



PROCEDURAL HIGHLIGHTS

Legislative Assembly

FIFTY-FIFTH PARLIAMENT, FIRST SESSION

NO. 7: 11 OCTOBER – 20 OCTOBER 2011

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This document provides a summary of significant procedures and precedents in the Legislative Assembly. It is produced at the end of each sitting period. Where applicable the relevant standing orders are noted.

BUSINESS

7.1 Discussion of petition signed by 10,000 or more persons

Discussion proceeded on the subject matter of the petition signed by 10,000 or more persons that had been received by the House from certain citizens "requesting that 'Confucius Classrooms' be removed from schools and be replaced by an Australian-run organisation." In accordance with the sessional order, no question was put at the conclusion of the discussion.

Votes and Proceedings: 13 October 2011, p. 393

Hansard: 13 October 2011, galley pp. 76-9

Standing Order 125A (adopted as a sessional order)

(NB: This is a new procedure adopted as a sessional order for the current Parliament. This is the ninth occasion the procedure was used.)

7.2 Postponement of general business

A number of general business notices of motions (general notices) were postponed outside the order of precedence by: (1) the member in charge of the business; (2) the Opposition Whip on behalf of a member of the Opposition; and (3) the Government Whip on behalf of a member of the Government.

Votes and Proceedings: 14 October 2011, pp. 395-6

Hansard: 14 October 2011, galley p. 2

Standing Order 100

Standing Order 101

7.3 *Discussion of petition signed by 10,000 or more persons*

Discussion proceeded on the subject matter of the petition signed by 10,000 or more persons that had been received by the House from certain citizens "requesting that the Government retain all services and staff at the Cronulla Fisheries Research Centre of Excellence." In accordance with the sessional order, no question was put at the conclusion of the discussion.

Votes and Proceedings: 19 October 2011, p. 420

Hansard: 19 October 2011, galley pp. 73-7

Standing Order 125A (adopted as a sessional order)

(NB: This is a new procedure adopted as a sessional order for the current Parliament. This is the tenth occasion the procedure was used.)

7.4 *Retirement of the Clerk of the Legislative Assembly*

The Speaker informed the House that she had received a letter from Mr Russell David Grove, Clerk of the Legislative Assembly, advising of his retirement from 4 November 2011. The Speaker made a number of remarks from the Chair following which the Premier moved the following motion:

"That:

- (1) The Speaker's remarks with reference to Mr Russell David Grove, on his retirement from the position of Clerk of the Legislative Assembly, be entered in the *Votes and Proceedings*.
- (2) Mr Grove's 40 years distinguished service to the Legislative Assembly, including a record 21 years as Clerk of the House, be noted.
- (3) In recognition of his meritorious service and on the occasion of the retirement of Mr Russell David Grove, this House extends him the honorary title Clerk Emeritus."

A number of members spoke to the motion which was passed unanimously.

Votes and Proceedings: 20 October 2011, p. 426

Hansard: 20 October 2011, galley pp. 1-23

BILLS

7.5 *Bill considered in detail without amendments proposed*

Following the Premier's reply to the agreement in principle debate on the Election Funding, Expenditure and Disclosures Amendment Bill, the Opposition Whip, requested the bill be considered in detail to enable further discussion on the bill even though no amendments to the bill were proposed. The Leader of the House subsequently moved the closure motion "That the question be now put" and the bill was passed by the House following a number of divisions

Votes and Proceedings: 12 October 2011, pp. 376-8

Hansard: 12 October 2011, galley pp. 24-31

Standing Order 203

(NB: Any member may request that a bill be considered in detail after the agreement in principle stage. There is no requirement for amendments to be proposed although this tends to be the main reason why bills are considered in detail).

COMMITTEES

7.6 *Election of Deputy Chair*

The Speaker advised the House of the election of the Honourable Scot MacDonald MLC as Deputy Chair of the Joint Standing Committee on the Office of the Valuer-General.

Votes and Proceedings: 11 October 2011, p. 367

Hansard: 11 October 2011, p. 26

Standing Order 282

7.7 *Appointment of member*

Motion agreed to that Andrew Robert Gee be appointed to serve on the Legislative Assembly Committee on Economic Development in place of Stephen Rhett Cansdell who had resigned his seat as a member of the Legislative Assembly.

Votes and Proceedings: 14 October 2011, p. 398

Hansard: 14 October 2011, galley p. 49

Standing Order 274

7.8 *Notification of inquiry*

The Chair of the Legislative Assembly Committee on Law and Safety informed the House that the Committee had resolved to conduct an inquiry into the inclusion of donor details on the register of births.

Votes and Proceedings: 18 October 2011, p. 410

Hansard: 18 October 2011, galley p. 50

Standing Order 299(1)

7.9 *Notification of inquiry*

The Chair of the Legislative Assembly Committee on Environment and Regulation informed the House that the Committee had resolved to conduct an inquiry into the regulation of domestic wastewater.

Votes and Proceedings: 18 October 2011, p. 410

Hansard: 18 October 2011, galley p. 50

Standing Order 299(1)

JOINT SITTING

7.10 *Vacancy in the Australian Senate*

The Acting Speaker reported a message from the Legislative Council agreeing to the Assembly's request for a joint sitting to elect a person to the vacant seat in the Australian Senate and advising that the Joint Sitting would be held on Thursday 13 October 2011 at 3.45 pm.

