



PROCEDURAL HIGHLIGHTS

Legislative Assembly

FIFTY-FIFTH PARLIAMENT, FIRST SESSION

NO. 8: 8 NOVEMBER – 25 NOVEMBER 2011

NOVEMBER 2011

M	T	W	T	F
7	8	9	10	11
21	22	23	24	25

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

8.1 Private Members' Bill received from the Legislative Council

A message from the Legislative Council was reported transmitting a private members' bill (Truth in Labelling (Free-Range Eggs) Bill) which had passed that House. The Assistant Speaker advised the House that the Speaker had received written authority from the Member in charge of the Bill (Dr John Kaye MLC) advising that the Member for Balmain would have carriage of the bill in the Legislative Assembly.

Votes and Proceedings: 8 November 2011, p. 438

Hansard: 8 November 2011, galley p. 44

Standing Order 229(2)

(NB: The requirement for the Speaker to be advised which Legislative Assembly Member would take carriage of a private members' bill received from the Legislative Council was introduced to the Standing Orders in 2009. This amendment formalised the practice that had been followed in the House for some time. The requirement for the Speaker to be advised of which member in the Assembly would have carriage of a private members' bill received from the Council is necessary to ensure that the bill can move forward when called on. Prior to this, such a bill could sit on the Business Paper once reported but be at a procedural dead-end if no member had the carriage to progress it through the House).

BUSINESS

8.2 *Private Members' Statements given by leave in between items of business*

The Leader of the House obtained the leave of the House for the taking of up to 12 private members' statements after the conclusion of the motion accorded priority and prior to the commencement of government business.

Votes and Proceedings: 8 November 2011, p. 436

Hansard: 8 November 2011, galley p. 25

Standing Order 108

(NB: Standing Order 108(5) provides for private members' statements to be taken between items of business with the leave of the House for a specified period or a specified number of members or until certain business is to be conducted as notified by the Minister in charge of the House at that time).

8.3 *Private Members' Statements given by leave for a specified period*

The Leader of the House obtained the leave of the House for the taking of up to 18 private members' statements after the conclusion of government business until 5.45 p.m.

Votes and Proceedings: 9 November 2011, p. 444

Hansard: 9 November 2011, galley p. 46

Standing Order 108

8.4 *Discussion of petition signed by 10,000 or more persons*

Discussion proceeded on the subject matter of the petition signed by 10,000 or more persons that had been received by the House from certain citizens "requesting that 'Confucius Classrooms' be removed from schools and be replaced by an Australian-run organisation." In accordance with the sessional order, no question was put at the conclusion of the discussion.

Votes and Proceedings: 10 November 2011, p. 458

Hansard: 10 November 2011, galley pp. 75-8

Standing Order 125A (adopted as a sessional order)

(NB: This is a new procedure adopted as a sessional order for the current Parliament. This is the eleventh occasion the procedure was used.)

8.5 *Reference to the Independent Commission Against Corruption*

Motion agreed to that:

- (1) This House request the Independent Commission Against Corruption (ICAC) to inquire into and report with respect to:
 - a. The circumstances surrounding the application for an allocation to Doyles Creek Mining Pty Ltd of Exploration Licence No 7270 under the Mining Act 1992 (NSW) (Mining Act);
 - b. The circumstances surrounding the making of profits, if any, by the shareholders of NuCoal Resources NL as proprietors of Doyles Creek Mining Pty Ltd;

- c. Any recommended action by the New South Wales Government with respect to licences or leases under the Mining Act over the Doyles Creek area;
 - d. Any recommended action by the New South Wales Government with respect to amendment of the Mining Act; and
 - e. Whether the New South Wales Government should commence legal proceedings, or take any other action, against any individual or company in relation to the circumstances surrounding the allocation of Exploration Licence No 7270.
- (2) As deemed, necessary, the Commissioner may also inquire into any related matters.
- (3) A message be sent to the Legislative Council informing it that the Legislative Assembly has this day agreed to the resolution and, pursuant to section 73 of the Independent Commission Against Corruption Act 1988, requests the Legislative Council to pass a similar resolution.

Votes and Proceedings: 11 November 2011, pp. 462-3

Hansard: 11 November 2011, galley pp. 37-42

Message received from the Legislative Council that it had agreed to the resolution passed by the Legislative Assembly on 11 November 2011.

Votes and Proceedings: 23 November 2011, p. 474-5

Hansard: 23 November, p. 29

The Speaker reported receipt of a letter from the ICAC Commissioner advising that he had received the referral and would fully investigate the matter referred and prepare a report on its investigation.

Votes and Proceedings: 25 November 2011, pp. 498-9

Hansard: 25 November 2011, galley p. 39

(NB: Section 73 of the *Independent Commission Against Corruption Act 1988* provides for both Houses to refer a matter to the ICAC for investigation, which ICAC must fully investigate. Under section 74(2) of the Act the ICAC must provide a report to the Parliament on the investigation.)

8.6 *Days of meeting*

Motion agreed to for the House to meet on certain days during 2012 as follows:

February 14, 15, 16, 21, 22, 23; March 6, 7, 8, 13, 14, 15, 27, 28, 29; April 2, 3, 4; May 1, 2, 3, 8, 9, 10, 22, 23, 24, 29, 30, 31; June 12, 13, 14, 19, 20, 21; August 14, 15, 16, 21, 22, 23; September 4, 5, 6, 11, 12, 13, 18, 19, 20; October 16, 17, 18, 23, 24, 25; November 13, 14, 15, 20, 21, 22, 27, 28, 29.

Votes and Proceedings: 23 November 2011, p. 476

Hansard: 23 November 2011, galley p. 40.

Standing Order 34

8.7 *Motion of no confidence in the Minister for the Environment and Minister for Heritage*

Motion moved 'That the Minister for the Environment, and Minister for Heritage no longer enjoys the confidence of the House give she:

- (1) Failed to inform the public for more than 54 hours of the Hexavalent Chromium leak from the Orica chemical plant at Kooragang Island on 8 August 2011.
- (2) Failed to inform the public for more than 24 hours of the Ammonium Nitrate leak from the same Orica Chemical plant on 9 November 2011.
- (3) Neglected to speak to any representative of Orica about these extremely serious threats to public safety, including CEO Graeme Liebelt, who tried to contact her on at least three separate occasions.
- (4) Has admitted that she doesn't read documents before she signs them in her capacity as Minister.
- (5) Has demonstrated that she has no understanding of the legislation in her portfolio during budget estimates hearings.
- (6) Has lost the confidence of the people of New South Wales and is clearly incapable of performing her duties as Minister for the Environment, and Minister for Heritage.

Standing Orders were suspended to allow the debate on the motion of no confidence to be completed before other business was proceeded with and to reduce the speaking times for the debate.

The motion was negatived on division.

Votes and Proceedings: 22 November 2011, p. 470; & 23 November 2011, pp. 478-9

Hansard: 22 November 2011, galley p. 57; & 23 November 2011, galley pp. 49-61

Standing Order 112

(NB: Standing Orders were required to be suspended to enable the debate on the motion to be completed at the one sitting, as in accordance with the routine of business, business with precedence, which includes a no confidence motion, would be interrupted at 4.30 p.m. for Government Business).

8.8 *Reordering of general business to have precedence*

Motion agreed to for a General Business motion regarding radioactive waste transfer to have precedence on Friday 25 November 2011.

Votes and Proceedings: 24 November 2011, p. 491

Hansard: 24 November 2011, galley pp. 45-6

Standing Order 106

8.9 *Discussion of petition signed by 10,000 or more persons*

Discussion proceeded on the subject matter of the petition signed by 10,000 or more persons that had been received by the House from certain citizens "requesting that specific public areas be made smoke-free." In accordance with the sessional order, no question was put at the conclusion of the discussion.

Votes and Proceedings: 24 November 2011, p. 492-3

Hansard: 24 November 2011, galley pp. 61-7

Standing Order 125A (adopted as a sessional order)

(NB: This is a new procedure adopted as a sessional order for the current Parliament. This is the twelfth occasion the procedure was used.)

CHAMBER

8.10 *Speaker's control of the public gallery*

During the agreement in principle debate on the Police Amendment (Death and Disability) Bill, the Speaker warned individuals who were watching the proceedings from the public gallery that if they continued to interject she would remove them from the gallery.

Hansard: 25 November 2011, galley p. 9

Standing Order 260

CLERK OF THE LEGISLATIVE ASSEMBLY

8.11 *Appointment of Clerk*

The Speaker advised the House that she had requested the Premier to recommend to Her Excellency the Governor approval for the appointment of Ms Ronda Mary Miller as Clerk of the Legislative Assembly, and that the Premier had confirmed that the recommendation will be made and the appointment would be made the next week.

Votes and Proceedings: 9 November 2011, p. 442

Hansard: 9 November 2011, galley p. 34

Standing Order 203

COMMITTEES

8.12 *Notification of inquiry*

The Chair of the Legislative Assembly Committee on Economic Development informed the House that the Committee had resolved to conduct an inquiry into the establishment of special economic zones.

