



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-FIFTH PARLIAMENT, FIRST SESSION

NO. 6/2013: 13 AUGUST – 29 AUGUST 2013

August 2013				
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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.

BILLS

Member given leave to speak twice during a second reading debate

Having led for the Opposition during the second reading debate on the *Law Enforcement and National Security (Assumed Identities) Amendment Bill* on 30 May 2013; Mr Rees then spoke for a second time, by leave of the House, during the resumption of the debate on 14 August 2013.

(NB: Standing Order 64 provides that a member may only speak once to any question, except when a bill or other matter is being considered in detail. However the granting of leave, pursuant to Standing Order 96, means that the House gives its permission for something to occur which would not otherwise be permissible. A request for leave cannot be debated, nor can leave be granted, if any one member dissents).

Votes and Proceedings: 30/5/2013 p. 1674; & 14/8/2013, p. 1726

Hansard: 30/5/2013 p. 21358; & 14/8/2013, p. 22173.

Standing Order 85

Standing Order 96

Order of the Day for an Assembly bill discharged by the Legislative Council:

On 20 August 2013, the Assistant Speaker, Mr Fraser, reported a message from the Legislative Council that it had discharged the Order of the Day for the second reading of the *Motor Accident Injuries Amendment Bill 2013*.

The bill, having passed the Assembly with amendments on 22 May 2013, had received its first reading in the Legislative Council on 23 May 2013.

(NB: By moving that the Order of the Day for the Bill was discharged, the Minister for Roads and Ports, the Hon. Duncan Gay MP, effectively suspended the passage of the Bill through the Legislative Council. A motion to withdraw the bill could not be moved as it originated in the Legislative Assembly.

Votes and Proceedings: 20/8/2013, p. 1747

Hansard: 20/8/2013, p. 22421.

Standing Order 339

Time for debate on a private members' bill extended

On 22 August 2013, the Deputy Speaker obtained the consent of the House for the second reading debate on the *Truth in Labelling (Free-range Eggs) Bill* to continue until 11.30 am.

(NB: The Routine of Business provides that on a Thursday, the giving of General Business Notices of Motions (for bills) concludes no later than 10:30 am; at which time the House then considers General Business Orders of the Day for Bills, until no later than 11:30 am.

However if the giving of General Business Notices of Motions (for bills) concludes before 10:30 am, then consideration of General Business Orders of the Day for Bills may then follow for a period of 60 minutes.

In this case, General Business Orders of the Day for Bills commenced at 10:07 am and would have concluded at 11:07 am had consent not been given to allow the debate to continue).

Votes and Proceedings: 22/8/2013, p. 1757

Hansard: 22/8/2013, pp. 22634-22648

Standing Order 97 (as amended by sessional order)

BUSINESS

Document tabled during Question Time

By leave, during Question Time on 15 August 2013, the Premier and Minister for Western Sydney tabled two letters in relation to Australian Water Holdings and Sydney Water Corporation.

Votes and Proceedings: 15/8/2013, p. 1738

Hansard: 15/8/2013, p. 22285

Standing Order 266(1)

(NB: Standing Order 266(1) provides that Ministers shall table papers at the time provided in the routine of business, or at other times with the leave of the House).

Supplementary answer given by leave

By leave, on 20 August 2013, the Minister for Family and Community Services and Minister for Women gave a supplementary answer to a question asked of her during a previous sitting. The Minister also tabled, by leave, a copy of her letter to Mr Jim Moore, Director General, Department of

Family and Community Services regarding Community Services caseworkers, dated 7 March 2013; and a copy of a Community Services Policy Meeting Summary Paper on Caseworker Numbers, dated 8 July 2013.

(NB: Standing Order 131(8) provides that Ministers seeking to provide additional information to questions already answered at the current or a previous sitting shall do so at the conclusion of Question Time. At other times, leave must be sought, pursuant to Standing Order 96.

Standing Order 266(1) provides that Ministers shall table papers at the time provided in the routine of business, or at other times with the leave of the House).

