



# PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SEVENTH PARLIAMENT, FIRST SESSION  
NO. 3/2022: 10 – 19 MAY 2022

May 2022				
M	T	W	T	F
9	10	11	12	13
16	17	18	19	20

*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.*

## CHAMBER

### ***New Sessional Orders – Question Time***

On Tuesday 10 May 2022, in accordance with a resolution of the House of 31 March, the Manager of Opposition Business, Mr Ron Hoenig MP, was called to move General Business Notice of Motion 3328. As we reported in the [March 2022 Digest](#), Mr Hoenig's original motion proposed to amend the arrangements of Question Time (Questions without notice) to require answers to questions be 'directly relevant', increase the number of questions allowed, reduce the time permitted per answer and extend the total time permitted for Question Time.

Be leave, Mr Hoenig amended his original motion when called on 10 May. Nevertheless, the proposed changes noted above remained substantively the same. After a short debate in which Mr Hoenig acknowledged the support of Government and Crossbench Members, the motion was agreed to on the voices. The new Sessional Orders 129 and 131, a full copy of which are available [online](#), are in place for the remainder of the parliamentary session, and read as follows:

#### **SO 129**

An answer shall be directly relevant to the question asked.

#### **SO 131**

The procedure for Question Time is as follows:

- (1) Questions are asked orally and may be read and are subject to the same rules as written questions but shall not be recorded in the Questions and Answers Paper.
- (2) An answer to a question must not exceed three minutes.
- (3) At the conclusion of the Minister's answer to a question, the member who asked the question may, at the discretion of the Speaker, seek additional information from the Minister. The Minister's response on the additional information must not exceed two minutes.
- (4) No question shall be asked after 60 minutes from the Speaker calling on questions or the answering of 16 questions whichever is the longer. So long as Question Time has a maximum period that does not exceed 75 minutes.
- (5) One supplementary question per Question Time may be asked immediately by the Member asking the original question. The answer shall count as one of the 16 answers.
- (6) The Leader of the Opposition is entitled to be called first by the Speaker at the commencement of Question Time.

- (7) Ministers seeking to provide additional information to questions already answered at the current or a previous sitting shall do so at the conclusion of Question Time.
- (8) Crossbench Members of Parliament are permitted at least two questions per Question Time, at question number 7 and question number 15.
- (9) Points of order taken during an answer to a question should not be vexatious, repetitive, interfering or used to make a statement in response to the answer.

*Votes and Proceedings: 10/05/2022, pp. 1679-1680.*

*Hansard (Proof): 10/05/2022, pp 1-3.*

SO 129 (Answer directly relevant) and 131 (Question Time (oral questions)).

SO49A (Speaker has discretion to pause the timing clock)

## BUSINESS

### ***Joint Sitting***

On Tuesday 10 May 2022, the Speaker, the Hon. Jonathan O'Dea MP, reported a message from the Governor convening a joint sitting to elect a person to fill the vacancy in the Legislative Council caused by the resignation of Mr David Shoebridge.

On Thursday 12 May 2022, Members of the Assembly attended the Legislative Council Chamber for the joint sitting. Once the election was complete, Members returned to the Assembly Chamber and the Temporary Speaker, Ms Sonia Hornery MP, reported that Ms Susan Higginson had been elected to the Council. The Temporary Speaker then tabled the minutes of the proceedings of the joint sitting.

*Votes and Proceedings: 10/5/2022, p. 1681; 12/5/2022, p. 1701.*

*Section 22D Constitution Act 1902.*

### ***Suspension of Standing and Sessional Orders by a member to facilitate the asking of an additional question during Question Time***

On Thursday 12 May 2022, the Member for Murray, Mrs Helen Dalton MP, moved that Standing and Sessional Orders be suspended to allow for a seventeenth question during Question Time that day, to be asked by herself to the Minister for Lands and Water. Using the new Sessional Order 365 (agreed to by the House in March 2022) regarding suspensions of standing orders, Mrs Dalton moved her motion at 10 am, as SO 365 now states that any member may, without leave, at any time between **10.00 am and up to 1.15 pm**, move a motion to suspend standing orders. The motion was negated on division. Whilst the motion was negated, the Minister, the Hon. Mr Kevin Anderson MP, [contributed](#) to the debate on the suspension motion by leave.

*Votes and Proceedings: 12/5/2022, p. 1699.*

SO 131 (Question Time (oral questions)) and 365 (Suspension of Standing Orders).

## COMMITTEES

### ***Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics – Inquiry into options for action against a suspended Member***

In the [March 2022 Digest](#), we reported that the Legislative Assembly had referred an inquiry to the Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics (the Committee) into the options available to the House regarding the withholding of remuneration and other entitlements of a Member suspended from the service of the House. The Committee was to report back to the House by 12 May 2022.

