



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SEVENTH PARLIAMENT, FIRST SESSION
NO. 5/2019: 20 AUGUST – 22 AUGUST 2019

August 2019

M	T	W	T	F
19	20	21	22	23

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.

MEMBERS

Death of Mr Tim Fischer AC

On Thursday 21 August 2019 the Speaker informed the House of the death of Mr Tim Fischer AC, a former Member of the Legislative Assembly and former Deputy Prime Minister, and advised that there would be a condolence motion at a later sitting. Members and officers stood as a mark of respect.

Votes and Proceedings: 22/8/2019, p. 281.

Standing Order 85, 118.

(Procedural note: Condolence motions are moved as a mark of respect on the death of a current or former Member or significant person in the community. Condolence motions provide the opportunity for Members to share reflections on the life of the person who has died.)

Condolence motions are considered 'business with precedence', that is, they can be accorded precedence over all other business before the House at a certain time in the Routine of Business. In practice, the time of day and date for the giving of a condolence motion is arranged between the relevant Party Whip and the Leader of the House to allow the attendance of the family and friends of the person who is the subject of the condolence motion.

Standing Order 85 provides that the time limit for speakers contributing to condolence motions ('debates not otherwise provided for') is twenty minutes with a further ten minute extension. However, in practice, the time limit is not enforced.)

BUSINESS

Public Interest Debates

As noted in Procedural Digest No. 4, the Legislative Assembly recently introduced a Public Interest Debate, which provides an opportunity for Members to debate important issues or public interest concerns. Public Interest Debates replace Motions Accorded Priority, Matters of Public Importance

and the re-ordering of General Business Notices of Motions. They take place at 5.00 pm on Tuesdays and Wednesdays.

The Government submits a motion for debate on Tuesdays. The Opposition submits a motion every first and second Wednesday and the cross-bench every third Wednesday.

Notices of motion must be submitted to the Speaker's Office by 12.00 noon on the day of the debate. The Speaker decides whether the motion is in order. The Speaker then publishes and circulates the motion for debate by 1.45 pm and announces the debate topic in the House before Question Time.

On Tuesday 20 August 2019 a Public Interest Debate was held on the topic of 'Drought'. On Wednesday 21 August the topic for the Public Interest Debate was 'Manufacturing'.

The length of time allocated for the Public Interest Debate is 40 minutes, with the debate timing as follows:

Mover – 7 minutes
6 other Members – 5 minutes
Reply – 3 minutes
Total – 40 minutes

Votes and Proceedings: 20/8/2019, pp. 268-9; 21/8/2019, pp. 274-5.

Standing Order 109.

Debate on Petitions signed by 10,000 or more persons

Arrangements for considering petitions signed by 10,000 or more persons were recently changed with the amendment of the Sessional Orders. What was a discussion, without a question being put or a vote taken, is now a debate, on the question 'That the House takes note of the petition'. Thirty minutes is allocated for the debate (the discussion was 16 minutes in duration) and a Minister must now respond to the terms of the petition during the course of the debate.

The following time limits apply to the petition debate:

Mover – 7 minutes
Six other Members – 5 minutes
Reply – 3 minutes
Total – 40 minutes

At least one Member speaking in the debate must be from the cross bench.

On Thursday 22 August 2019 a petition asking the Legislative Assembly to repeal the *Kosciuszko Wild Horse Heritage Act*, implement the Kosciuszko National Park Draft Wild Horse Heritage Management Plan 2016, and repair the mountain catchments to restore the environment that has been impacted by wild horses was debated. The Hon. Matt Kean MP, Minister for Energy and Environment, responded to the petition. In this case the motion that the House take note of the petition was negatived on division.

Votes and Proceedings: 22/8/2019, p. 283.

Standing Order 125A.

(Procedural note: While the motion that the House take note of the petition was negated on this occasion, the petition was still received at an earlier date by the House. As with previous practice, the Minister responsible for the administration of the matter which is the subject of the petition must lodge a response to all petitions signed by 500 or more persons with the Clerk within 35 calendar days of the petition being received. The Minister's response is published on Parliament's [web page](#).)

CHAMBER

Member named

On Thursday 22 August 2019, during Question Time, the Speaker named the Member for Campbelltown for 'persistently and wilfully obstructing the business of the House and for grossly disorderly conduct.'

Mr Warren gave a statement in explanation and a question was then put to the House that the Member for Campbelltown be suspended from the service of the House for two days. The motion was carried on division.

This being the first occasion during the session upon which the Member had been suspended the Speaker announced his suspension would be for two sitting days.

Votes and Proceedings: 22/8/2019, pp. 281-2.

Standing Orders 250, 251, 252, 253.

(Procedural note: Members have a responsibility to adhere to certain rules and codes of conduct when in the House. The responsibility for maintaining order and upholding these rules and codes of conduct falls to the Chair.

There are a number of options available to the Chair to keep order, from a friendly reminder through to removing an individual Member from the House, either for a specific period of time of up to three hours (under Standing Order 249A), the remainder of the day (under Standing Order 249) or suspending the Member for a number of days under the 'naming' procedure (under Standing Order 250).

Members must refer to other Members by their title of office or by the name of their electorate (under Standing Order 75). The intention of this Standing Order is to ensure that debate does not become personalised and that Members do not cast aspersions. Historically, when a Member was 'named', the Speaker would call out the actual name of the Member. This would signify that the Member's disorder was so serious that the Speaker felt compelled to break with the practice of only referring to Members by the name of their electorate or title of office.

In the New South Wales Legislative Assembly a Member may be named by the Speaker for:

- (1) Persistently and wilfully obstructing the business of the House
- (2) Being guilty of disorderly conduct
- (3) Using offensive words, and refusing to withdraw them
- (4) Persistently and wilfully refusing to conform to any Standing Order
- (5) Persistently and wilfully disregarding the authority of the Chair

After a Member has been named it is necessary for a motion to be moved 'That the Member be suspended from the service of the House'. No debate is allowed on the motion except by the Member concerned, who is permitted to make an explanation of up to five minutes. If the Motion is

carried, the Member is suspended for between two and eight days, depending on whether the Member has previously been suspended during the same session.

A suspended Member is not allowed to remain within the precincts of Parliament House for the duration of the suspension and cannot participate in any proceedings of the House or its committees.

Naming of Members is not a common occurrence in the NSW Legislative Assembly, the last time having been 2004.)