



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-FIFTH PARLIAMENT, FIRST SESSION

NO. 15: 14 AUGUST – 23 AUGUST 2012

August 2012				
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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.

MEMBERS

15.1 *By-Election for Electorate of Heffron*

The Speaker advised the House that, in accordance with section 70 of the Parliamentary Electorates and Elections Act 1912, she had issued a writ on 23 July 2012 for the election of a member to serve the electorate of Heffron in place of Kristina Kerscher Keneally, resigned, with the following particulars:

- Nomination day 9 August 2012
- Polling day 25 August 2012
- Return of Writ 7 September 2012.

BUSINESS

15.2 *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 services at Bulli Hospital be upgraded". In accordance with the sessional order, no question was put at the conclusion of the discussion.

Votes and Proceedings: 16 August 2012, p.1169

Hansard: 16 August 2012, p. 13993

Standing Order 125A (adopted as a sessional order)

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 immediate action to install lifts to the platforms at Redfern railway station". In accordance with the sessional order, no question was put at the conclusion of the discussion.

Votes and Proceedings: 23 August 2012, p.1216

Hansard: 23 August 2012, p.14409

Standing Order 125A (adopted as a sessional order)

15.3 *Suspension of standing and sessional order to permit the consideration of Government and Opposition motions accorded priority*

Standing and sessional orders were suspended to permit the immediate consideration of both notices for motions to be accorded priority during the sitting, with the following speaking times:

- (1) For the notice of motion given by the member for Parramatta:
 - (a) Mover - 5 minutes; and
 - (b) Member next speaking - 5 minutes.
- (2) For the notice of motion given by the member for Blacktown:
 - (a) Mover - 5 minutes; and
 - (b) Member next speaking - 5 minutes.

Votes and Proceedings: 21 August 2012, p. 1173

Hansard: 21 August, p 14090

Standing Order 109 (as amended by sessional order)

(NB: Suspension of Standing Orders was required to permit both motions to be considered at the same sitting).

DISORDER

15.4 *Offensive Words, Imputations and Reflections*

The Speaker made the following considered statement:

"During recent sittings I have become increasingly concerned about the practice that has developed of Members not being inclined, upon request from the Chair, to withdraw offensive words, imputations or personal reflections upon another Member.

The use of offensive words against another Member is a breach of order and is prohibited under Standing Order 72. Similarly, Standing Order 73 specifies that imputations of improper motives and personal reflections on Members are disorderly other than by substantive motion. These Standing Orders come into play if a Member takes a point of order that the words used, or imputations or reflections made, are objectionable to the Member and should be withdrawn.

The Chair may intervene and take action if offensive or disorderly words are used by a Member. The Chair would not usually intervene unless the words used are particularly distasteful and have been clearly heard by the Chair. The Chair also has an overriding duty to preserve the dignity of the House and, in that regard, would not usually contemplate withdrawal where the objection raised is frivolous or the result of a misunderstanding.

In view of the confusion that has occurred over the interpretation of these Standing Orders, I can provide the following advice to the House by way of clarification:

- *If objection is taken against words used, or imputations or reflections made, on the ground that the Member finds them personally offensive, the Chair will ascertain what words were spoken.*
- *If the Chair finds the words used were capable of giving offence, the Member will be ordered to withdraw them and, if it is a particularly serious case, the Chair has discretion to direct that an apology be given. An apology is not sought purely at the request of the Member taking offence.*

• *If the Member refuses to withdraw or only offers a qualified withdrawal, the Chair has discretion to name the Member under Standing Order 250 (3) or remove the Member from the House under Sessional Order 249A”.*

SO 72, 73, 250(3), and 249A (as adopted by sessional order)

15.5 *Removal of a member for a specified time*

During Question Time, the Member for Cessnock was directed to leave the Chamber for the remainder of Question Time for disorderly conduct.

Votes and Proceedings: 14 August 2012, p.1129

Hansard: 14 August 2012, p. 13657.

Standing Order 249A (as adopted by sessional order)

During Question Time, the Member for Kogarah was directed to leave the Chamber for the remainder of Question Time for disorderly conduct.

Votes and Proceedings: 14 August 2012, p.1129

Hansard: 14 August 2012, p 13660.

Standing Order 249A (as adopted by sessional order)

During Question Time, the Member for Shellharbour was directed to leave the Chamber for the remainder of Question Time for disorderly conduct.

Votes and Proceedings: 22 August 2012, p.1179

Hansard: 22 August 2012, p 14242.

Standing Order 249A (as adopted by sessional order)

During Question Time, the Member for Murray-Darling was directed to leave the Chamber for the remainder of Question Time for disorderly conduct.

Votes and Proceedings: 22 August 2012, p.1179

Hansard: 22 August 2012, p 14242.

Standing Order 249A (as adopted by sessional order)

During Question Time, the Member for Canterbury was directed to leave the Chamber for the remainder of Question Time for disorderly conduct.

Votes and Proceedings: 23 August 2012, p.1214

Hansard: 23 August 2012, p 14396.

Standing Order 249A (as adopted by sessional order)

QUESTION TIME

15.6 *Request for additional information*

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

Votes and Proceedings: 15 August 2012, p.1141

Hansard: 15 August 2012, p.13831.

Standing Order 131(3)

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

Votes and Proceedings: 15 August 2012, p.1141

Hansard: 15 August 2012, p. 13833.

Standing Order 131(3)

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: 16 August 2012, p.1167

Hansard: 16 August 2012, p.13972.

Standing Order 131(3)

The Speaker **denied** a request by a Member, in accordance with Standing Order 131(3), for the Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services to provide additional information after the five minutes for answering the original question had expired.

Votes and Proceedings: 21 August 2012, p.1173

Hansard: 21 August 2012, p. 14081.

Standing Order 131(3)

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: 22 August 2012, p.1179

Hansard: 22 August 2012, p.14238.

Standing Order 131(3)

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

Votes and Proceedings: 22 August 2012, p.1179

Hansard: 22 August 2012, p.14243.

Standing Order 131(3)

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: 23 August 2012, p.1214

Hansard: 22 August 2012, p.14392.

Standing Order 131(3)

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: 23 August 2012, p.1214

Hansard: 22 August 2012, p.14394.

Standing Order 131(3)

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

Votes and Proceedings: 23 August 2012, p.1214

Hansard: 23 August 2012, p.14396.

Standing Order 131(3)

15.7 *Supplementary answer*

The Premier, in accordance with Standing Order 131(6), gave a supplementary answer to a question asked of him earlier in Question Time.

Votes and Proceedings: 23 August 2012, 1215

Hansard: 23 August 2012, p.14396.

Standing Order 131(6)

BILLS

15.8 Correction of long title of a bill

In order to conform with Standing Order 188(5), the Attorney-General provided a corrected notice of motion to accord with the long title of the Crimes Amendment (Cheating at Gambling) Bill 2012.

Votes and Proceedings: 22 August 2012, 1184

Hansard: 22 August 2012, p. 14253

Standing Order 188(5)