



# PROCEDURAL DIGEST

Legislative Assembly

FIFTY-FIFTH PARLIAMENT, FIRST SESSION

NO. 8/2013: 15 OCTOBER – 31 OCTOBER 2013

October 2013				
M	T	W	T	F
14	15	16	17	18
21	22	23	24	25
28	29	30	31	

*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.*

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## BILLS

### ***Consideration in detail set down for the following day***

On 16 October 2013, the *Strata Schemes Management Amendment (Child Window Safety Devices) Bill* was read for a second time. The bill proposed amendments to the *Strata Schemes Management Act 1996* to make it mandatory for owners corporations of residential strata schemes to install safety devices on windows that present a risk to young children.

Following a request from Ms Tania Mihailuk, the Acting Speaker, Mr Gareth Ward set down the consideration in detail of the bill as an order of the day for the following day.

(NB: In accordance with the practice of the House, it would normally be the member who is in charge of a bill who would make that request. However, in this instance, Ms Mihailuk sought leave to do so as it was her intention to move amendments to the bill, upon which the House may have divided.

Because the House had earlier agreed to a motion that no divisions or quorums be conducted after 5.30 pm, considering the bill in detail the following day would enable any such divisions to take place).

*Votes and Proceedings: 16/10/2013 p. 1865*

*Hansard: 16/10/2013 p. 24196*

**Standing Order 96**

**Standing Order 203**

**Standing Order 365**

### ***Bill passed by both Houses at one sitting***

The *Coal Mine Health and Safety Amendment (Validation) Bill* (which provides for a safety compliance and enforcement regime and for the appointment of government officials to undertake certain roles) was passed by both Houses on Wednesday 30 October 2013, without amendment.

The bill passed the Assembly on the morning of 30 October, after the House had firstly agreed to a motion moved by the Leader of the House, Mr Brad Hazzard, that standing and sessional orders be suspended in order to permit the passage of the bill through all stages on that day or at any subsequent sitting.

The Council then returned the bill later that day and it received assent from the Governor on Thursday 31 October 2013.

(NB: Suspending Standing Orders in this way means that after the member in charge of the bill has given their second reading speech, proceedings do not then have to be adjourned for at least five days, as would otherwise be the case.

The second reading debate and all other stages of the bill can therefore proceed forthwith that day, or any subsequent day.

Another means of expediting the bill's passage would be to declare it urgent, pursuant to SO 189, which again allows the second reading debate and all subsequent stages to take place immediately following the mover's second reading speech).

*Votes and Proceedings: 30/10/2013 p.1911; & p.1916.*

*Hansard: 30/10/2013 pp.25059 – 25062; & p.25094*

**Standing Order 188**

**Standing Order 189**

**Standing Order 365**

## **BUSINESS**

### ***Censure of the Leader of the Opposition***

On 17 October 2013, Mr Andrew Constance moved a motion of censure of the Leader of the Opposition, in relation to the reporting of a bribe offer. Debate ensued and following a division the motion was agreed to along party lines.

Censure of a member constitutes business with precedence; and time is set aside in the routine of business each sitting day for notices of motion of censure of a member to be given prior to Question Time. Those notices may then be moved later that same sitting day.

To date, two motions of censure have been agreed to in the current Parliament, though the motion of censure of the member for Kogarah was dealt with as a general business motion and standing and sessional orders were suspended to facilitate this (see Procedural Digest No. 3, 2013).

(NB: The passing of a motion of censure against a member does not result in the suspension of the member from the proceedings of the House, or indeed, expulsion from the House, as may be the case for disorderly conduct.)

*Votes and Proceedings: 17/10/2013 p.1872-73*

*Hansard: 17/10/2013 pp.24308 - 24322*

**Standing Order 97**

**Standing Order 114**

**Standing Order 118**

***Notice of Motion (General Notice) amended by the Member in charge before being moved***

On 24 October 2013, Mr Alex Greenwich moved an amended Notice of Motion (General Notice) in relation to reparative therapy (No. 2588).

The amended Notice, handed up on 23 October 2013, was printed in the Business Paper on 24 October 2013, replacing the original notice given on 2 May 2013.

(NB: Standing Order 139 provides that a member can alter a notice of motion already given by handing up an amended notice before the notice is moved. The amended notice must not exceed the scope of the terms of the original notice.

Where proposed changes do exceed the scope of the original notice, a member could seek leave from the House to substitute a different notice, though leave is not granted should any one member dissent).

