



Sessional and Other Orders

LEGISLATIVE ASSEMBLY

Fifty-Third Parliament, First Session

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(Adopted 29 April 2003)
(Amended 4 December 2003)
(Amended 15 November 2005)
(Amended 29 November 2005)

CHAIRMAN, CASTING AND DELIBERATIVE VOTE

(Votes and Proceedings, 29 April 2003, p.29)

That, during the current session, unless otherwise ordered, Standing Order 324 shall read as follows:

324. The chairman of a committee shall have a deliberative vote and, in the event of an equality of votes, also have a casting vote, except upon a private bill.

CITIZENS' RIGHT OF REPLY

(Votes and Proceedings, 29 April 2003, p.36)

That, during the current session, unless otherwise ordered, the following Citizens' Right of Reply be adopted:

(1) That where a submission is made in writing to the Speaker by a person who has been referred to in the Legislative Assembly by name, or in such a way as to be readily identified:

- (a) claiming that the person or corporation has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that the person's privacy has been unreasonably invaded, by reason of that reference to the person or corporation; and
- (b) requesting that the person be able to incorporate an appropriate response in Hansard,

and the Speaker is satisfied:

- (c) that the subject of the submission is not so obviously trivial or the submission so frivolous, vexatious or offensive in character as to make it inappropriate that it be considered by the Standing Orders and Procedure Committee; and
- (d) that it is practicable for the Committee to consider the submission under this resolution,

the Speaker shall refer the submission to that Committee.

(2) That the Committee may decide not to consider a submission referred to it under this resolution if the Committee considers that the subject of the submission is not sufficiently serious or the submission is frivolous, vexatious or offensive in character, and such a decision shall be reported to the Legislative Assembly.

(3) That if the Committee decides to consider a submission under this resolution, the Committee may confer with the person who made the submission and any member who referred in the Legislative Assembly to that person or corporation.

(4) That in considering a submission under this resolution, the Committee shall meet in private session.

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- (5) That the Committee shall not publish a submission referred to it under this resolution of its proceedings in relation to such a submission, but may present minutes of its proceedings and all or part of such submission to the Legislative Assembly.
- (6) In considering a submission under this resolution and reporting to the Legislative Assembly the Committee shall not consider or judge the truth of any statements made in the Legislative Assembly or the submission.
- (7) That in its report to the Legislative Assembly on a submission under this resolution, the Committee may make either of the following recommendations:
- (a) that no further action be taken by the Committee or the Legislative Assembly in relation to the submission; or
 - (b) that a response by the person who made the submission, in terms specified in the report and agreed to by the person or corporation and the Committee, be published by the Legislative Assembly or incorporated in Hansard, and shall not make any other recommendations.
- (8) That a document presented to the Legislative Assembly under paragraph (5) or (7):
- (a) in the case of a response by a person or corporation who made a submission, shall be succinct and strictly relevant to the questions in issue and shall not contain anything offensive in character; and
 - (b) shall not contain any matter the publication of which would have the effect of:
 - (i) unreasonably adversely affecting or injuring a person or corporation, or unreasonably invading a person's privacy, in the manner referred to in paragraph (1); or
 - (ii) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person.
- (9) That a corporation making a submission under this resolution is required to make it under their common seal.

CLOSURE, RESTRICTION ON

(Votes and Proceedings, 29 April 2003, p.29)

That, during the current session, unless otherwise ordered, Standing Order 96 be amended by the addition of the following paragraph:

- (4) May not be moved before 10.30 a.m. on days when the House meets at 10.00 a.m.

CODE OF CONDUCT FOR MEMBERS

(Votes and Proceedings, 29 April 2003, p.34)

That, for the current session, unless otherwise ordered, the following Code of Conduct for Members be adopted:

Preamble to the Code of Conduct

The Members of the Legislative Assembly and the Legislative Council have reached agreement on a Code of Conduct which is to apply to all Members of Parliament.

Members of Parliament recognise that they are in a unique position of being responsible to the electorate. The electorate is the final arbiter of the conduct of Members of Parliament and has the right to dismiss them from office at regular elections.

Members of Parliament accordingly acknowledge their responsibility to maintain the public trust placed in them by performing their duties with honesty and integrity, respecting the law and the institution of Parliament, and using their influence to advance the common good of the people of New South Wales.

THE CODE**1 Disclosure of conflict of interest**

- (a) Members of Parliament must take all reasonable steps to declare any conflict of interest between their private financial interests and decisions in which they participate in the execution of their office.
- (b) This may be done through declaring their interests on the Register of Disclosures of the relevant House or through declaring their interest when speaking on the matter in the House or a Committee, or in any other public and appropriate manner.
- (c) A conflict of interest does not exist where the member is only affected as a member of the public or a member of a broad class.