On Tuesday 10 May 2022, after the House agreed on the voices to suspend Standing and Sessional Orders, the Leader of the House, the Hon. Alister Henskens MP, moved a motion to extend the Committee's reporting timeframe so that it was to report on 19 May, instead of 12 May. After limited debate, the motion was agreed to on the voices.

On Thursday 19 May 2022, the Committee Chair, Mr Peter Sidgreaves MP, tabled the report titled ["Options available to the House regarding the withholding of remuneration and other entitlements of a Member suspended from the service of the House" \(report 2/57\)](#).

SO 97 (Routine of Business), 142 (Moving of Motions), 306 (Committee reports, tabling in the House and debate).

*Hansard (Proof): 31/03/2022, p. 46; 10/05/2022, p. 3; and 19/05/2022, p. 45.*

**Procedural note:** SO 306 governs the procedures for tabling of committee reports and take note debates.

The report and associated documents of any committee (not being a legislation committee or the Standing Orders and Procedure Committee) are to be presented at the time provided in the Routine of Business, or at any other time with the leave of the House. The Member presenting the report may move "That the document be printed". This question is to be decided without debate or amendment.

Once tabled, committee reports (apart from reports of the Standing Orders and Procedure Committee) stand on the Business Paper in the order in which they were presented as Orders of the Day "That the House take note of the Report". Committee report take note debates occur on sitting Wednesdays at 12:45pm for up to 30 minutes. The Member who tabled the report can speak for up to 6 minutes, and any other Member for up to 4 minutes with the question being put after 22 minutes. No reply is permitted.

## BILLS

### ***Voluntary Assisted Dying Bill 2021***

The *Voluntary Assisted Dying Bill 2021* is a Private Member's Bill, introduced in the Legislative Assembly by the Member for Sydney, Mr Alex Greenwich MP, in October 2021. The Bill provides for and regulates access to voluntary assisted dying for persons with a terminal illness.

As we reported in the [October](#) and [November](#) 2021 Digests, Members of the Assembly were allowed a conscience vote and the Bill, having passed the Assembly with amendments, was sent to the Legislative Council for consideration on 26 November 2021.

On Thursday 19 May 2022, the Deputy Speaker, Mrs Leslie Williams MP, reported a message from the Council returning the Bill with seven amendments, and ordered that the amendments be considered forthwith. Mr Greenwich spoke to the amendments and moved that all seven amendments be agreed to. Following a brief debate (in which only Mr Greenwich spoke), the question was put and passed on the voices.

The Bill has now been sent to the Governor for assent and will commence 18 months from the date of assent. Further information on the Bill can be found on Parliament's [website](#).

*Votes and Proceedings: 19/05/2022, pp. 1737-9.*

SO 222 (Return of bill with proposed amendments) and 223 (Consideration of Council amendments).

### **Local Government Amendment (Disqualification from Civic Office) Bill 2020**

The *Local Government Amendment (Disqualification from Civic Office) Bill 2020* is a Private Member's Bill, introduced in the Legislative Assembly by the Member for Campbelltown, Mr Greg Warren MP, after already passing through the Legislative Council.

On Thursday 12 May 2022, during the second reading debate on the Bill, the Member for The Entrance, Mr David Mehan MP, moved to end the debate by moving that 'the question be now put'. The question was agreed to on the voices. The Chair subsequently put the question 'that the Bill be now read a second time' and the Bill was negated on division.

*Votes and Proceedings: 12/05/2022, p. 1702.*

*Hansard (Proof): 12/05/2022, p. 25.*

SO 86 (Motion "That the question be put"), 88 (Limitation of application) and 89 (Closure – consequential divisions).

**Procedural note:** SO 86 provides for the ending, or closure, of debate on the question before the House. A Member who has not previously spoken on the debate may move for closure by moving 'that the question be now put'.

There are certain times when a closure motion cannot be moved, including: before 10.00am on days when the House sits earlier, during a motion to suspend Standing and Sessional Orders, during a motion of no confidence in a Minister, or during a censure motion on a Member (unless at least four Members have spoken in the debate).

Once moved, the closure motion must be put immediately and decided without amendment or debate. If there is a division, the closure motion must be carried by at least 30 Members in the affirmative for it to be successful.

If the House agrees to the closure motion, debate is brought to an end and the question before the House is put immediately, although the mover of the original motion, if entitled to a reply, is permitted to speak for up to 30 minutes or a lesser time if specified (SO 87). If the House does not agree to the closure motion, the Member who moved the motion is not permitted to speak again in the debate.