



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-FIFTH PARLIAMENT, FIRST SESSION

NO. 4/2013: 21 MAY – 30 MAY 2013

May 2013				
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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. This edition also includes information on a bill concerning member's staff.

BILLS

Consideration of amendments to the Motor Accident Injuries Amendment Bill- outside the numerical order:

On 22 May 2013, the House considered amendments to the *Motor Accident Injuries Amendment Bill*.

Mr Michael Daley, by leave, moved Opposition amendments to Schedule 1 *in globo*. The House divided and the amendments were not agreed to. Minister Mike Baird then moved, by leave, Government amendments to Schedule 1 *in globo*, which were agreed to.

Votes and Proceedings: 22/5/2013, pp. 1619-1623

Hansard: 22/5/2013, pp. 20706-20710

Standing Orders 208 & 209

(NB: Standing Order 208 provides that each clause and schedule shall be considered separately, unless the leave of the House is granted for them to be taken in groups, or as a whole.

Standing Order 209 provides that the clauses and schedules and amendments should be considered together in numerical order. However, in this instance in order to expedite matters, the House gave leave for the Opposition amendments to be considered in a group first, before the Government moved its amendments; despite the fact that the Government amendments were proposed to earlier parts of the bill than the proposed Opposition amendments).

Information tabled in relation to the Local Land Services Bill

On 28 May 2013, Ms Katrina Hodgkinson, Minister for Primary Industries and Minister for Small Business, introduced the *Local Land Services Bill 2013*, whose objects include the establishment of the Local Land Services statutory corporation and the establishment of local boards for the purpose of devolving operational management and planning functions to regional levels.

During her second reading speech, Ms Hodgkinson tabled a map of the new boundaries for local land services, which was placed in the Speakers' Square outside the Chamber, for members to view during the second reading debate.

Votes and Proceedings: 28/5/2013, p. 1642

Hansard: 28/5/2013, p. 20984

Standing Order 266

During the Minister's reply, additional information on the *Local Land Services Bill* was incorporated into Hansard with the leave of the Speaker.

(NB: Standing Order 271 provides that the incorporation of material into Hansard shall be by leave of the Speaker).

Votes and Proceedings: 29/5/2013, p. 1660

Hansard: 29/5/2013, p. 21243

Standing Order 271

Division declared by the Speaker

On 28 May 2013, a division was called on Mr Parker's non-government amendments to the *Petroleum (Onshore) Amendment Bill*. There being only two members among the Ayes, the Acting Speaker, Ms Melanie Gibbons, declared the question to be negatived.

(NB: Standing Order 181 provides that where there are five or fewer Members on a side on a division, without completing the division, the Speaker shall declare the question resolved and the number in the minority and their names shall be recorded).

Votes and Proceedings: 28/5/2013, p. 1648

Hansard: 28/5/2013, p. 21010

Standing Order 181

BUSINESS

Consideration of both motions to be accorded priority

On 21 May 2013, the Leader of the House, Mr Brad Hazzard, moved that standing and sessional orders be suspended in order to permit the consideration of both notices of motion sought to be accorded priority.

The motion being agreed to, debate then took place forthwith on the motion of Mr Stuart Ayers on the Westconnex Motorway; followed by debate on the motion of the Leader of the Opposition, Mr John Robertson, on vaccination rates in NSW.

(NB: Standing Order 109 provides that whilst two notices of motion to be accorded priority may be accepted, only one of those notices of motion may subsequently be moved at that sitting of the House).

Votes and Proceedings: 21/5/2013, pp. 1608-09

Hansard: 21/5/2013, pp. 20504-20511

Standing Orders 109 (as amended by sessional order)

Notice of Motion (General Notice) substituted and then amended by the Member in charge

On 22 May, Mr Greenwich substituted by leave of the House, the notice of motion standing in his name on the Australian Christian Lobby, for a notice of motion expressing support for equality for same sex couples and their families.

(NB: Standing Order 139 provides that a member can alter a notice of motion already given by handing up an amended notice before the notice is moved. The new notice must not exceed the scope of the terms of the original notice. In this case, the original notice could not simply be amended, as the changes exceeded the scope of the notice. Accordingly the House needed to agree to permit Mr Greenwich to substitute a different notice.

Votes and Proceedings: 22/5/2013, p. 1624

Hansard: 22/5/2013, p. 20733

Standing Order 139

On 23 May, Mr Greenwich made alterations by handing up an amended notice of motion before moving it. Debate ensued. Speaking in reply, by leave of the House, Mr Greenwich proposed further amendments to the motion, which were agreed to.