2 Bribery

Members must not promote any matter, vote on any bill or resolution, or ask any question in the Parliament or its Committees, in return for payment or any other personal financial benefit.

3 Gifts

- (a) Members must declare all gifts and benefits received in connection with their official duties, in accordance with the requirements for the disclosure of pecuniary interests.
- (b) Members must not accept gifts that may pose a conflict of interest or which might give the appearance of an attempt to corruptly influence the member in the exercise of his or her duties.

- (c) Members may accept political contributions in accordance with part 6 of the Election Funding Act 1981.

4 Use of public resources

Members must apply the public resources to which they are granted access according to any guidelines or rules about the use of those resources.

5 Use of confidential information

Members must not knowingly and improperly use official information which is not in the public domain, or information obtained in confidence in the course of their parliamentary duties, for the private benefit of themselves or others.

6 Duties as a Member of Parliament

It is recognised that some members are non-aligned and others belong to political parties. Organised parties are a fundamental part of the democratic process and participation in their activities is within the legitimate activities of Members of Parliament.

DEPUTY SPEAKER AND THE CHAIRMAN OF COMMITTEES

(Votes and Proceedings, 29 April 2003, p.6)

That, during the current session, unless otherwise ordered:

- (1) The House may elect at the commencement of each Parliament, and from time to time if necessary, a Deputy Speaker and a Chairman of Committees.
- (2) The procedure for the election of the Deputy Speaker shall be as for the Chairman of Committees.
- (3) References to the Chairman of Committees in the Standing Orders shall be taken to include the Deputy Speaker.
- (4) In the absence of the Speaker, the Deputy Speaker shall perform the duties of the Speaker.
- (5) In the absence of the Deputy Speaker, the Chairman of Committees shall perform the duties of the Deputy Speaker.

DIVISIONS AND QUORUMS, RESTRICTION ON

(Votes and Proceedings, 29 April 2003, p.30)

That, during the current session, unless otherwise ordered, Standing Order 197 shall read as follows:

197. Members shall not be permitted to call a division on any question or call attention to the want of a quorum before 10.30 a.m. on days when the House meets at 10.00 a.m. If a division is called prior to 10.30 a.m. on such days, the division shall be deferred and conducted at 10.30 a.m. or, if an item of business is being conducted at 10.30 a.m., after that item is concluded.

FORMAL BUSINESS

(Votes and Proceedings, 15 November 2005, p.1742)

That, during the current session, unless otherwise ordered, Standing Order 113 be suspended.

FRIDAY SITTINGS

(Votes and Proceedings, 29 April 2003, p.30)

That, during the current session, unless otherwise ordered, on any Friday upon which the House sits, whether as a continuation of the sitting of the previous day or as a separate sitting day:

- (1) Government Business shall have precedence of all other business, including the Routine of Business;
- (2) No quorums shall be called and any divisions called shall be deferred, set down as Orders of the Day for the next sitting day and determined after Questions without Notice; and
- (3) Private Members Statements shall be called at the conclusion of Government Business, after which the House shall adjourn without motion until the next sitting day.

INAUGURAL SPEECHES

(Votes and Proceedings, 29 April 2003, p.30)

That, during the current session, unless otherwise ordered:

- (1) A motion may be moved without notice, amendment or debate for the business before the House to be interrupted at a specified time (but not so as to interrupt a member speaking) to permit a member or members to make inaugural speeches without a question being before the House. The interrupted business shall be resumed on completion of the speech or speeches.
- (2) The time limit for inaugural speeches will be 15 minutes with a 5 minute extension.

NO CONFIDENCE IN MINISTER

(Votes and Proceedings, 29 April 2003, p.30)

That, during the current session, unless otherwise ordered:

Standing Order 123 be amended by leaving out the words “That the question be now put (closure)” at paragraph 7.

NO CONFIDENCE IN SPEAKER

(Votes and Proceedings, 29 April 2003, p.30)

That, during the current session, unless otherwise ordered:

Standing Order 123A be amended by leaving out the words “That the question be now put (closure)” at paragraph 7.

NOTICES OF MOTIONS

(Votes and Proceedings, 15 November 2005, p.1742)

That, during the current session, unless otherwise ordered, Standing Order 142 shall read as follows:

- 142 (1) A notice of motion for the following matters must be given verbally at the time prescribed in the Routine of Business:
- (a) A notice of motion for a bill;
 - (b) A notice of motion for Government Business;
 - (c) A notice of motion of no confidence in the Government, Minister or Speaker, or censure of Member or Speaker (SOs 122, 123, 123A, 124 and 124A, as amended by sessional order); and
 - (d) A notice of motion for Business with Precedence (SO 127), with the exception of votes of thanks or condolence.
- (2) Other notices of motions must be given immediately prior to Private Members’ Statements.