Votes and Proceedings: 20/8/2013, p. 1743-44

Hansard: 20/8/2013, pp. 22404-05

Standing Order 96

Discussions on petitions signed by 10,000 or more persons:

On 15 August 2013, the House discussed a petition signed by 10,000 or more persons from certain citizens requesting the retention of aeromedical services operating out of Albion Park.

The first speaker, Mr Gareth Ward, sought an extension of time; however leave was not granted. Later in the discussion, there being no other members seeking the call, Mr Ward resumed his contribution and the debate then concluded.

(NB: Pursuant to Standing Order 96, a request for leave cannot be granted, if any member dissents. In the case of a discussion on petitions, Standing Order 64 (a member may only speak once to any question), would not apply, as there is no question before the House).

Votes and Proceedings: 15/08/2013, p. 1741

Hansard: 15/08/2013, pp.22308-22310

Standing Order 125A (as adopted by sessional order)

On 22 August 2013, the House discussed a petition signed by 10,000 or more persons from certain citizens opposing the amendments to the *Game and Feral Animal Control Act 2002*.

Prior to the commencement of the debate, the Acting Speaker, Ms Melanie Gibbons, made a short statement in which she noted that although there were are strongly held opposing views on the matter to be discussed, an important tenet of parliamentary discussion was to allow those opposing views to be freely expressed, without interference. Accordingly, she requested that those in the gallery refrain from clapping or distracting debate in any way, including verbally or visually.

At the conclusion of the discussion, Ms Gibbons thanked those in the public gallery for listening in silence.

(NB: Pursuant to Standing Order 260 a person, not being a Member, who interrupts the orderly conduct of the business of the House, obstructs the approaches to the House, or causes a disturbance within the precincts of the House, may, by direction of the Speaker, be removed by the Serjeant-at-Arms).

Votes and Proceedings: 22/08/2013, p. 1763

Hansard: 22/08/2013, pp. 22691-22695

Standing Order 125A (as adopted by sessional order)

Standing Order 260

Extension of the time provided for Community Recognition Statements

By leave of the House, the Acting Speaker, Mr Gareth Ward, extended the period for taking Community Recognition Statements by five minutes on 22 August 2013.

Votes and Proceedings: 22/08/2013, p. 1763

Hansard: 22/08/2013, pp. 22695-22701

Standing Order 108A (as adopted by sessional order)

Suspension of standing and sessional orders to permit additional speakers

On 27 August 2013, following a division, a motion moved by the Leader of the House, was agreed to permitting two additional speakers to the motion accorded priority. Debate ensued with the Member for Sydney being granted leave to speak to the motion; but leave to speak being denied to the members for Baulkham Hills and for Strathfield.

(NB: Four speakers are provided for on the Motion Accorded Priority. Additional speakers may be facilitated either by a suspension to standing orders or by the leave of the House. A request for leave cannot be granted, if any member dissents).

Votes and Proceedings: 27/8/2013, p. 1769-70

Hansard: 27/8/2013, pp. 22795-99

Standing Order 96

Standing Order 109

Standing Order 365

Condolence motion

On 28 August 2013, on a motion moved by the Deputy Premier, the House extended its deep sympathy to the family of the Honourable Gerald Beresford Ponsonby Peacocke following his death, on 23 May 2013.

(A motion of sympathy may be moved without notice on the death of a former Premier, Minister or Speaker no longer in Parliament. Mr Peacocke served as a member of the Legislative Assembly from 1981-99 and was a Minister of the Crown from 1988-93).

Votes and Proceedings: 28/8/2013, p. 1773

Hansard: 28/8/2013, pp. 11891 - 22909

Standing Order 118

COMMITTEES

On 15 August 2013, a motion moved by the Leader of the House, was agreed to establishing a Joint Select Committee to inquire into and report whether current sentencing options for perpetrators of child sexual assault remain effective, and whether greater consistency in sentencing and improving public confidence in the judicial system could be achieved through alternative sentencing options.

