



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-FIFTH PARLIAMENT, FIRST SESSION

NO. 7/2014: 5 – 14 AUGUST 2014

August 2014				
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11	12	13	14	15

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.

BILLS

Introduction of two Bills on local government elections for the City of Sydney

On 14 August 2014, the House agreed on the motion of Mr Alex Greenwich, that a bill be introduced to amend the *City of Sydney Act 1988*, in relation to the enrolment and voting in City of Sydney Council elections by non-residential voters and the conduct of those elections.

On the same day, the *City of Sydney Amendment (Elections) Bill 2014*, sponsored by Robert Borsak of the Shooters and Fishers Party, was introduced in the Legislative Council.

While the two Bills are concerned with broadly the same subject, their approach is markedly different, as is the substance of the legislation they propose (see the NSW Parliamentary Research Service paper on the [City of Sydney Amendment Bills 2014 – the Borsak and Greenwich Bills](#)).

Votes and Proceedings: 14/8/2014, p.2314-15

Hansard: 14/8/2014, p.30639-30641

Standing Order 188

Passage of the Disability Inclusion Bill

On 14 August 2014, the House debated the *Disability Inclusion Bill 2014*. During the course of the second reading debate it was agreed, on the motion of the Leader of the House that “the Member for Auburn be no longer 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 agreed to, the member is closed.

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.

Later in this debate, on the motion of the Leader of the House, the House agreed that standing and sessional orders be suspended so that the number of speakers and the speaking times for the various stages of the bill were subject to specific limits. A further suspension of standing orders was subsequently agreed to providing for the bill to proceed to the third reading stage without consideration in detail.

Votes and Proceedings: 14/8/2014, p.2322-2326

Hansard: 14/8/2014, p.30701-30714.

Standing Orders 58

Standing Order 79

Standing Order 229

Standing Order 365

(Procedural note: The Consideration in Detail is an optional stage that provides Members with an opportunity to look at each individual numbered clause in the bill and propose amendments. During the Consideration in Detail stage, the Speaker will usually leave the chair and sit at the Table next to the Clerks. They will then propose the clauses and schedules of the bill either individually or in groups.

Members then have the opportunity to debate and vote on whether a clause or schedule should be agreed to; or whether it should be amended. Debate is quite fluid and unlike the Second Reading stage, members may speak more than once to a question.

A motion that standing orders be suspended may be moved by a Minister at any time (except during Question Time) and if agreed to, it means that the House gives its permission to temporarily suspend the rules by which business is to be conducted and replace this with an alternative procedure.

Members may also move that standing orders be suspended but they require the leave of the House to do so.)

Constitution Amendment (Parliamentary Presiding Officers) Bill 2014

The Premier introduced the *Constitution Amendment (Parliamentary Presiding Officers) Bill 2014* on 13 August 2014. The object of Bill is to amend the *Constitution Act 1902* to ensure that both the President of the Legislative Council and the Speaker of the Legislative Assembly can exercise their functions relating to the administration of Parliament and the employment of Parliamentary staff; during a State general election period when the Legislative Assembly is dissolved and the Legislative Council is suspended.

The Bill would also amend s31A of the Constitution Act to allow the Deputy Speaker of the Legislative Assembly to act as the Speaker of the Legislative Assembly when the Speaker is unavailable. This expands the current provision which only permits the Deputy Speaker to fulfil that function during the Speaker's "absence from New South Wales".

Finally the Bill also makes a consequential amendment to the Parliamentary Remuneration Act 1989 to ensure that Parliamentary presiding officers (and their deputies) continue to receive their usual

remuneration during that State general election period.

Votes and Proceedings: 13/8/2014, p.2310

Hansard: 13/8/2014, p.30554-55

Standing Order 188

BUSINESS

Centenary of the commencement of the First World War

On 5 August 2014, the Speaker informed the House that over the next four years the presiding officers in both chambers would be making statements to formally acknowledge important historic events from the First World War.

The Speaker then proceeded to give the first of those statements, with members and officers standing as a mark of respect.

Votes and Proceedings: 5/8/2014, p. 2265

Hansard: 5/8/2014, p. 30038

In addition to the Speaker's statement, the sitting week also saw the Centenary of the commencement of the First World War acknowledged through statements by the Premier and the Leader of the Opposition; discussion and debate in the House; and the giving of Private Members' Statements.