PARLIAMENTARY SECRETARIES

(Votes and Proceedings, 29 April 2003, p.31)

That, during the current session, unless otherwise ordered, Parliamentary Secretaries may act on behalf of Ministers and references to Ministers in the Standing and Sessional Orders shall be taken to include references to Parliamentary Secretaries **except** in respect of the following Standing Orders:

- 3 (9) Inform the House when the Governor will give reasons for opening of Parliament
- 13 (3) Inform the House when the Governor will receive the House with its new Speaker
- 29 Front bench reserved for Ministers
- 37 Days and hours of sitting - move motion for
- 52 Adjournment of the House - move motion
- 100 Issue a notification for the allocation of time
- 114 Arrange government business
- 121(3) Matters of Public Importance - receiving notices
- 123 No confidence in a Minister
- 134 Petitions - copy referred to Ministers
- 135 Questions to Ministers
- 140(5) Questions without Notice - Ministers providing additional information
- 141 Time for lodging answers to questions on notice
- 199 Declare a bill urgent
- 201, 281 Governor's message not required for Appropriation and taxing bills introduced by a Minister
- 284(1) Estimates committees - appointment
- 290(1) Suspension of Member - move motion
- 310 Order for papers
- 363(10) Legislation Committees - Minister's department to provide assistance
- 405(3) Suspension of standing orders - speak in response to a motion

NOTES TO PARLIAMENTARY SECRETARIES SESSIONAL ORDER

The adoption of the sessional order means that Parliamentary Secretaries, acting on behalf of Ministers, will be able to:

- Introduce Government legislation on behalf of Ministers and have carriage of the Government's business.
- Be seated at the Table in order to undertake the functions undertaken by Ministers.

Specifically, the sessional order allows Parliamentary Secretaries, on behalf of Ministers, to:

1. Give notice of, introduce and have carriage of Government business
2. Have the same time limits apply to their contributions as apply to Ministers (SO 95)
3. Table papers and, if desired, move motions to restrict inspection (SOs 305, 307 and 308)
4. Reply to a private members statement (SO 119)
5. Initiate a public works bill (SO 204)
6. Give consecutive notices of motion (SO 147)
7. Move a motion, without leave, to suspend Standing and Sessional Orders to deal with any item or items of business before the House (sessional order).

Parliamentary Secretaries will not be able to:

1. Inform the House when the Governor will give reasons for opening of Parliament
2. Inform the House when the Governor will receive the House with its new Speaker
3. Sit on the front bench during question time
4. Move a motion for the days and hours of sitting
5. Adjourn the House
6. Issue a notification for the allocation of time (guillotine)
7. Arrange government business
8. Receive notices of matters of public importance
9. Be the subject of a no confidence motion in a Minister or speak for the Minister
10. Receive copies of petitions sent to Ministers
11. Answer questions either on notice or without notice
12. Declare a bill urgent
13. Introduce a money or taxing bill (see also s. 46(2) of the Constitution Act)
14. Appoint estimates committees
15. Move a motion for the suspension of a member
16. Be the subject of an order for papers
17. Be required to provide resources to a legislation committee
18. Speak in response to a motion for the suspension of standing orders.

PETITIONS

(Votes and Proceedings, 15 November 2005, p.1742)

That, during the current session, unless otherwise ordered, Standing Orders 132 and 133 shall read as follows:

132. The procedure for the lodging and presentation of a petition is as follows:

- (1) The Member must be acquainted with the contents of the petition.
- (2) The Member must ensure that the petition is in conformity with the standing orders.
- (3) The Member must sign the front sheet.
- (4) The petition is lodged for presentation with the Clerk.
- (5) The Clerk shall announce to the House that petitions have been received.
- (6) The terms of the petition presented shall be printed in Hansard and in the Votes and Proceedings.
- (7) No discussion upon the subject matter of a petition shall be allowed.

133. Petitions shall be deemed to be received by the House unless a motion, moved on the next sitting day (not being a Friday), is agreed to, without debate or amendment, that a petition be not received.

