



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SIXTH PARLIAMENT, FIRST SESSION

NO. 4/2015: 4 – 13 AUGUST 2015

August 2015				
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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

Health Services Amendment (Paramedics) Bill 2015

On 5 August 2015 debate was resumed on the second reading of the *Health Services Amendment (Paramedics) Bill 2015*, the object of which was to restrict the use of the title “paramedic” to persons with the required qualifications.

During the course of the debate numerous points of order were taken that Members were not being relevant to the subject of the bill, as some Members also discussed the wider issue of health services.

In response to the points of order, the Speaker and an Acting Speaker made successive rulings that while they would give Members some latitude in relation to the content of their speeches, their remarks must have a “tangible link” to the leave of the bill.

Votes and Proceedings: 5/8/2015, p. 225.

Hansard: 5/8/2015, pp. 2040-58.

Standing Orders 76 and 93.

Unproclaimed legislation

On 5 August 2015, in accordance with Standing Order 117, the Speaker tabled a list of legislation unproclaimed 90 days after assent.

Votes and Proceedings: 5/8/2015, p. 227.

Hansard: 5/8/2015, p. 2089.

Standing Order 117.

(Procedural note: Under the *Interpretation Act 1987* the commencement date of an Act is 28 days after it has been assented to by the Governor, unless the bill itself specifies another day.

Many bills specify that some or all of their provisions will commence on a day indicated by the Governor in a proclamation. In effect, this allows the Executive Government to delay the operation of an Act until administrative arrangements or delegated legislation are in place to allow the Act to operate. It is argued that this provision, while administratively convenient, confers a great deal of power on the Executive and virtually allows it to determine when, if ever, a law passed by the Parliament will come into effect.

In this context the Legislative Assembly carries out its important function of holding the Executive to account by requiring that a list of legislation remaining unproclaimed 90 days after assent be regularly tabled in the House for the information of Members.

For more information about unproclaimed legislation, see Chapter 12 of [*Odgers' Australian Senate Practice \(13th Ed.\)*](#)

Motion to split cognate bills

After the conclusion of debate on two cognate bills (the *Workers Compensation Amendment Bill 2015* and the *State Insurance and Care Governance Bill 2015*) a Member moved that the second reading of the cognate bills be put as separate questions. The motion was negatived on division and both bills were passed by the House in cognate form.

Votes and Proceedings: 11/8/2015, pp. 245-6.

Hansard: 11/8/2015, pp. 2317-8.

Standing Orders 193 and 195.

(Procedural note: To make efficient use of the House's time two or more bills that are related to each other can be simultaneously introduced and considered as a package. These are referred to as cognate bills.)

Standing Order 195 permits Members to move that the question on the second or third readings of cognate bills be put as separate questions, which enables the House to vote separately on each bill.)

BUSINESS

Ministerial statement on the Wentworth Falls bushfire

On 4 August 2015 the Minister for Emergency Services made a statement about the bushfire at Wentworth Falls in the Blue Mountains on 31 July 2015 to 3 August 2015. The Shadow Minister for Emergency Services also addressed the House.

Votes and Proceedings: 4/8/2015, p. 215.

Hansard: 4/8/2015, pp. 1992-3.

Standing Order 103.

Ministerial statement on the Centenary of the Battle of Lone Pine

On 6 August 2015, immediately prior to Question Time, the Premier and the Leader of the Opposition each made statements about the commemoration of the Centenary of the Battle of Lone Pine.

Votes and Proceedings: 6/8/2015, p. 236.

Hansard: 6/8/2015, pp. 2154-5.

Standing Orders 97, 103 and 104.

(Procedural note: Time is provided in the Routine of Business for Ministers to make statements prior to, and following Question Time. Ministerial statements are of unlimited duration and the Leader of the Opposition or any Member deputed may respond for the same period of time.)

Address in Reply

On 6 August 2015 debate on the Address in Reply to the Governor's opening speech concluded, and the motion that it be adopted by the House was put and passed.

