



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SIXTH PARLIAMENT, FIRST SESSION
NO. 10/2018: 16 – 25 OCTOBER 2018

October 2018				
M	T	W	T	F
15	16	17	18	19
22	23	24	25	26

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

Appointment of a new Temporary Speaker

On 16 October 2018, the Speaker informed the House that she had nominated Ms Anna Watson MP as a Temporary Speaker in place of Ms Sonia Hornery MP.

Votes and Proceedings: 16/10/2018, p. 1969.

Standing Orders 19 and 20.

(Procedural note: The Standing Orders provide for the Speaker to nominate, at the beginning of each Parliament, a panel of up to five members as Temporary Speakers. Temporary Speakers may exercise the powers and duties of the Speaker whenever the Speaker, Deputy Speaker or Assistant Speaker is absent. The Speaker may, at any time, revoke the nomination of a Temporary Speaker and nominate another Member to take a Temporary Speaker's place.)

MEMBERS

Members' valedictory speeches

A number of Members of the Legislative Assembly announced that they will retire and not re-contest their seats at the General Election being held in March 2019. On 23 October 2018 the Leader of the House moved that the business of the House be interrupted to permit the giving of valedictory speeches by the retiring Members before the conclusion of the last sitting period in November.

On Wednesday 24 October the Hon. Thomas George MP was the first of the retiring Members to give his valedictory speech.

Votes and Proceedings: 23/10/2018, p. 2008; 24/10/2018, p. 2028.

Hansard (Proof): 24/10/2018, pp. 86-91.

Standing Order 63.

(Procedural note: The giving of inaugural or valedictory speeches for a period of up to 20 minutes is provided for by Standing Order 63. Business may be interrupted to permit such speeches, provided that a Member speaking is not interrupted. Any interrupted business may be resumed at the conclusion of the speech.)

BILLS

Cognate bills

On 24 October 2018 the Attorney General moved that the second reading of three cognate bills, the *Surveillance Devices Amendment (Statutory Review) Bill 2018*, the *Road Transport Amendment (National Facial Biometric Matching Capability) Bill 2018* and the *Terrorism (Police Powers) Amendment (Statutory Review) Bill 2018*, be put as separate questions.

The motion was agreed to on the voices.

Votes and Proceedings: 24/10/2018, pp. 2017-8.

Standing Order 195.

On 24 October 2018 the Treasurer moved that Standing and Sessional Orders be suspended to separate two cognate bills, the *Government Sector Finance Bill 2018* and the *Government Sector Finance Legislation (Repeal and Amendment) Bill 2018*.

The Treasurer's motion, which was agreed to on the voices, also permitted the *Government Sector Finance Bill* to be presented to the Governor for assent, prior to the Assembly concluding consideration of the proposed Legislative Council amendments to the *Government Sector Finance Legislation (Repeal and Amendment) Bill* and the Parliament passing that bill.

Votes and Proceedings: 24/10/2018, p. 2025.

Standing Orders 197 and 365.

Unproclaimed legislation

On 17 October 2018 the Deputy Speaker tabled a list of legislation unproclaimed 90 days after assent.

Votes and Proceedings: 17/10/2018, p. 1985.

Standing Order 117.

(Procedural note: Under the *Interpretation Act 1987* the commencement date of an Act is 28 days after it has been assented to by the Governor, unless the bill itself specifies another day.

Many bills specify that some or all of their provisions will commence on a day indicated by the Governor in a proclamation. In effect, this allows the Executive Government to delay the operation of an Act until administrative arrangements or delegated legislation are in place to allow the Act to operate. It has been argued that this provision, while administratively convenient, confers a great deal of power on the Executive and virtually allows it to determine when, if ever, a law passed by the Parliament will come into effect (see *Odgers' Australian Senate Practice*, 14th edition, Chapter 12, 'Commencement of Legislation').

In this context the Legislative Assembly makes transparent that legislation remaining unproclaimed 90 days after assent by requiring that a list be tabled on the second sitting day of each new session and then every 15th sitting day after.)

BUSINESS

Petitions signed by 10,000 or more persons

On 25 October 2018 the Leader of the House suspended Standing and Sessional Orders to permit petitions signed by 10,000 or more persons to be discussed on Wednesday 14 November and Wednesday 21 November.

Votes and Proceedings: 25/10/2018, p. 2033.

Standing Orders 125A and 365.

(Procedural note: Petitions presented to the House and signed by 10,000 or more persons are set down for discussion in the House on Thursdays of sitting weeks. One petition is discussed each Thursday. At the time of writing there are more 10,000 signature petitions awaiting discussion than there are sitting Thursdays prior to the House proroguing before the General Election in March 2019. The suspension of Standing Orders facilitates most, or all of the petitions set down for discussion to be discussed before prorogation.)