



LEGISLATIVE ASSEMBLY

Procedural Digest

Fifty-eighth Parliament, First Session

No. 5/2023: 10 – 19 October 2023

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.

October 2023

M	T	W	T	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20

Members

Announcement of Government Whip

On 17 October 2023 the Leader of the House, on behalf of the Premier, informed the House that Mr Nathan Hagarty had been elected as Government Whip.

Votes and Proceedings: 17/10/2023, p. 337

Hansard (Proof): 17/10/2023, p. 2

Business

Ministerial Statements regarding Israel - Hamas conflict

On Tuesday 10 October 2023, the Premier, Mr Chris Minns, gave a Ministerial Statement to the House in relation to the Israel - Hamas conflict. As part of the statement, Mr Minns condemned the acts of violence and spoke about support to those from New South Wales who may have been impacted by the attacks and to the Jewish community in New South Wales.

In accordance with Standing Order 104, which allows for a response to Ministerial Statements from the Leader of the Opposition or any other Member, the Leader of the Opposition, Mr Mark Speakman, gave a response. Mr Speakman noted that the Opposition joined with the Government in condemning the acts of Hamas and providing support to the Jewish community in New South Wales.

Following the statements given by Mr Minns and Mr Speakman, the Speaker, Mr Greg Piper, on behalf of the House, offered condolences to the victims of the conflict and support for affected communities in New South Wales. Members and officers of the House rose and stood as a mark of respect.

Votes and Proceedings: 10/10/2023, p. 314

Hansard (Proof): 10/10/2023, p. 2

Standing Orders 103 (Times for Ministerial Statements) and 104 (Duration of Ministerial Statements)

Procedural note

As noted in Section 31(1) of the *Constitution Act 1902*, the Speaker is the Legislative Assembly's independent and impartial representative. The Speaker can make statements and direct actions on behalf of the House, including asking Members and officers to rise and stand as a mark of respect. Members and officers standing can also be considered a collective demonstration of respect and condolence from the Legislative Assembly.

Laying papers upon the Table for the benefit of Members

On Wednesday 11 October 2023, during the second reading debate on the Motor Dealers and Repairers Amendment Bill 2023, Mr Ray Williams requested to table a Heavy Vehicle Certificate of Compliance. During his contribution to debate, Mr Williams raised concerns about the important distinction between a light vehicle repairer and a heavy vehicle repairer in terms of compliance and noted his 22 years of experience as a heavy vehicle repairer:

... I am happy to table it for the record, without bragging—that I still have my tradesman qualification and ticket on me to confirm that I do have a background of 22 years—a lifetime—of involvement with heavy vehicles.

As a fully qualified heavy vehicle repairer I point out why I make the comment that NSW Fair Trading is in breach of its own legislation. For the benefit of the Parliament I table what is known as a Heavy Vehicle Certificate of Compliance.

The Deputy Speaker, Ms Sonia Hornery, informed the House that Mr Williams was welcome to "lay the document upon the table of the House for everyone's benefit." The distinction between 'tabling' and 'laying upon the table' is important for the House to deal with papers appropriately.

Standing Order 264 provides that tabling a document is restricted to certain officeholders such as the Speaker, Ministers, Committee Chairs and the Clerk, or where statutory provisions apply. Other Members are only able to table documents by resolution of the House or Command of the Governor. However, all Members are able to lay documents upon the table for the benefit of the House, such that the House can consider the documents to inform debate.

Votes and Proceedings: 11/10/2023, p. 327

Hansard (Proof): 11/10/2023, pp. 47-48

Standing Order 264 (Tabled papers)

Procedural note

Documents are tabled in Parliament as a means of informing Members of Parliament, and thus the public, of various actions of the Executive Government and parliamentary committees. Ministers are required to table a range of documents in accordance with legislative provisions such as annual reports by departments and agencies, statutory reviews of legislation, and statements of corporate intent for state-owned corporations. In addition, a number of Statutory Officers are required by statute to present their reports to the Parliament.

Under the *Defamation Act 2005*, papers presented to Parliament are subject to the protection of absolute privilege. Members sometimes will refer to a particular document during the course of debate and for the interest and convenience of Members may "lay it on the Table". This is not tabling and the document has no status as a record of the House.



Changes to the Routine of Business to permit the introduction of a Private Member's bill

The Assembly's Routine of Business (SO 97) allocates 20 minutes for General Business Notices of Motion for Bills every Thursday. In this 20-minute period Members introduce and give second reading speeches for Private Members' bills.

On 12 October 2023, following the conclusion of Mrs Helen Dalton's second reading speech on the Water Management Amendment (Water Access Licence Register) Bill 2023, there were 11 minutes remaining of General Business Notices of Motion for Bills. Mr Gareth Ward rose to introduce and give the second reading speech for his bill, the Independent Commission Against Corruption Amendment (Ministerial Diary Disclosure) Bill 2023. Mr Ward experienced technical difficulties and was unable to access the notes on his device relating to his second reading speech.