*Votes and Proceedings: 24/10/2013, p.1894*

*Hansard: 24/10/2013, p.24722*

**Standing Order 139**

***Priority accorded to notices of motions on the bushfires***

Generally two notices of motions seeking to be accorded priority are given when the House sits on a Tuesday or Wednesday. The two members in charge of the notices (usually one Government and one Opposition member) may then make statements for up to three minutes giving their reasons for priority.

There may then be a division on the question of which motion, if any, is accorded priority by the House; and then upon the substantive motion.

However on 22 and 23 October 2013, two Notices of Motions relating to the bushfires were given by Government members and supported by the Opposition. Both motions were accorded priority by the House without alternative notices being given; and without the members in charge of the notices stating their reasons for priority.

Both motions were then agreed to by the House without division.

*Votes and Proceedings: 22/10/2013 pp.1876-1877; & 23 /10/2013 pp.1886-1887*

*Hansard: 22/10/2013 pp.24430 – 24322; & 23/10/2013 pp.24606 - 24609*

## **Standing Order 109**

### ***Consideration of both motions to be accorded priority***

On 29 October 2013, the House agreed to a motion moved by the Leader of the House, Mr Brad Hazzard, that standing and sessional orders be suspended in order to permit the consideration of both notices of motion sought to be accorded priority.

Debate then took place forthwith on the motion of Mr Dominic Perrottet on Rail Infrastructure; followed by debate on the motion of Mr Clayton Barr, on Regional Manufacturing Sector Job Losses.

On 30 October 2013, the House again agreed to a similar motion moved by the Leader of the House and debate then took place forthwith on the motion of Mr John Barilaro on Workers Compensation Reforms; followed by debate on the motion of Mr John Robertson, Leader of the Opposition, on the Blue Mountains Bushfires.

(NB: Standing Order 109 provides that whilst two notices of motion to be accorded priority may be given, only one of those notices of motion may subsequently be moved at that sitting of the House).

*Votes and Proceedings: 29/10/2013, p.1905; & 30/10/2013 p. 1914.*

*Hansard: 29/10/2013, p.24883; & 30/10/2013 p.25083*

## **Standing Orders 109**

### **Standing Order 365**

### ***Motion moved “That the Member for Epping be not further heard”***

Mr Greg Smith, Attorney General, and Minister for Justice, was interrupted on 30 October 2013, by Mr Richard Amery moving a motion that he “be not further heard”.

This motion may be moved at any time and is not restricted to a specific business type (though it may not be moved on a member who is speaking on a point of order). The question is then put, without debate or amendment, and if passed the member who has been interrupted loses the call.

On this occasion, the question was negatived and the Minister resumed their supplementary answer to a question asked of them during Question Time.

(NB: The timing clock is not stopped during consideration of the question which occurs during the member’s speaking time. If the question is negatived then the member resumes their speech in what time remains and no second motion may be moved.

No time was lost in this instance, as there is no time restriction on supplementary answers).

*Votes and Proceedings: 30/10/2013, p.1912*

*Hansard: 30/10/2013, p.25080*

**Standing Orders 58**

**Standing Order 79**

**Standing order 131 (8)**

### ***Tabling of papers by announcement***

On 31 October 2013, a motion moved by the Leader of the House was agreed to, that for the remainder of the 2013 sittings, standing and sessional orders be suspended to provide that the tabling of papers may be effected by Ministers making an announcement in the House rather than handing up copies of the papers.

Any papers tabled by announcement would be lodged with the Table Office, prior to their announcement in the House.

(NB: This practical arrangement reflects the large number of annual reports which are tabled by Ministers toward the end of the Spring Sitting period, in accordance with statutory timeframes).

*Votes and Proceedings: 31/10/2013, p.1927*

*Hansard: 31/10/2013, p.25252*

**Standing Order 264**

**Standing order 365(2)**

## **MEMBERS**

### ***Ministerial announcement***

On 31 October 2013, Mr Brad Hazzard, on behalf of Mr Barry O'Farrell, by leave, informed the House that Stuart Laurence Ayres was appointed Parliamentary Secretary for Western Sydney; and Raymond Craig Williams was appointed Parliamentary Secretary for Transport and Roads.

(NB: The announcement was made by leave, as it was outside of the time provided for Ministerial Statements in the Routine of Business).