At the time for the Joint Sitting the House proceeded to the Legislative Council Chamber and upon return the Speaker reported that Arthur Sinodinos had been elected to fill the vacancy and the Speaker tabled the minutes of the proceedings of the Joint Sitting.

Votes and Proceedings: 11 October 2011, p. 372; & 13 October 2011, p. 389

Hansard: 11 October 2011, galley p. 53; & 13 October 2011, galley p. 56

Standing Order 339

MEMBERS

7.11 *Vacant seat*

The Speaker advised the House that on 16 September 2011 she received a letter from Stephen Rhett Cansdell resigning his seat as member for the electoral district of Clarence. A motion, moved by the Leader of the House declaring the seat vacant was passed by the House.

The Speaker subsequently advised the House that it was her intention to issue a writ for the by-election to fill the vacant seat with the following particulars:

Issue of the writ, Friday 28 October 2011

Close of nominations, Thursday 3 November 2011

Polling day, Saturday 19 November 2011

Return of the writ, on or before Friday 2 December 2011

Votes and Proceedings: 11 October 2011, p. 364; & 14 October 2011, p. 397

Hansard: 11 October 2011, galley p. 13; & 14 October 2011, galley p. 35

(NB: In accordance with section 70 of the *Parliamentary Electorates and Elections Act 1912* the House is required to pass a resolution declaring the seat vacant prior to the Speaker issuing a writ to fill the vacancy. If the House is not in session, or if the vacancy occurs during any adjournment for longer than seven days, the Speaker may issue the writ to fill the vacancy without a resolution of the House declaring the seat vacant.)

7.12 *Register of disclosures*

The Speaker, in accordance with section 21 of the Constitution (Disclosures by Members) Regulation 1983, tabled the Register of Disclosures by Members of the Legislative Assembly as at 30 June 2011.

Votes and Proceedings: 11 October 2011, p. 364

Hansard: 11 October 2011, galley p. 24

(NB: Members are required under the regulation: (a) in the case of a newly elected member to lodge a primary return within 3 months after taking the Pledge of Loyalty; (b) in the case of other members, an ordinary return by 1 October each year; (c) in the case of all members, a supplementary return for the period 1 July to 31 December each year; and (d) in the case of all members discretionary returns. The Clerk is required to furnish to the Speaker a copy of the Register of Disclosures for tabling in the House as a Parliamentary paper within 21 sitting days after the lodgement of ordinary returns. Each Register will include all returns received during the previous 12 month period to 30 June.)

PAPERS

7.13 *Paper laid on the table for the information of members*

During private members' statements, a member laid a document on the table for the information on members which provided a brief overview of the Historical Aircraft Restoration Society, which was the subject of her statement.

Hansard: 11 October 2011, galley p. 45

(NB: There is no provision in the Standing Orders for private members to table documents in the House. However, all members are able to place documents on the table for the information of members. Such documents have no official status.)

PARLIAMENTARY ETHICS ADVISER

7.14 *Advice to former Ministers*

The Speaker tabled a copy of correspondence from the Parliamentary Ethics Adviser enclosing advice provided to a number of former Ministers in relation to post separation employment.

Votes and Proceedings: 11 October 2011, p. 364

Hansard: 11 October 2011, galley p. 24

(NB: In accordance with clause 6 of the resolution establishing the position of Parliamentary Ethics Adviser, where the Adviser becomes aware that a Minister, or former Minister, has accepted a position or has commenced to provide services in respect of which the Adviser has provided advice, a copy of that advice must be provided by the Adviser to the Presiding Officer of the House to which the Minister belongs or to which the former Minister belonged.)

QUESTION TIME

7.15 *Question ruled out of order*

The Speaker ruled a question asking whether the Deputy Premier agreed "...with recent comments made by Tony Abbott..." out of order as it sought an expression of opinion.

Hansard: 11 October 2011, pp. 21-2

Standing Order 128

7.16 *Request for additional information*

A Member in accordance with Standing Order 131(3) requested additional information from the Minister for Fair Trading after the five minutes for answering the original question had expired. The Speaker permitted additional information to be provided.

Votes and Proceedings: 12 October 2011, p. 379

Hansard: 12 October 2011, galley p. 46

Standing Order 131(3)

7.17 *Request for additional information*

A Member in accordance with Standing Order 131(3) requested additional information from the Premier and Minister for Western Sydney after the five minutes for answering the original question had expired. The Speaker permitted additional information to be provided.

Votes and Proceedings: 13 October 2011, p. 387

Hansard: 13 October 2011, galley p. 40

Standing Order 131(3)

7.18 *Request for additional information*

A Member in accordance with Standing Order 131(3) requested additional information from the Minister for Transport after the five minutes for answering the original question had expired. The Speaker permitted additional information to be provided.

Votes and Proceedings: 13 October 2011, p. 387

Hansard: 13 October 2011, galley p. 48

Standing Order 131(3)

7.19 *Request for additional information*

A Member in accordance with Standing Order 131(3) requested additional information from the Minister for Education after the five minutes for answering the original question had expired. The Speaker permitted additional information to be provided.

Votes and Proceedings: 17 October 2011, p. 402; & 20 October 2011, p. 428

Hansard: 17 October 2011, galley p. 14; & 20 October 2011, p. 34

Standing Order 131(3)