The Acting Speaker informed the House that the date and time for His Excellency the Governor to receive the Address in Reply would be advised at a later time.

Votes and Proceedings: 6/8/2015, p. 238.

Hansard: 6/8/2015, pp. 2171-7.

Standing Orders 4, 5, 6 and 7.

(Procedural note: The procedure for the presentation of the Address in Reply to the Governor is set out in Chapter 4 of [NSW Legislative Assembly Practice, Procedure and Privilege.](#))

General Business Motion – Proposed amendment to amendment ruled out of order

On 13 August 2015, during debate on a motion standing in the name of Ms Jenny Leong MP, a Member moved an amendment to that motion. Debate continued whereupon another Member moved an amendment to the amendment. This was ruled out of order on the grounds that it was substantially similar to the original motion. Debate continued and a second Member moved an admissible amendment to the amendment. After debate had concluded the amendment to the amendment was negated on division, the first amendment was passed on division, and the original motion, as amended, was passed on the voices.

Votes and Proceedings: 13/8/2015, pp. 262-4.

Hansard: 13/8/2015, pp. 2610-4.

Standing Order 164.

(Procedural note: Standing Order 164 permits an amendment to be moved to an amendment "...as if that amendment were the original question." In instances where amendments have been moved to amendments, first, the question on the amendment to the amendment is dealt with, then the first amendment, then the original motion (as moved or as amended).

It is the practice of the House (supported by Speakers' rulings) that an amendment to an amendment moved should not be a direct negative. Rather than taking up the House's time unnecessarily, Members wishing to retain a motion's original terms should seek to do so by simply voting against the amendment.)

MEMBERS

Parliamentary Ethics Adviser

On 4 August 2015 the Speaker tabled two items of correspondence containing advice from the Parliamentary Ethics Adviser to the Hon. Andrew Stoner, a former Minister and Member of the Legislative Assembly.

Votes and Proceedings: 4/8/2015, p. 217.

Hansard: 4/8/2015, p. 2005.

(Procedural note: The resolution of the House setting out the functions of the Parliamentary Ethics Advisor provides that the Advisor will give written advice, on request, to former Ministers who have ceased holding their ministerial office within the previous 18 months about future employment that relates to their former portfolio responsibilities.

When the Adviser becomes aware that a former Minister has undertaken employment about which the Adviser has given advice, the Adviser provides a copy of that advice to the Presiding Officer of the House from which the former Minister belonged, and then this is generally tabled in the House.

For the full resolution setting out the functions of the Parliamentary Ethics Adviser, see entry 17, pp. 2231-3 of the [Votes and Proceedings for 17 June 2014.](#))

Deaths of former Members of the Legislative Assembly

On 4 August 2015 the Speaker informed the House of the deaths of two former Members of the Legislative Assembly, Mr Alby Schultz and Mr Lerryn Mutton, and, on behalf of the House, extended the sympathies of the Legislative Assembly to their families for their loss.

Votes and Proceedings: 4/8/2015, p. 214.

Hansard: 4/8/2015, p. 1990.

Personal explanation by the Premier

On 4 August 2015, just after Question Time, the Premier, by leave, made a light-hearted “personal explanation” about the outcome of the 2015 Rugby League State of Origin series. The Premier wore a Queensland State of Origin jersey while making the personal explanation.

Votes and Proceedings: 4/8/2015, p. 216.

Hansard: 4/8/2015, p. 2004.

Standing Order 96.

COMMITTEES

Committee inquiry into motorcycle safety

On 12 August 2015 the Chair of the Joint Standing Committee on Road Safety informed the House that the Committee had received a ministerial referral to conduct an inquiry into motorcycle safety in NSW. The full details of the inquiry are available on the Committee’s [webpage](#).

Votes and Proceedings: 12/8/2015, p. 251.

Hansard: 12/8/2015, p. 2513.

Standing Order 299 (1).