PLACING OR DISPOSAL OF BUSINESS

(Votes and Proceedings, 29 November 2005, p.1795)

That during the current session unless otherwise ordered standing order 112 amended as follows:

112A. The procedure for the placing and disposal of business (with the exception of establishing the program for General Business Days) is:

(remainder of SO 112 unchanged)

112B. The procedure for establishing the program for General Business Days is as follows:

(1) On the sitting day preceding a General Business Day, Members shall advise the Clerk in writing by 1.00 pm which General Business Notices of Motions for Bills, Orders of the Day for Bills, or Notices of Motions (not for Bills) standing in their name on the Business Paper are to be postponed. Party Whips may also advise the Clerk in writing of which items of General Business standing in the name of Members of their party are to be postponed.

(2) The first ten notices on the Business Paper, not advised to be postponed by 1.00 pm on the day preceding a General Business Day, will be deemed to be proceeding. Any General Business Order of the Day for Bills or Notice of Motion re-ordered by the House to have precedence in accordance with Standing Orders 110 and 118 will retain such precedence.

(3) On a General Business Day, a Member may, without debate:

- (a) withdraw or postpone any notice of motion standing in their name on the Business Paper for that day.

- (b) postpone or, on motion, discharge an Order of the Day standing in their name on the Business Paper for that day.
- (c) discharge an Order of the Day for a bill on motion, without debate or amendment, to be followed by a motion moved forthwith, without debate or amendment "That the Bill be withdrawn".

GENERAL BUSINESS NOTICES OF MOTIONS AND PRIVATE MEMBERS' STATEMENTS

(Votes and Proceedings, 29 April 2003, p.31)
(Votes and Proceedings, 15 November 2005, p.1744)

That, during the current session, unless otherwise ordered, Standing Order 119 shall read as follows:

Private Members' Statements

119. The procedure for General Business Notices of Motions (not otherwise provided for in SO 142) and Private Members' Statements is as follows:
- (1) At 5.15 p.m. on Tuesday and Wednesday and at 4.15 p.m. on Thursday and Friday the business before the House shall be interrupted for the giving of General Business Notices of Motions (except on Friday) and the taking of Private Members' Statements respectively.
 - (2) The interrupted business shall become an Order of the Day for a later hour of the day, except an Urgent Motion or a Matter of Public Importance on Thursday which shall lapse.
 - (3) If at the time of interruption:
 - (a) The House is in Committee - the Chairman shall leave the Chair and report progress and the resumption of the proceedings shall become an Order of the Day for a later hour.
 - (b) A division is in progress - it shall be completed and the result announced.
 - (c) Proceedings under the "guillotine" are in progress, the proceedings shall be completed.
 - (4) The Speaker shall propose the question "That Private Members' Statements be noted".
 - (5) Up to 16 Members shall be able to speak for up to 5 minutes each and replies by Ministers shall be limited to 2 minutes each.
 - (6) Private Members' Statements may be taken between items of business with the leave of the House for a specified period or a number of Members as notified by the Minister in charge of the House at that time.
 - (7) A division on any question or call for the want of a quorum shall not be permitted during Private Members' Statements.
 - (8) At the conclusion of Private Members' Statements on Thursday and Friday the House shall adjourn without motion until the next sitting day.

STANDING COMMITTEE ON PARLIAMENTARY PRIVILEGE AND ETHICS

(Votes and Proceedings, 4 December 2003, p.536)

That notwithstanding anything to the contrary in the Standing Orders:

1. A Standing Committee on Parliamentary Privilege and Ethics (referred to as “the Committee”) be appointed to consider and report upon any matters relating to privilege which may be referred to it by the House.
2. The Committee is the designated committee for the purpose of exercising the functions in Part 7A Division 2 of the Independent Commission Against Corruption Act 1988, relating to Parliamentary ethical standards including the review of the code of conduct.
3. The Committee consist of eight Members being: five Members nominated by the Premier, two members nominated by the Leader of the Opposition and one member nominated by independent members. Nominations for membership of the Committee are to be in writing to the Clerk of the House within 7 days of the date of this resolution.
4.
 - (1) The Premier is to nominate the Chair of the Committee in writing to the Clerk of the House.
 - (2) The Deputy Chair of the Committee will be elected by the Committee.
 - (3) The Deputy Chair is to act as Chair when the Chair is absent from a meeting.
 - (4) In the absence of both the Chair and Deputy Chair from a meeting, a member of the Committee is to be elected by the members present to act as Chair for that meeting.
 - (5) The Chair, Deputy Chair or other member acting as Chair at a meeting has a deliberative vote and in the event of an equality of votes a casting vote.
 - (6) Any five members of the Committee shall constitute a quorum.
5. The Committee have power to make visits of inspection within New South Wales and elsewhere in Australia.
6. The Committee have power to confer with any similar Committee appointed by the Legislative Council.
7. A Member may raise a matter of privilege suddenly arising relating to proceedings then before the House. The matter will be determined in accordance with Standing Order 101.
8. Except as provided in paragraph 7 and in paragraph 8(e), a matter of privilege shall be brought before the House as follows:
 - (a) A Member desiring to raise a matter of privilege must inform the Speaker of the details in writing.