*Votes and Proceedings: 31/10/2013 p.1930*

*Hansard: 31/10/2013 p.25273*

**Standing Order 96**

**Standing Order 97**

**Standing Order 103**

### ***Election of the member for Miranda:***

On Wednesday 23 October, the Speaker informed the House that the writ, issued on 20 September 2013, in accordance with section 70 of the Parliamentary Electorates and Elections Act 1912, for the election of a member to serve in the Legislative Assembly for the electoral district of Miranda in place of Graham Annesley, resigned, had been returned with a certificate endorsed by the Electoral Commissioner advising of the election of Barry Joseph Collier to serve as member for the electoral district of Miranda.

Mr Barry Collier was introduced, took the pledge of loyalty, signed the roll of the House and took his seat as member for the electoral district of Miranda.

(NB: Mr Collier previously served as the member for Miranda from March 1999 to March 2011).

*Votes and Proceedings: 23/10/2013, p.1885*

*Hansard: 23/10/2013, p.24591*

### **Standing Order 23**

#### ***30th anniversary of the election of the member for Mount Druitt***

The Speaker made a statement on 22 October 2013, recognising the Hon. Richard Amery's 30 years as a member of the Legislative Assembly. First elected at a by-election as the member for Riverstone on 22 October 1983, he became the member for Mount Druitt on 25 May 1991.

(NB: The late Sir Michael Frederick Bruxner holds the longest unbroken service record for a member of the Legislative Assembly, having held the seats of Northern Tablelands and then Tenterfield from March 1920 to February 1962 – a period of 41 years, 11 months).

*Votes and Proceedings: 22/10/2013, p.1875*

*Hansard: 22/10/2013, pp.24413 – 24414.*

#### ***Deaths of former members***

On 15 October 2013, the Speaker informed the House of the deaths of two former members of the Legislative Assembly; Mr Allan Peter Walsh on 17 September 2013 and Mr Michael John Maher on 29 September 2013.

On behalf of the House, she extended to the family the deep sympathy of the Legislative Assembly in the loss sustained and members and officers stood as a mark of respect.

*Votes and Proceedings: 15/10/2013, p.1846*

*Hansard: 15/10/2013, p.23960*

## **JOINT SITTING**

#### ***Vacancy in the Australian Senate***

On 29 October 2013 the Speaker reported a message from the Governor, dated 24 October 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 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 Robert John Carr; 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: 29 October 2013, p.1900*

*Hansard: 29 October 2013, p.24869*

**Standing Order 248**

**Standing Order 336**

(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 also made for the Governor to appoint a person to hold the casual vacancy when the House is "not in session".

In this case, because the resignation applies in respect of the senator's current term and also to the new term to which he was elected at the recent half-Senate election, there are effectively two Senate vacancies, one for his current term expiring on 30 June 2014, and a second for the new six-year term to which he was elected on 7 September, its start date being 1 July 2014)

## PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

### ***Days of meeting in 2014***

On 31 October 2013, a motion moved by the Leader of the House, was agreed to that, unless otherwise ordered, the House meet during the 2014 autumn and spring sittings as follows:

Autumn Sittings: February 25, 26, 27; March 4, 5, 6, 18, 19, 20, 25, 26, 27; May 6, 7, 8, 13, 14, 15, 27, 28, 29; June 3, 4, 5, 17, 18, 19 and June 24, 25, 26 as a potential reserve week.

Spring Sittings: August 5, 6, 7, 12, 13, 14; September 9, 10, 11, 16, 17, 18; October 14, 15, 16, 21, 22, 23; November 11, 12, 13, 18, 19, 20 and November 25, 26, 27 as a potential reserve week.

*Votes and Proceedings: 31/10/2013 p.1927*

*Hansard: 31/10/2013 p. pp.25252 - 25253*

**Standing Order 34**

### ***Early adjournment due to bushfire emergency***

Due to a number of bushfires burning across the State and Sydney region on 17 October 2013, the House agreed to adjourn after the conclusion of the 10,000 signature petition debate, in order that members and staff might leave as necessary in order to assist their families and communities.

(NB: Any private members' statements not given on account of the early adjournment were then given the following sitting week, either during the time provided in the routine of business, or at other times by leave of the House.

The time provided for Community Recognition Statements was also extended on 23 October and 24 October 2013, with the agreement of the House).

*Votes and Proceedings: 17/10/2013 p.1873*

*Hansard: 17/10/2013 p.24322*

**Standing Order 96**

**Standing Order 108 (3)**

**Standing Order 108A (4)**

**Standing Order 365**