With seven minutes remaining for consideration of General Business Notices of Motions for Bills, the Leader of the House, Mr Ron Hoenig, moved that Standing and Sessional Orders be suspended to permit Mr Ward to deliver his introduction and second reading speech for seven minutes following the Routine of Business after Question Time later that day. The question was put and passed unanimously, and the House moved on to General Business Orders of the Day for Bills.

Following the conclusion of Question Time, in accordance with the earlier resolution of the House, Mr Ward introduced his bill and began his second reading speech. The speech was interrupted as the time for General Business Notices of Motion for Bills had expired. Mr Ward concluded his second reading speech the following Thursday, 19 October 2023.

Votes and Proceedings: 12/10/2023, pp. 331 – 333, 19/10/2023, p. 361

Hansard (Proof): 12/10/2023, pp. 2, 16-17

Standing Orders 97 (Routine of Business), 188 (Introduction of bills), 365 (Suspension of Standing Orders)

Motion of censure of a Member

On Wednesday 18 October the Leader of the Opposition, Mr Mark Speakman, gave notice of a censure motion against Minister for Police and Counter-terrorism, and Minister for the Hunter, Ms Yasmin Catley. The terms of the motion were that the House censure the Member for Swansea for various actions in relation to her role as the Minister for Police and Counter-terrorism.

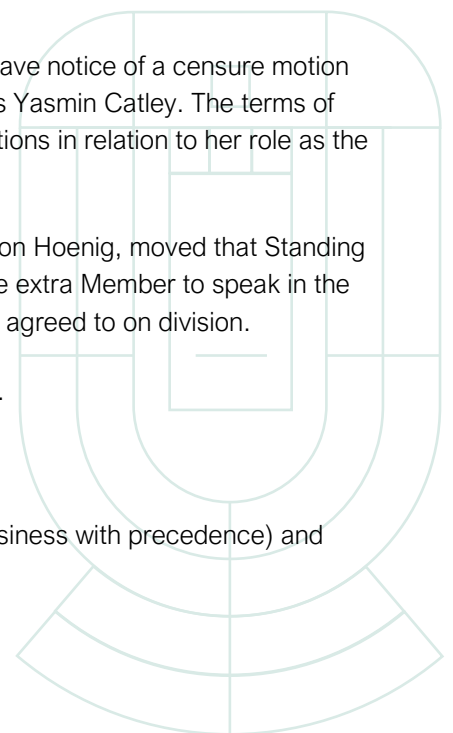
Prior to Mr Speakman moving his censure motion the Leader of the House, Mr Ron Hoenig, moved that Standing and Sessional Orders be suspended to allow for reduced speaking times and one extra Member to speak in the debate. Following debate, the suspension of Standing and Sessional Orders was agreed to on division.

Debate on the censure motion ensued and the motion was negated on division.

Votes and Proceedings: 18/10/2023, p. 348, pp. 349–52

Hansard (Proof): 18/10/2023, pp. 20-30

Standing Orders 97 (Routine of Business), 114 (Censure of a Member), 118 (Business with precedence) and 365 (Suspension of Standing Orders)





Procedural note

Censure motions are motions which seek to admonish a Member. A resolution censuring a Member does not have a legal or parliamentary consequence for the Member named in the motion, but is an expression of opinion of the House.

Censure motions are considered Business with Precedence under Standing Order 118. A Member must give notice of their intention to move a censure motion prior to Question Time when the Speaker calls for notices of motion for Business with Precedence. Censure motions are debated on the same day as notice is given, at the time is set aside in the Routine of Business, shortly after Question Time.

Standing Order 114 sets out the process for censure motions, including speaking times and number of speakers in the debate. Standing Order 114 also provides that debate can not be closed until at least four Members have spoken on the motion.

Bills

Referral of Rural Fires Amendment (Red Fleet) Bill to a committee for inquiry and report

The Rural Fires Amendment (Red Fleet) Bill 2023 is a Private Member's bill introduced in the Legislative Assembly by the Member for Northern Tablelands, Mr Adam Marshall, on 14 September 2023. The Bill aims to amend the *Rural Fires Act 1997* to vest in the Commissioner of the NSW Rural Fire Service fire fighting equipment purchased or constructed wholly or partly from money to the credit of the New South Wales Rural Fire Fighting Fund (Fund equipment). Currently, Fund Equipment is vested in the council of the area for or on behalf of which the Fund equipment was purchased or constructed. As the Bill is a Private Member's bill it will lapse on 21 December 2023.

On Thursday 12 October during the second reading debate on the Bill, the Leader of the House, Mr Ron Hoenig, moved:

- (1) to refer the Bill to the Public Accounts Committee for consideration and report; and
- (2) that the resumption of the second reading debate be restored to the Business Paper on the tabling of the Committee's report.

Debate was then interrupted and so the question that the Bill be referred to committee has not yet been decided by the House. Debate on this question will resume in the November sitting period.

As reported in [Digest 1/23](#) and [Digest 2/23](#), the House has previously referred two other Bills to committee for inquiry and report this Parliament.

Votes and Proceedings: 12/10/2023, p. 333

Hansard (Proof): 12/10/2023, p. 22

Standing Orders 105 (Precedence and lapsing of General Business), 198 (Amendment – referral to committee)