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- (b) The Speaker must consider the matter within 14 days and decide whether a motion to refer the matter to the Committee is to take precedence under the Standing Orders. The Speaker must notify his decision in writing to the Member.
 - (c) While a matter is being considered by the Speaker, a Member must not take any action or refer to the matter in the House.
 - (d) If the Speaker decides that a motion for referral should take precedence, the Member may, at any time when there is no business before the House, give notice of a motion to refer the matter to the Committee. The notice must take precedence under Standing Order 127 on the next sitting day (unless the next sitting day is a Friday sitting).
 - (e) If the Speaker decides that the matter should not be the subject of a notice of referral, a Member is not prevented from giving a notice of motion in relation to the matter. Such notice shall not have precedence.
 - (f) If notice of a motion is given under paragraph 8(d), but the House is not expected to meet on the day following the giving of the notice or the next sitting day is a Friday sitting, the motion may be moved at a later hour of the sitting at which the notice is given with the leave of the House.

QUORUM AND DIVISION BELLS

(Votes and Proceedings, 29 April 2003, p.32)

That, during the current session, unless otherwise ordered, bells for quorums and divisions shall be rung for five minutes.

ROUTINE OF BUSINESS

(Votes and Proceedings, 29 April 2003, p.32)
(Votes and Proceedings, 15 November 2005, p.1743)

That, during the current session, unless otherwise ordered, Standing Order 110 shall read as follows:

Tuesdays

1. At 2.15 p.m. (Speaker takes Chair)
2. Ministerial Statements
3. Notices of Motions (SO 142)
4. Papers (if the first sitting day of each week)
5. Petitions
6. Placing or Disposal of Business
7. Committee Reports - tabling
8. Call for Notices of Urgent Motions
9. Announcement of Matter of Public Importance
10. Questions
11. Ministerial Statements
12. Motions for Urgent Consideration
13. Matter of Public Importance
14. Business with Precedence
15. Government Business

Other Government Business Days

1. At 10.00 a.m. (Speaker takes Chair)
2. Government Business
3. At 2.15 p.m. (Speaker resumes Chair)
4. Ministerial Statements
5. Notices of Motions (SO 142)
6. Papers (if the first sitting day of each week)
7. Petitions
8. Placing or Disposal of Business (including the re-ordering of General Business Orders of the Day (for Bills) and General Business Notices of Motions (including no more than two such notices intended to be given later that day for tomorrow))
9. Committee Reports - tabling
10. Call for Notices of Urgent Motions
11. Announcement of Matter of Public Importance
12. Questions
13. Ministerial Statements
14. Motions for Urgent Consideration
15. Matter of Public Importance
16. Business with Precedence
17. Government Business

General Business Days

1. At 10.00 a.m. (Speaker takes Chair)
2. General Business Notices of Motions for Bills (concluding not later than 10.30 a.m.)
Any interrupted item of business shall be set down as an order of the day for tomorrow with precedence of other General Business Notices of Motions for Bills.
3. General Business Orders of the Day for Bills (concluding not later than 11.30 a.m.)
Any interrupted item of business shall be set down as an order of the day for tomorrow with precedence of other General Business Orders of the Day for Bills.
4. General Business Orders of the Day or Notices of Motions (not for Bills) concluding at 1.00 p.m.
Any interrupted item of business shall be set down as an order of the day for tomorrow with precedence of other General Business (not for Bills).
5. 1.00 p.m. to 2.00 p.m. consideration of Committee Reports presented (Speaker leaves Chair)
6. At 2.15 p.m. (Speaker resumes Chair)
7. Ministerial Statements
8. Notices of Motions (SO 142)
9. Petitions
10. Placing or Disposal of Business
11. Committee Reports - tabling
12. Call for Notices of Urgent Motions
13. Announcement of Matter of Public Importance
14. Questions
15. Ministerial Statements
16. Motions for Urgent Consideration
17. Matter of Public Importance
18. Business with Precedence
19. Government Business

STANDING AND SESSIONAL ORDERS, SUSPENSION OF

(Votes and Proceedings, 29 April 2003, p.33)

That, during the current session, unless otherwise ordered:

A Minister may move a motion to suspend Standing and Sessional Orders at any time, without leave, to deal with any item of business.