



# PROCEDURAL DIGEST

Legislative Assembly

FIFTY-FIFTH PARLIAMENT, SECOND SESSION

NO. 9/2014: 14 – 23 OCTOBER 2014

October 2014				
M	T	W	T	F
13	14	15	16	17
20	21	22	23	24

*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

### ***Expedited passage of the Election Funding, Expenditure and Disclosures Amendment Bill***

On 14 October 2014, the Premier introduced legislation intended to provide further integrity to the electoral process (for further details of the bill see: Legislation Review Committee Digest No.14 <http://bulletin/Prod/parliament/committee.nsf/0/1A3CFC8F7B10725ECA257D78000ED114>)

The following day, the House agreed to a motion of the Leader of the House to suspend Standing and Sessional Orders to enable the bill to pass through all stages that day, or at a subsequent sitting. The suspension motion also put limits on the number of members and their speaking times during the Second Reading Debate, where the bill's general principles are considered.

Following the Second Reading Debate, the bill proceeded to Consideration in Detail. This is an optional stage which provides Members with an opportunity to debate and vote on whether a clause or schedule should be agreed to.

During Consideration in Detail, a number of opposition amendments were proposed and debate ensued before the Government Whip moved a motion "That the question be now put".

This motion, which is put and resolved without amendment or debate, is commonly known as the "closure" or "gag" because if it is agreed to there is no further debate on that particular question.

*Votes and Proceeding: 14/10/2014, p. 97; and 15/10/2014 pp. 101-104*

*Hansard: 14/10/2014, pp.1023-1025; and 15/10/2014 pp. 1139-1163*

**Standing Order 80(21)**

**Standing Order 86**

## **Standing Orders 188 – 218**

### **Standing Order 365**

(Procedural Note: Suspending Standing Orders in this way removes certain procedural requirements in order to facilitate the passage of the legislation that day. For instance, debate does not then need to be adjourned for five clear days after the mover's has given their second reading speech, which would otherwise be the case; and speakers and speaking times on the various stages of the bill are subject to specific limits.

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).

## **BUSINESS**

### ***Member not permitted to conclude his speech by moving the closure***

During the Consideration in Detail stage for the *Election Funding, Expenditure and Disclosures Amendment Bill*, the Leader of the House moved that "the question be now put". The Acting-Speaker, Mr Evans, reminded the Leader of the House that he could not conclude his contribution to the debate with the statement "That the question be now put" - ruling that debate would continue.

*Hansard: 15/10/2014, p.1159*

### **Standing Order 80(21)**

### **Standing Order 86**

(Procedural Note: Standing Order 86 provides for any member to move a motion "That the question be now put". This "closure" or "gag" motion is then put immediately and is decided without debate or amendment.

If the motion is agreed to, then debate on whatever question was before the House ceases and that question is decided upon.

Whilst a member can move the motion, it is the practice of the House that they cannot conclude their speech by moving the closure. The rationale for this being that, if it is important to determine the question without further debate, then the member should not themselves contribute further to that debate before seeking to close it. Similarly, the motion can't be moved by a member who has already spoken to the question.

### ***Independent member moves to suspend Standing and Sessional Orders***

Mr Alex Greenwich moved, by leave, on Thursday 16 October 2014, that standing and sessional orders be suspended to permit two members' bills to have precedence over all other general business that day.

The suspension motion was agreed to, meaning that consideration of the bills could continue beyond the usual cut off time (of no later than 11:30 am) provided for in the Routine of Business.

*Votes and Proceeding: 16/10/2014, p. 111*

*Hansard: 16/10/2014, p.1283*

**Standing Order 96**

**Standing Order 365**

(Procedural Note: Though it is not uncommon for Standing and Sessional orders to be suspended to expedite the passage of a bill, this is usually done by a Minister in relation to a Government Bill.

While Ministers may, at any time, move a motion that Standing and Sessional orders to be suspended, other Members must firstly seek the leave of the House and leave cannot be granted if any one member objects. The Member then moves the suspension motion which may be debated and amended.)

## PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

### ***Appointment of the new Governor***

On 14 October 2014, the Speaker reported a message from His Excellency the Governor, General David Hurley, advising the House that he had been appointed Governor of NSW and had assumed administration of the State.

*Votes and Proceedings: 14/10/2014, p. 90*

*Hansard: 14/10/2014, p.995*

**Standing Orders 247-8**

### ***Appointment of new Temporary Speaker***

On 14 October 2014, the Speaker informed the House that she had nominated Mr Mark Coure as a Temporary Speaker, in place of Mr Garry Edwards.

(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: 14/10/2014, p. 89*

*Hansard: 14/10/2014, p.994*

**Standing Order 19**

**Standing Order 20**

### ***Tabling of the Register of Disclosures***

The Speaker tabled the *Register of Disclosures by Members of the Legislative Assembly* on 14 October 2014.

It is a requirement that Members of the Legislative Assembly (and the Legislative Council) disclose pecuniary interests such as property, income, gifts and debts. Along with the Code of Conduct for Members, the Register is aimed at addressing any potential conflict of interest between a member's public and private interests.

Members make a primary return disclosing their interests at the beginning of their term in Parliament. Every 6 months after that, members must make either an ordinary or supplementary return disclosing ongoing interests. A member may also make a discretionary disclosure at any time.

(For further details, see the [Constitution \(Disclosures by Members\) Regulation 1983](#)).

*Votes and Proceedings: 14/10/2014, p. 92*

*Hansard: 14/10/2014, p. 1007*

#### **Standing Order 264(5)**

#### ***Speaker's statement on the Braund and Larkin memorial plaque***

On 21 October 2014, the Speaker made a statement on the restoration of the permanent memorial in the Chamber to Lieutenant-Colonel George Frederick Braund, V.D., and Sergeant Edward Rennix Larkin, who were both sitting members of the Legislative Assembly when they were killed at Gallipoli in the First World War.

*Votes and Proceedings: 21/10/2014, p. 119*

*Hansard: 21/10/2014, p. 1462*

#### ***Death of the former Prime Minister***

The Premier and the Leader of the Opposition both made statements in the House on 21 October 2014, following the death of the Honourable Edward Gough Whitlam AC QC, a former Prime Minister.

*Votes and Proceedings: 21/10/2014, p. 119*

*Hansard: 21/10/2014, p. 1462*

#### **Standing Orders 103-104**

## MEMBERS

#### ***Charlestown and Newcastle by-elections***

On 14 October 2014, the Speaker informed the House that, in accordance with section 70 of the *Parliamentary Electorates and Elections Act 1912*, she had issued writs on 3 October 2014 for the election of members for the seats of Charlestown and Newcastle with the nomination day being 9 October 2014, the polling day 25 October 2014 and the return of the writ by 7 November 2014.

*Votes and Proceedings: 14/10/2014, p.91*

*Hansard: 14/10/2014, p.995*

#### ***New Leader of The Nationals***

Mr Troy Grant informed the House on 16 October 2014, that he had been elected leader of The Nationals.

*Votes and Proceedings: 16/10/2014, p. 115*

*Hansard: 16/10/2014, p. 1317*

### **Government announcements**

The Leader of the House, on behalf of the Premier, announced that following the resignations of the Hon. Andrew Stoner MP and the Hon. Katrina Hodgkinson, His Excellency the Governor had made the following Ministerial appointments on 17 October 2014:

- The Hon. Troy Grant had been appointed Deputy Premier, Minister for Trade and Investment, Minister for Regional Infrastructure and Services, and Minister for Tourism and Major Events;
- The Hon. Duncan Gay MLC had been appointed as Minister for the North Coast; and
- The Hon. Giovanni Domenic Barilaro MP as a member of the Executive Council and as Minister for Small Business and Minister for Regional Tourism.

That same day the following members were appointed as Parliamentary Secretaries:

- The Hon. Niall Blair MLC, Parliamentary Secretary for Police and Emergency Services
- Mr Geoffrey Keith Provest MP, Parliamentary Secretary for the Deputy Premier and Regional Roads; and
- Mr Anthony John Sidoti MP, Parliamentary Secretary for Planning.

(Procedural note: The NSW Constitution Act provides for the Premier and other Ministers of the Crown to be appointed by the Governor; and for the Premier to appoint a Member or Members of either House of Parliament to hold office as Parliamentary Secretary).

*Votes and Proceedings: 21/10/2014, p. 120*

*Hansard: 21/10/2014, p. 1463*

### **Death of a former Member**

On 16 October 2014, the Speaker informed the House of the death on 12 October 2014, of Maurice Francis Keane, a former Member of the Legislative Assembly.

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

*Votes and Proceedings: 16/10/2014, p. 115*

*Hansard: 16/10/2014, p. 1317*

## COMMITTEES

On 22 October 2014, the Acting Speaker, Ms Melanie Gibbons, reported a message from the Legislative Council stating that it had resolved to discharge the Hon. Niall Blair MLC from the Committee on Children and Young People; and the Committee on the Independent Commission against Corruption.

Mr Blair was replaced on those committees by Mrs Sarah Mitchell and Mr Trevor Khan respectively.

*Votes and Proceedings: 22/10/2014, p. 136*

*Hansard: 22/10/2014, p. 1661*

### **Standing Orders 338-339**

(Procedural Note: the Committee on Children and Young People and the Committee on the Independent Commission against Corruption are both Joint Parliamentary Committees established by statute. Those establishing acts expressly provide that a person is not eligible for appointment as a member of the committee if the person is a Minister of the Crown or a Parliamentary Secretary.

Accordingly, having become the Parliamentary Secretary for Police and Emergency Services on 17 October 2014, Mr Blair was replaced on those committees.