



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-FIFTH PARLIAMENT, FIRST SESSION

NO. 17: 16 OCTOBER – 25 OCTOBER 2012

October 2012				
M	T	W	T	F
15	16	17	18	19
22	23	24	25	26

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.

MEMBERS

17.1 *By-Election for electorate of Sydney*

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 8 October 2012 for the election of a member to serve the electorate of Sydney in place of Clover Moore, resigned, with the following particulars:

- Nomination day 11 October 2012
- Polling day 27 October 2012
- Return of Writ 7 November 2012.

Votes and Proceedings: 16 October 2012, p. 1286

Hansard: 16 October 2012, p. 15688

BUSINESS

17.2 *Acting Deputy Serjeant-at-Arms*

The Speaker advised the House of the appointment of Jonathan Elliott as Acting Deputy Serjeant-at-Arms.

Votes and Proceedings: 16 October 2012, p. 1285

Hansard: 16 October 2012, p. 15674

17.3 *Removal of business of former member from the Business Paper*

The Speaker advised the House that in view of the resignation of the member for Sydney and in accordance with past practice, she ordered the removal from the Business Paper of General Business Notices of Motion (for Bills) No. 2 standing in the former member's name.

Votes and Proceedings: 16 October 2012, p. 1290

Hansard: 16 October 2012, p 15702

NB: Notices of former members are removed from the Business Paper because they cannot be withdrawn by the former member, they cannot be moved by any other member, and the House is not in possession of the motion as it has not been proposed from the Chair. Any other member would be free to give a fresh notice.

17.4 *Suspensions of standing and sessional orders to expedite the passage of a number of Bills.*

Standing and sessional orders were suspended to permit the passage of a number of bills through all stages in a single sitting. Passing the bills according to this timeframe was necessary to meet the Legislative Council's cut-off date of 25 October 2012. After this date the Legislative Council will not consider Legislative Assembly bills before the end of 2012.

Legislative Council Minutes: 12 June 2012, p 1042.

A number of other suspensions of standing and sessional orders were agreed to change the routine of general business and accommodate the passing of bills through all stages.

Votes and Proceedings: 17 October 2012, p 1300 and 1304; 18 October 2012, p. 1312; 23 October 2012, p. 1317; 24 October 2012, p. 1330 and 1334

Hansard: 17 October 2012, 15883 and 15931; 18 October 2012, p 16064; 23 October 2012, galley p 27; 24 October 2012, galley p 51 and 71

Standing Order 365

17.5 *Sitting Days*

The House adopted the following meeting dates for 2013:

Autumn sittings: February 19-21, 26-28; March 12-14, 19-21, 25-27; April 30; May 1-2, 7-9, 21-23, 28-30; June 18-20, 25-27.

Spring sittings: August 13-15, 20-22, 27-29; September 10-12, 17-19; October 15-17, 22-24, 29-31; November 12-14, 19-21, 26-28.

Votes and Proceedings: 24 October 2012, p. 1336

Hansard: 24 October 2012, galley p.89

Standing Order 34

BILLS

17.6 *Independent Commission Against Corruption Amendment (Register of Disclosures by Members) Bill 2012*

The House passed a bill to amend the *Independent Commission Against Corruption (ICAC) Act 1988* with respect to the use of a register of pecuniary interests or other matters disclosed by members of Parliament. In particular, the bill will remove the capacity of parliamentary privilege to be invoked to impede the ability of the ICAC to use the Register of Disclosures by Members in its investigations.

Votes and Proceedings: 23 October 2012, p.1320; 24 October 2012, p. 1335

Hansard: 23 October 2012, galley p. 37; 24 October 2012, galley p. 74

17.7 *Parliamentary Electorates and Elections Amendment (Redistributions) Bill 2012 and Election Funding, Expenditure and Disclosures Further Amendment Bill 2012*

The House passed the following cognate bills:

- a) A bill for an Act to amend the *Parliamentary Electorates and Elections Act 1912* with respect to the criteria for carrying out redistributions of electoral districts. The object of the bill is to amend the margin of allowance in the number of voters in each electorate from 3% to 10%.
- b) A bill for an Act to amend the *Election Funding, Expenditure and Disclosures Act 1981* with respect to the appointment of party agents and declarations containing no disclosures. The object of the bill is to strengthen the capacity to prosecute those who fail their disclosure obligations under the Act.

Votes and Proceedings: 23 October 2012, p.1321; 24 October 2012, p.1333

Hansard: 23 October 2012, galley p. 38; 24 October 2012, galley p. 63

17.8 Bills – separate questions on cognate bills

A motion moved by the Manager of Opposition Business that the second reading of these cognate bills be put as separate questions was negatived.

Votes and Proceedings: 24 October 2012, p.1333

Hansard: 24 October 2012, galley p. 70

Standing Order 195

NB: The Opposition sought to move for the bills to be put separately as they had indicated during debate on the bills that they supported the *Election Funding, Expenditure and Disclosures Further Amendment Bill 2012* but were opposed to the *Parliamentary Electorates and Elections Amendment (Redistributions) Bill 2012*.

PETITIONS

17.9 Discussion of petition signed by 10,000 or more persons

Standing and sessional orders were suspended to permit two petitions signed by 10,000 or more persons to be discussed at the one sitting.

Votes and Proceedings: 16 October 2012, p. 1290.

Hansard: 16 October 2012, p 15702.

NB: Suspension of Standing Orders was required to enable multiple petitions to be heard on one sitting day as the routine of business only provides for one petition to be discussed each Thursday.

Standing Order 125A (adopted as a sessional order)

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 a positron emission tomography (PET) scan machine for Wollongong Hospital". In accordance with the sessional order, no question was put at the conclusion of the discussion.

Votes and Proceedings: 25 October 2012, p.1344

Hansard: 25 October 2012, galley p. 71

Standing Order 125A (adopted as a sessional order)

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 pay equity for early childhood teachers". In accordance with the sessional order, no question was put at the conclusion of the discussion.

Votes and Proceedings: 25 October 2012, p.1345

Hansard: 25 October 2012, galley p. 75

NB: As noted above (at 17.4) standing and sessional orders were suspended to permit both petitions to be discussed at the one sitting.

Standing Order 125A (adopted as a sessional order)

DISORDER

17.10 *Removal of a member for a specified time*

During Question Time, the Leader of the Opposition was directed to leave the Chamber for the remainder of Question Time for disorderly conduct.

Votes and Proceedings: 24 October 2012, p. 1328

Hansard: 24 October 2012, galley 36

Standing Order 249A (as adopted by sessional order)

During Question Time, the Member for Kogarah was directed to leave the Chamber for the remainder of Question Time for disorderly conduct.

Votes and Proceedings: 24 October 2012, p. 1328

Hansard: 24 October 2012, galley 38

Standing Order 249A (as adopted by sessional order)

During Question Time, the Member for Cessnock was directed to leave the Chamber for the remainder of Question Time for disorderly conduct.

Votes and Proceedings: 24 October 2012, p. 1329

Hansard: 24 October 2012, galley 39

Standing Order 249A (as adopted by sessional order)

QUESTION TIME

17.11 *Questions: Addressed to the Chair*

During question time, a member sought leave to suspend standing orders to ask the Speaker a question about a referral to the Speaker by the *Independent Commission Against Corruption* regarding alleged misuse of Parliamentary allowances by the former member for Clarence. Leave was refused.

Votes and Proceedings: 18 October 2012, p. 1312

Hansard: 18 October 2012, p. 16060

NB: During question time, questions cannot be asked of the Speaker and leave is required for a non-Minister to move for the suspension of standing orders.

Standing Order 365