(NB: The leave of the House was required for Mr Greenwich to propose his amendments because he had already moved the motion and was then speaking in reply to the debate).

Votes and Proceedings: 23/5/2013, p. 1628

Hansard: 23/5/2013, p. 20812 and pp.20820 -20821

Motion to provide for the Budget speech:

On 29 May 2013, a motion of the Leader of the House, Mr Brad Hazzard, was agreed to for the introduction and second reading speech on the *Appropriation Bill and cognate bills* prior to 2.15 pm on Tuesday 18 June 2013; and to interrupt the business before the House at 11.00 am on Thursday 20 June 2013 to permit the Leader of the Opposition to speak on the *Appropriation Bill* and cognate bills.

Votes and Proceedings: 29/5/2013, p. 1657

Hansard: 29/5/2013, p. 21243

Standing Order 365

General business notice of motion (for bills) withdrawn

On 30 May 2013, the Leader of the Opposition, Mr John Robertson, withdrew General business notice of motion (for bills) no.1 (Public Health Amendment (Right to Refuse Unvaccinated Children Access to Child Care Facilities) Bill).

(NB: The Minister for Health, the Hon. Jillian Skinner, introduced the Public Health Amendment (Vaccination of Children Attending Child Care Facilities) Bill, on 29 May 2013. The objects of that bill being to similarly provide for vaccination requirements for children enrolling at child care facilities).

Votes and Proceedings: 30/5/2013, p. 1664

Hansard: 29/5/2013, p. 21309

Standing Order 100

Conclusion of the “take note debate” on budget estimates and related papers

On 30 May 2013, the Leader of the House, Mr Brad Hazzard, concluded the debate to take note of the budget estimates and related papers for the financial year 2012-2013. The motion was agreed to.

Votes and Proceedings: 30/5/2013, p. 1672

Hansard: 30/5/2013, pp. 21363-21364

MEMBERS

Election of the member for Northern Tablelands:

The Speaker informed the House that the writ, issued on 22 April 2013, in accordance with section 70 of the Parliamentary Electorates and Elections Act 1912, for the election of a member to serve in the Legislative Assembly for the electoral district of Northern Tablelands (in place of George Richard Torbay, who had resigned on 20 March 2013) had been returned with a certificate endorsed by the Electoral Commissioner advising of the election of Adam John Marshall to serve as member for the electoral district of Northern Tablelands.

Mr Adam Marshall was introduced, took the pledge of loyalty, signed the roll of the House and took his seat as member for the electoral district of Northern Tablelands.

Votes and Proceedings: 28/5/2013, p. 1637

Hansard: 28/5/2013, p. 20964

Member removed for disorder:

During Question Time on 23 May 2013, the Deputy Leader of the Opposition, the member for Canterbury, was directed to leave the Chamber until the conclusion of Question Time for continually interjecting.

Votes and Proceedings: 23/5/2013, p. 1632

Hansard: 8/5/2013, p. 20844

Standing Order 249A (as adopted by sessional order)

During debate on a motion regarding the Northern Tablelands By-election on 28 May 2013, the Deputy Leader of the Opposition, the member for Canterbury, was directed to leave the Chamber for one hour for continually interjecting.

Votes and Proceedings: 28/5/2013, p. 1641

Hansard: 28/5/2013, p. 20981

Standing Order 249A (as adopted by sessional order)

Government Sector Employment Bill

Members of Parliament Staff Bill:

On 23 May 2013, the Premier introduced the *Government Sector Employment Bill*. The object of the Bill was to repeal the Public Sector Employment and Management Act 2002 and replace it with legislation to modernise government sector employment and create an outward looking and customer focused public service.

The Bill was cognate with the *Members of Parliament Staff Bill* which sought to provide new arrangements under which the staff of political office holders (which includes Ministers and the Leader of the Opposition in the Legislative Assembly) may be employed, as well as the staff who assist Members of Parliament in their electorate and Parliamentary duties.

Votes and Proceedings: 23/5/2013, p. 1634

Hansard: 23/5/2013, p. 20857

On Wednesday 29 May 2013, the *Members of Parliament Staff Bill* was amended by the Government to include provision for current staff of members of Parliament to retain their existing rights with respect to the period of notice of termination and severance pay and leave.

(NB: Standing Order 208 provides that each clause and schedule shall be considered separately, unless the House consents to them to be taken in groups, or as a whole).

The bills have passed Parliament.

Votes and Proceedings: 29/5/2013, pp. 1659-1660

Hansard: 29/5/2013, pp. 21225 - 21226

Standing Orders 208 and 238