Votes and Proceedings: 9 November 2011, p. 443

Hansard: 9 November 2011, galley p. 45

Standing Order 299(1)

8.13 *Committee reports considered together during take note debate*

Motion agreed to for 3 reports of the Legislation Review Committee to be considered together in a take note debate.

Votes and Proceedings: 11 November 2011, p. 461

Hansard: 11 November 2011, galley p. 19

Standing Order 306(7)

8.14 *Notification of inquiry*

The Chair of the Committee on the Health Care Complaints Commission informed the House that the Committee had resolved to conduct an inquiry into health care complaints and complaints handling in New South Wales.

Votes and Proceedings: 22 November 2011, p. 467

Hansard: 22 November 2011, galley p. 21

Standing Order 299(1)

8.15 *Quorum – Joint Standing Committee on Road safety*

Motion agreed to for the quorum for a meeting of the Joint Standing Committee on Road Safety be reduced from five members to four members.

Votes and Proceedings: 23 November 2011, pp. 476-7

Hansard: 23 November 2011, p. 41

(NB: Standing Order 280 provides that a quorum for a committee is three members. This can be altered by statute for statutory committees or in the case of standing committees by a resolution of the House).

8.16 *Notification of inquiry*

The Chair of the Public Accounts Committee informed the House that the Committee had resolved to conduct an inquiry into the economics of energy generation.

Votes and Proceedings: 23 November 2011, p. 477

Hansard: 23 November 2011, galley p. 41

Standing Order 299(1)

8.17 *Notification of inquiry*

The Chair of the Legislative Assembly Committee on Transport and Infrastructure informed the House that the Committee had resolved to conduct two inquiries into the utilisation of rail corridors; and road access pricing.

Votes and Proceedings: 24 November 2011, p. 490

Hansard: 24 November 2011, galley p. 45

Standing Order 299(1)

8.18 Appointment of member

Motion agreed to that: Christopher Gulaptis be appointed to serve on the Legislative Assembly Committee on Economic Development in place of Andrew Robert Gee, who was discharged; and that Andrew Robert Gee be appointed to serve on the State and Regional Development Committee in place of Geoffrey Keith Provest, who was discharged after being appointed a Parliamentary Secretary.

Votes and Proceedings: 25 November 2011, p. 500

Hansard: 25 November 2011, galley p. 53

Standing Order 274

MEMBERS

8.19 Vacant seat

The Speaker advised the House that, in accordance with section 70 of the *Parliamentary Electorates and Elections Act 1912*, she had issued a writ on 28 October 2011 for the election of a member to serve in place of Stephen Rhett Cansdell, resigned, with the following particulars:

Nomination day 3 November 2011

Polling day 19 November 2011

Return of Writ 2 December 2011.

Votes and Proceedings: 8 November 2011, p. 433

Hansard: 8 November 2011, galley p. 13

8.20 Election of a new Member

The Speaker informed the House of the election of Christopher Gulaptis to serve as the Member for the Electoral District of Clarence. Mr Gulaptis was introduced, took the pledge of loyalty, signed the roll of the House and took his seat.

Votes and Proceedings: 25 November 2011, p. 498

Hansard: 25 November 2011, p. 39

Standing Order 23

(NB: While the standing orders provide for a Member returned at a by-election to be 'escorted' into the Chamber by other members, it is not mandatory. For example, in 1943, Jack Lang, who had previously been the Premier, was elected at a by-election as an Independent Member for the electorate of Auburn and no Member was prepared to introduce him. Mr Lang introduced himself and the Speaker allowed Mr Lang to be sworn without first having been formally introduced).

QUESTION TIME

8.21 Request for additional information

A Member in accordance with Standing Order 131(3) requested additional information from the Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast after the five minutes for answering the original question had expired. The Speaker permitted additional information to be provided.

Votes and Proceedings: 8 November 2011, p. 433; & 11 November 2011, p. 462

Hansard: 8 November 2011, galley p. 19; & 11 November 2011, p. 32

Standing Order 131(3)

8.22 *Request for additional information*

A Member in accordance with Standing Order 131(3) requested additional information from the Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW after the five minutes for answering the original question had expired. The Speaker permitted additional information to be provided.

Votes and Proceedings: 25 November 2011, p. 499

Hansard: 25 November 2011, galley p. 49

Standing Order 131(3)

SPEAKER

8.23 *Temporary Speaker*

The Speaker informed the House that consequent upon the appointment of Geoffrey Keith Provest as a Parliamentary Secretary that Giovanni Domenic Barilaro be appointed as a Temporary Speaker in place of Mr Provest, effective from 22 November 2011.

Votes and Proceedings: 9 November 2011, p. 442

Hansard: 9 November 2011, galley p. 34

Standing Order 20