts Committee, Mr Greg Piper MP, informed the House that the Committee had resolved to conduct two inquiries:

1. Examination of the Auditor-General's Performance Audit Reports February – July 2019
2. The Management of Public Housing Maintenance Contracts

Further information on the inquiries can be found on the Parliament's [webpage](#).

Votes and Proceedings: 22/10/2020, p. 900.

Standing Order 299(1).

Section 57, *Public Finance and Audit Act 1983*

(Procedural note: The Public Accounts Committee is established under the *Public Finance and Audit Act 1983* and plays a key role in public sector accountability. The functions of the Committee include examining the Government's use of resources and agencies' financial operations. It also looks at financial probity and regularity, and focuses on whether agency programs are achieving their aims. The Committee reviews the Auditor-General's reports to ensure that agencies respond appropriately to the Auditor-General's recommendations.

This year, in light of COVID-19, the Committee has continued its oversight role through seeking regular updates on additional fiscal measures taken by NSW Treasury during this challenging period for the State's finances.

Unlike other statutory committees of the NSW Parliament, the Public Accounts Committee is not a joint committee and draws its membership solely from Members of the Legislative Assembly. This is in recognition of the particular powers of the Legislative Assembly in relation to financial legislation.)

BILLS

Statute Law (Miscellaneous Provisions) Bill 2020

On Tuesday 20 October 2020 the Statute Law (Miscellaneous Provisions) Bill 2020, introduced in the Legislative Assembly on 23 September 2020, was returned to the Assembly from the Legislative Council with three amendments.

Two amendments were Government amendments. The third amendment was an Opposition amendment that was proposed in response to recent events at the Independent Commission Against Corruption. The Opposition amendment sought to amend the Ministerial Code of Conduct to provide that Ministers and Parliamentary Secretaries must not accept commissions or payments from property developers.

Following debate the Council amendments were agreed to on the voices.

Votes and Proceedings: 20/10/2020, pp. 874-5.

(Procedural note: The Statute Law Revision Program has been in place for almost thirty years in NSW. Under this Program, the Government introduces approximately two Statute Law (Miscellaneous Provisions) Bills or SLR Bills a year to make minor amendments, fix errors, update out-of-date references and repeal redundant legislation. Generally, only non-controversial changes are included by the Government in SLR Bills. Changes of a more substantial nature are given their own amending Bill.

In commenting on the Opposition amendment to this SLR Bill, the Leader of the House noted that although the amendment to the Members Code of Conduct would not ordinarily be suitable for inclusion in an SLR Bill, there was no other appropriate legislative vehicle immediately available to deal with the amendment and the Government was prepared to consider sensible amendments as they arose. (Hansard, 20 October 2020, p. 2.)