



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-FIFTH PARLIAMENT, FIRST SESSION

NO. 3/2014: 18 MARCH – 27 MARCH 2014

March 2014				
M	T	W	T	F
17	18	19	20	21
24	25	26	27	28

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

Consideration in Detail of a Government Bill

On the 25 March 2013, the House considered the *Fair Trading Amendment (Ticket Reselling) Bill 2013* in detail.

After a bill has been read a second time, the Member in charge of a bill, or any other member, may request that the bill be considered in detail. This provides an opportunity for Members to move amendments to a bill. It also may allow for a question and answer session in respect of the specifics of the legislation, as Members may speak more than once.

In order to allay any confusion, new clauses or schedules are considered in the numerical order in which they are proposed to be inserted into the bill. So, where the Government proposed an amendment to section 58 of Schedule 1 of the *Fair Trading Amendment (Ticket Reselling) Bill 2013*, this was dealt with before the House then turned to the Opposition's proposed amendments to section 59 of Schedule 1.

As the remaining Government amendments to the Bill did not intersect with any Opposition amendments in the numerical order; the House gave leave for them to be moved together. Once moved, the Opposition proposed an amendment to a Government amendment and the question on the amendment to the amendment was taken first.

Votes and Proceedings: 25/3/2014, pp. 2113 – 2116.

Hansard: 25/3/2014, pp.27764 - 27771.

Standing Order 85

Standing Order 96

Standing Orders 203 – 217

Legislative Council amendments to an Assembly Bill disagreed to for the first time

Before a bill may be sent to the Governor for assent, both Houses of Parliament must agree to pass the bill in the same form.¹

On 20 March 2014, the Deputy Speaker reported a message from the Legislative Council in which it proposed a number of amendments to the Legislative Assembly's *Crimes Amendment (Intoxication) Bill*, to which it sought the Assembly's concurrence.

Later that morning, the House agreed to a motion moved by the Leader of the House, to suspend standing and sessional orders when considering the Council's amendments. The suspension limited the number of speakers and varied their respective time limits from the usual consideration in detail provisions. As such the Deputy Speaker remained in the Chair and did not come to the sit at the Table.

The suspension motion provided for the consideration of the proposed Council amendments forthwith and "with precedence of all other business". This meant that when the Council amendments were dealt with, the House would return to the routine of business and consideration of whichever items of business were due at that time.

The House then debated a motion moved by the Premier (the Minister in charge of the bill) that the Council's amendments to the Bill be disagreed to. After a division, this motion was agreed to.

It was then agreed, on a motion of the Leader of the House, that a message be sent to the Council informing it that the amendments had been disagreed to on resolution (with no provision for debate or amendment) and conveying the reasons for the disagreement. These reasons are provided by the Government and couched in policy and legal terms.

(NB: On this occasion the procedure which was set out in the suspension motion for considering the Council's amendments, replaced the provisions in the standing orders for considering such amendments in detail.

That procedure allows both a Minister and the Leader of the Opposition (or their designate) to speak for up to 15 minutes on an unspecified number of occasions; any other member may speak three times to any one question, for up five minutes each time.

By stipulating in the suspension that the consideration of the Council's amendments be permitted forthwith and "with precedence of all other business", the item was brought on immediately rather than being undertaken during the time set aside for Government business).

Votes and Proceedings: 20/3/2014, pp. 2100 – 2102; and pp. 2102-2104.

Hansard: 20/3/2014, p. 27605; and pp. 27607 – 27625.

Standing Order 85

Standing Orders 222 – 224

Standing Order 365

¹ The only exception to this being bills to appropriate revenue or moneys for the ordinary annual services of the Government, which may be sent to the Governor for assent without the consent of the Legislative Council. See Section 5A of the *Constitution Act 1902*.

Legislative Council amendments disagreed to for the second time

On March 27 2013, the Deputy Speaker reported a message from the Legislative Council in which it insisted upon its proposed amendments to the *Crimes Amendment (Intoxication) Bill* which had been disagreed to by the Assembly.

Later that morning, the House agreed to a motion moved by the Leader of the House, to suspend standing and sessional orders in order to permit, forthwith and “with precedence of all other business”, the Consideration in Detail of a motion to disagree a second time to the Council’s amendments.

The suspension limited the number of speakers to the Premier and the Leader of the Opposition and varied their respective time limits from the usual consideration in detail provisions. As such the Deputy Speaker remained in the Chair and did not come to the sit at the Table.

The House then agreed, after a division, to the motion moved by the Premier, that the Council’s amendments to the Bill be disagreed to a second time.

(NB: Because Standing and Sessional Orders were suspended, the Assembly could send a message to the Council insisting on its disagreement to the Council’s amendments for a second time; without having to set the Bill aside.

Had the suspension not been implemented, the Bill would have been set aside once the Assembly had insisted on its disagreement with the Council, pursuant to Standing Order 226.

Votes and Proceedings: 27/3/2014, p. 2128; and 2133-2134.

Hansard: 27/3/2014, p.28034; and pp.28071-28076.

Standing Orders 222 – 224

Standing Order 266

Standing Order 365

BUSINESS

Provision for an additional speaker on the Motion Accorded Priority

On 18 March 2014, the Leader of the House moved that a suspension of standing orders be agreed to in order to permit the Member for Kiama, Mr Gareth Ward, to also speak to the motion accorded priority.

Following a division, the motion was agreed to and discussion ensued. As the motion to suspend standing orders had stated explicitly that only one additional speaker, Mr Ward, would speak in the debate, the Deputy Speaker declined a request from Ms Anna Watson to speak to the motion by leave.

(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).

Votes and Proceedings: 18/3/2014, p. 2085.

Hansard: 18/3/2014, p.27383.

Standing Order 96

Standing Order 109

Standing Order 365

Length of motions

On 18 March 2014, the Leader of the House took a point of order regarding the length of the motion. The motion had five parts. The Member was allowed to finish however, the Speaker commented that there was a tendency for long motions and warned that in the future she would rule out of order, or request the rewording of, any motion comprising more than three paragraphs.

(NB: Whilst the Standing Orders do not prescribe the length of a notice of motion, it is the long established practice of the House that such notices should be succinct and put a concise proposition upon which the House may vote.

See for example: Speaker Hancock, PD 14/03/2012, p. 9566; and Speaker Murray, PD 27/05/1997, p. 9217-9218)

Hansard: 18/3/2014, p.27359

Standing Order 109

Standing Order 133

Consideration of both motions to be accorded priority

On 19 March 2014, the House agreed to a motion moved by the Leader of the House, that standing and sessional orders be suspended in order to permit the consideration of both notices of motion seeking to be accorded priority given that day.

Debate then took place forthwith on the motion of Mr Gareth Ward MP on Newcastle and Illawarra Investment; followed by debate on the motion of Mr Alex Greenwich MP, on Millers Point Public Housing.

During the debate on Millers Point Public Housing, Mr Michael Daley sought leave to move a motion to suspend standing and sessional orders to permit the member for Canterbury to also speak to the motion accorded priority. Leave was not granted.

(NB: Whilst two notices of motion to be accorded priority may be given at any one sitting of the House, Standing Orders provide that only one of those notices of motion may subsequently be moved.

In order to facilitate debate on an additional motion, Standing and Sessional Orders need to be suspended. A motion to suspend Standing Orders may be moved by a Minister at any time (except during Question Time). However any other member seeking to move a motion to suspend Standing Orders must firstly seek leave.

During the debate on the motion, the mover and the member next speaking may both speak for up to five minutes. Two other members may then speak for up to three minutes each before the mover

replies for up to three minutes. Any additional speakers may be provided for by a suspension of Standing and Sessional Orders, or by leave of the House.

In the case of the debate on Millers Point Public Housing, the motion was moved by Mr Alex Greenwich MP, with the Minister for Family and Community Services as the member next speaking. As the next speakers to be called were Mr Jamie Parker MP and Mr Andrew Cornwell MP, no opposition speaker spoke to the motion).

Votes and Proceedings: 19/03/2014, p.2095

Hansard: 19/3/2014, p.27518; and pp. 27523 – 27527.

Standing order 96

Standing Order 109

Standing Order 365

Motion moved “That the Member for Charlestown be not further heard”

During the debate on Millers Point Public Housing on 19 March 2014, Mr Andrew Cornwell was interrupted by Mr Michael Daley moving a motion that he “be not further heard”. The House divided and the question was negatived.

A motion by the Leader of the House was then agreed to, after a division, to suspend Standing and Sessional Orders to permit the member for Charlestown to continue his speech for a further period of three minutes.

(NB: 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.

If the question is negatived then the member resumes their speech in what time remains and no second motion may be moved.

In this case, Mr Cornwell, who had only just risen to speak, had his full three minutes of speaking time restored by the suspension of Standing and Sessional Orders).

Votes and Proceedings: 19/03/2014, p.2096

Hansard: 19/3/2014, pp.27527-27529.

Standing Orders 58

Standing Order 79

Standing Order 109

Standing Order 365