Votes and Proceedings: 15/08/2013, pp. 1739-40

Hansard: 15/08/2013, pp. 22297-98

Standing Order 273

MEMBERS

Ministerial resignation

On 28 August 2013, a motion of the Leader of the House was agreed to, to suspend standing orders to permit the member for Miranda to make a statement. Mr Annesley then made a statement in relation to his resignation as Minister for Sport and Recreation and his pending resignation as the member for Miranda; and tabled, by leave, correspondence between himself and the Parliamentary Ethics Adviser regarding advice on post-separation employment.

Following Mr Annesley's statement, the Premier and Leader of the Opposition both gave statements in relation to the resignation.

(NB: Time is provided in the Routine of Business for Ministers to make statements following Question Time. Ministerial statements are of unlimited duration and the Leader of the Opposition or any Member deputed may respond for the same period of time).

Votes and Proceedings: 28/08/2013, p. 1775

Hansard: 28/08/2013, pp. 22932 - 34

Standing Order 97

Standing Order 265

Personal explanations

On 14 August 2013, Mr Ron Hoenig, by leave, made a personal explanation in relation to comments made by the Premier, and Minister for Western Sydney during Question Time on 13 August 2013.

Votes and Proceedings: 14/08/2013, p.1726

Hansard: 14/08/2013, p.22203

Standing Order 62

On 21 August 2013, Ms Noreen Hay, by leave, made a personal explanation in relation to comments made by the Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW during Question Time.

Votes and Proceedings: 15/08/2013, p.1751

Hansard: 15/08/2013, p.22545

Standing Order 62

(NB: When there is no question before the Chair and with the leave of the Speaker, a member may explain a matter of personal nature. A personal explanation shall not be debated and leave may be withdrawn by the Speaker at any time

Precedents of the House permit personal explanations to be made in relation to any matter which reflects upon the honour, character or integrity of that member, or reflects upon the member in a personal way including the refuting of accusations made against them outside the House).

JOINT SITTING

Vacancy in the Australian Senate

On 15 August 2013 the Deputy Speaker reported a message from the Governor, dated 14 August 2013, received from the President of the Senate, notifying of a vacancy in the representation of the State of New South Wales in the Senate of the Commonwealth of Australia.

After the Deputy Speaker reported the message, a motion moved by the Leader of the House, was agreed to: that the House meet the Legislative Council for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Matt Thistlethwaite; and that a message to be sent to the Legislative Council informing it of the resolution of the House and requesting the Council to fix a time and place for the joint sitting.

Votes and Proceedings: 15 August 2013, pp. 1737-8

Hansard: 15 August 2013, p. 22284

Standing Order 248

Standing Order 336

On 20 August 2013 the Assistant Speaker, Mr Fraser, 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 the following day at 3.45 pm.

At the appointed time, the House proceeded to the Legislative Council Chamber. Upon return, the Deputy Speaker reported that Mr Sam Dastyari had been elected to fill the vacancy and tabled the minutes of the proceedings of the Joint Sitting.

Votes and Proceedings: 20 August 2013, p. 1746-47; & 21 August 2013 p. 1753

Hansard: 20 August 2013, p. 22421; & 21 August 2013 p. 22550

Standing Order 339

(NB: Section 15 of the Australian Constitution provides that if the place of a senator becomes vacant before the expiration of their term of service, the Houses of Parliament of the State for which they were chosen, sitting and voting together shall choose a person to hold the place until the expiration of the term. Provision is made for the Governor to appoint a person to hold the casual vacancy when the House is "not in session", which effectively means the Governor can only make an appointment to the Senate during periods when the Parliament is prorogued.)

PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

For the duration of the two sitting weeks commencing 12 August and 26 August, the Deputy Speaker took the Chair, due to the absence of the Speaker at the commencement of the sittings.

Votes and Proceedings: Nos. 154-156; and 160-162.

Hansard: 13 -15 August 2013; and 27-29 August 2013.

Standing Order 15