



# PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SIXTH PARLIAMENT, FIRST SESSION

NO. 2/2015: 26 MAY – 4 JUNE 2015

May/June 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.*

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## BILLS

### ***Leasing of electricity infrastructure bills***

On 26 May 2015, the House agreed to suspend Standing and Sessional Orders in order to consider the introduction and the second reading speech of the *Electricity Network Assets (Authorised Transactions) Bill 2015* and the *Electricity Retained Interest Corporations Bill 2015*. This legislation was a central plank of the Government's re-election campaign. The suspension was necessary as the bills were introduced at a time when the House would usually consider notices of motions seeking to be accorded priority.

After the introduction and second reading speech by the Treasurer debate was adjourned by the Leader of the Opposition and its resumption set down for a future day.

Following the adjournment of the debate, the House agreed (following a division) to a further suspension of Standing and Sessional Orders on 27 May 2015 to resume consideration of the bills and allow for their passage through all stages at that sitting or any subsequent sitting.

On 28 May 2015 debate resumed, and, at the conclusion of the debate the bills were passed on division.

On 4 June 2015 the Speaker reported messages from the Legislative Council returning the *Electricity Network Assets (Authorised Transactions) Bill 2015* with amendments and returning the *Electricity Retained Interest Corporations Bill 2015* without amendment. Immediately after the messages had been reported the Leader of the House moved to suspend Standing and Sessional Orders to:

- interrupt business before the House at 11.00 am to consider the Council's amendments
- prevent any motions to separate the question on the amendments
- provide for speaking times for the Treasurer, the Leader of the Opposition, two other Members, and the Treasurer, in reply.

After the question had been put and a division called for, the division was deferred until 10.30 am in accordance with a Standing Order placing restrictions on divisions at certain times. At 10.30 am the division took place and the suspension was agreed to.

At 11.00 am, the House agreed to the Legislative Council's amendments, and, having passed both Houses, the bills were assented to by the Governor that same day.

*Votes and Proceedings: 26/5/2015, pp. 107-8; 27/5/2015, p. 116, pp. 120-1; 28/5/2015, pp. 136-7, pp. 139-40; 4/6/2015, pp. 161-71.*

*Hansard: 26/5/2015, pp. 776-81; 27/5/2015, pp. 894-5, pp. 936-42, pp. 945-51; 28/5/2015, pp. 1018-52, pp. 1064-100; 4/6/2015, pp. 1469-70, pp. 1471-2, pp. 1476-85.*

**Standing Orders 97, 153, 187, 188, 193, 222, 223, 224, 239, 339, 340 and 365.**

(Procedural note: In this case, suspending Standing and Sessional Orders expedited the passage of the bills by:

- removing the procedural requirement for debate to be adjourned for five clear days after the mover's second reading speech
- restricting Members' speaking times on the debate
- not allowing Members to divide the question on the amendments.

Another means of expediting a bill's passage is to declare it urgent, which is provided for by Standing Order 189. The Standing Order allows the second reading debate and all subsequent stages to take place immediately after the mover's second reading speech.

Legislative Council amendments to bills that originate in the Legislative Assembly are conveyed to the House via a message from the Council, which is reported by the Speaker when no other business is before the House. Consideration of amendments may take place immediately after a message has been reported or at a later time (either that day or a future day)).

## BUSINESS

### ***Two motions accorded priority debated on the same day***

On 27 May the House agreed to suspend Standing and Sessional Orders so that the motions of Mr Adam Marshall MP and the Hon. Linda Burney MP could both be debated.

Mr Marshall's motion on regional infrastructure was debated first, followed by Ms Burney's motion on National Reconciliation Week. Both motions were passed by the House.

*Votes and Proceedings: 27/5/2014, p. 117, pp. 118-20,*

*Hansard: 27/5/2014, pp. 927-36.*

**Standing Orders 109 and 365.**

(Procedural note: Standing Order 109 states that if two notices of motions to be accorded priority are received by the Speaker (the maximum allowable), the notices are set down for consideration later in the sitting.

Shortly after Question Time Members are called on to argue why their motion should be accorded priority over the other business of the House. Members have up to three minutes each to state their reasons.

After the statements, the House will vote on which motion will be accorded priority with the result being that, generally, only one of the two motions will be debated.)

### ***Dissent from Speaker's ruling***

On 4 June 2015, prior to Question Time, the Leader of the Opposition gave notice that he would move a motion that the House dissents from the following decisions of the Speaker on 3 June 2015:

- not upholding a point of order that the Minister for Trade, Tourism and Major Events, and Minister for Sport had imputed improper motives and made personal reflections on the Leader of the Opposition
- not requiring the Minister for Trade, Tourism and Major Events, and Minister for Sport to withdraw words that reflected on the Leader of the Opposition, which he found personally offensive.

After Question Time the House agreed to suspend Standing and Sessional Orders to permit the Leader of the Opposition's motion to be considered forthwith and to provide for speaking time limits for the mover, up to three other Members, and the mover, in reply. Pursuant to the resolution, the House considered the Leader of the Opposition's motion, with four additional Members speaking to the motion, by leave. At the conclusion of debate the motion was negated on division.

*Votes and Proceedings: 4/6/2015, p. 173, pp. 174-5.*

*Hansard: 4/6/2015, p. 1507, pp. 1520-30.*

**Standing Orders 73, 95, 96, 97, 142 and 365.**

(Procedural note: Because the House is the final arbiter on all questions of order, any Member may move a substantive motion dissenting to a ruling of the Speaker. Notice of a Member's intention to move a motion of dissent must be given prior to Question Time when the Speaker calls for notice of motions for business with precedence. Notice of a motion dissenting to a Speaker's ruling must be given within three clear days of the ruling.)

## **MEMBERS**

### ***Extension of Members' speaking time on bills***

On 28 May 2015 during debate on the leasing of electricity infrastructure bills a Member took a point of order that the Member speaking was not being relevant to the debate. The Deputy Speaker directed the Member to return to the leave of the bills, after which the Member sought an extension of his speaking time because of the interruption. The question that the Member's speaking time be extended was negated on division.

Following the division, the Manager of Opposition Business, by leave, moved to suspend Standing and Sessional Orders to permit the Member to continue his speech for a further five minutes. In speaking to the motion, the Manager of Opposition Business referred to a Sessional Order (first adopted in 2012) that reduced Members' speaking times on bills from 15 minutes to 10 minutes. This, he stated, was put in place on the agreement that, in most cases, Members would be granted an extension of five minutes' speaking time upon request. The question was passed on the voices and the Member continued to speak for another five minutes in accordance with the resolution.

*Votes and Proceedings: 28/5/2015, p. 136-7.*

*Hansard: 28/5/2015, pp. 1027-8.*

**Standing Orders 85, 96 and 365.**

## COMMITTEES

### ***Establishment of statutory and standing committees***

On 28 May 2015 the House agreed to establish the following parliamentary committees and appoint Members of the Legislative Assembly to those committees:

- Public Accounts Committee
- Committee on Children and Young People
- Committee on the Health Care Complaints Commission
- Committee on the Independent Commission Against Corruption
- Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission
- Legislation Review Committee
- Joint Standing Committee on Electoral Matters
- Joint Standing Committee on Road Safety
- Joint Standing Committee on the Office of the Valuer-General
- