



# PROCEDURAL DIGEST

Legislative Assembly

FIFTY-FIFTH PARLIAMENT, FIRST SESSION

NO. 1/2014: 30 JANUARY 2014

January 2014				
M	T	W	T	F
27	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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## RECALL OF THE HOUSE BY THE GOVERNMENT

The Parliament was recalled by the Government to sit four weeks earlier than scheduled, on 30 January 2014, to introduce the *Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014* and cognate *Liquor Amendment Bill 2014*; and the *Mining Amendment (ICAC Operations Jasper and Acacia) Bill 2014*.

Standing Order 47 provides that the Government, in the public interest, may in writing to the Speaker (or, in the absence of the Speaker, the Deputy Speaker) request the House meet at an earlier time than set down on adjournment. If satisfied, the Speaker then fixes a day and time; and communicates it to all Members.

Recent precedents of this standing order being used to recall the Legislative Assembly include 15 December 2005 when the House met to consider a legislative response to the events of the previous days known as the Cronulla Riots; and 28 August 2008, when the House was recalled by the Government in order to deal with legislation regarding the privatisation of electricity assets.

*Votes and Proceedings: 30/01/2014, p.2023*

*Hansard: 30/01/2014, pp.26620*

### **Standing Order 47**

## BILLS

### **Three bills passed by Parliament at one sitting**

The *Crimes and Other Legislation Amendment (Assault and Intoxication) Bill* and the cognate *Liquor Amendment Bill* were introduced in the Legislative Assembly. The stated purpose of those bills being the introduction of new measures to tackle drug and alcohol-related violence.

The *Mining Amendment (ICAC Operations Jasper and Acacia) Bill* was introduced in the Legislative Council with the stated purpose of cancelling the grant of certain exploration licences as a result of investigations and proceedings of the Independent Commission Against Corruption known as Operation Jasper and Operation Acacia.

A suspension of Legislative Assembly Standing Orders was agreed to, on a motion of the Leader of the House to enable the bills to be introduced and passed through all stages. The suspension motion set out in detail the routine of business for the sitting day, including the number and order of the speakers and the speaking time allocated to the prescribed members.

A further suspension of Standing Orders, agreed to on a motion by the Leader of the House provided for an additional three non-government members to speak to the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill and cognate bill for ten minutes each.

All three bills were passed on the day with the *Crimes and Other Legislation Amendment (Assault and Intoxication) Bill* and the *Mining Amendment (ICAC Operations Jasper and Acacia) Bill* receiving assent from the Governor the following day. The *Liquor Amendment Bill* was assented to on 5 February 2014.

(NB: Suspending Standing Orders in this way removes certain procedural requirements 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).

*Votes and Proceedings: 30/01/2014, pp.2024 - 25*

*Hansard: 30/01/2014, pp.26620 – 21*

### **Standing Order 365**

#### ***Take note debate on the cognate bills***

The suspension motion for the consideration of the three bills also provided for a motion to be moved without notice "That this House take note of the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill and cognate bill".

This motion was moved by the Leader of the House and the take note debate commenced before being adjourned for another day.

The procedure is a means of enabling further debate to occur after a bill has been passed with specific limitations on the number of speakers and speaking times.

An example of this procedure is to facilitate the passage of Appropriation Bill and cognate bills. It has become the practice of the Legislative Assembly for the passage of those bills to be expedited pursuant to the suspension of standing and sessional orders, limiting the number of members debating the bill to the Treasurer and the Leader of the Opposition. All members then have an opportunity to speak in the subsequent debate on the motion "That the House take note of the Budget Estimates and related papers".

*Votes and Proceedings: 30/01/2014, p.2027*

*Hansard: 30/01/2014, pp.26655 -91*

**Standing Order 365**

**MEMBERS**

***Ministerial announcements***

The Leader of the House, on behalf of the Premier, informed the House that on 9 December 2013 Her Excellency the Governor had accepted the resignation of the Hon. Christopher Peter Hartcher MP as Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast and as a member of the Executive Council.

As a consequence, Her Excellency appointed the Hon. Anthony John Roberts MP as Minister for Resources and Energy, and Special Minister of State; and the Honourable Stuart Laurence Ayres MP as a member of the Executive Council and as Minister for Fair Trading, and Minister Assisting the Premier on Western Sydney.

The House was further advised that on 18 December 2013, Her Excellency accepted the resignation of the Hon. Michael Joseph Gallacher MLC as Minister for the Hunter. Her Excellency appointed the Hon. Michael Joseph Gallacher MLC as Minister for the Central Coast; and appointed the Hon. George Souris MP as Minister for the Hunter.

*Votes and Proceedings: 30/01/2014, p.2028*

*Hansard: 30/01/2014, p.26692*

**Standing Order 103**

**Standing Order 365**

***Deaths of former members***

The Speaker informed the House of the deaths of two former members of the Legislative Assembly; Mr Edwin Alfred Britt on 6 December 2013 and Mr James Patrick Flaherty on 9 December 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: 30/01/2014, p.2023*

*Hansard: 30/01/2014, p.26620*