Ministerial statement on the death of Mr Glen Turner

On 5 August 2014, the Minister for the Environment gave a statement in relation to the death on 29 July 2014 of Mr Glen Turner, an officer with the Office of Environment and Heritage.

The Deputy Leader of the Opposition also addressed the House and following those statements Members and officers stood as a mark of respect.

Votes and Proceedings: 5/8/2014, p. 2268

Hansard: 5/8/2014, p. 30051-53

Standing Order 108

Re-ordering of General Business

On 6 August 2014, the House agreed on the motion of Ms Sonia Hornery, that her general business notice of motion on the Domestic Violence Death Review Team should have precedence on 7 August 2014. The motion was then debated in the routine for General Business the following day.

Votes and Proceedings: 6/8/2014, p. 2284

Hansard: 6/8/2014, p. 30140

Standing Order 106

(Procedural note: Time is provided on Thursday morning's for debate on those bills, motions or orders of the day where the person in charge is not a member of the Government. This is known as "General Business" or is sometimes referred to as "Private Members' Business".

Each sitting day Members may give notice in the House of their intention to move an item of General Business. Those notices are then listed in the Business Paper and are considered in order in which they have been given.

There is provision however in the Standing Orders for members to seek to re-order a general business notice of motion, or an Order of the Day for a Bill, so that it then has precedence over the other general business which has been scheduled for consideration on the Thursday morning.

The procedure is as follows: on a Wednesday after Question Time, any two Private Members may move to re-order a general business notice of motion, or an Order of the Day for a Bill, standing in their name. They are permitted to speak for up to three minutes as to why their notice should have priority and the House then determines whether the item will be re-ordered.

It is important to note, that while any two members can seek to re-order a general business notice of motion, only one notice of motion may be re-ordered so if the first member succeeds this prevents the second member moving a subsequent motion. The same applies to the re-ordering of an Order of the Day for a Bill.

If re-ordering is agreed to on the Wednesday, then the following day during General Business the Members' item of business has priority over the other items.

If, as occurred on 13 August 2014, the House does not agree that an item of business be re-ordered then it remains on the Business paper in the same order as it was before the re-ordering motion was moved.)

MEMBERS

Resignations of the Members for Charlestown and Newcastle

On 12 August 2014, the Speaker informed the House that she had received letters from Mr Andrew Cornwell and Mr Timothy Owen resigning their seats as members for the electoral districts of Charlestown and Newcastle respectively.

The House then agreed, on the motion of Mr Anthony Roberts, that in accordance with section 70 of the *Parliamentary Electorates and Elections Act 1912*, the seats of the Members for Charlestown and Newcastle be declared vacant.

Votes and Proceedings: 12/8/2014, p. 2298
Hansard: 12/8/2014, p. 30343

Government announcements

On 12 August 2014, Mr Anthony Roberts, on behalf of the Premier, informed the House that Mr Chris Patterson MP had been elected Government Whip.

Votes and Proceedings: 12/8/2014, p. 2298
Hansard: 12/8/2014, p. 30355

(Procedural note: Whips are selected by parliamentary parties and generally act as intermediaries between the party leaders and backbench members. They have a diverse range of responsibilities

including liaising with Ministers and opposition whips about the business of the House; counting and recording the votes in a division; and making sure that all party members attend and vote. Where necessary Whips may negotiate 'pairs' from opposing parties, so that numbers between the government and opposition are kept in balance if members are absent.)

PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

Appointment of new Temporary Speaker

On 6 August 2014, the Speaker informed the House that she had nominated Christopher Gulaptis as a Temporary Speaker in place of Adam John Marshall.

(Procedural note: Standing Orders provide for the Speaker to nominate, at the beginning of each Parliament, a panel of up to five members as Temporary Speakers. These Temporary Speakers may exercise the powers and duties of the Speaker whenever the Speaker, Deputy Speaker or Assistant Speaker is absent.

The Speaker may, at any time, nominate another Member to take a Temporary Speaker's place.)

Votes and Proceedings: 6/8/2014, p. 2279

Hansard: 6/8/2014, p. 30091

Standing Order 19

Standing Order 20

Content and form of petitions

On 6 August 2014, the Speaker made a statement on petitions in which she reminded Members that the lodging of a petition is a formal proceeding and that any petitions in breach of the standing orders on the permitted content and form would not be tabled.

Votes and Proceedings: 6/8/2014, p. 2294

Hansard: 6/8/2014, p. 30211

Standing Orders 120 - 122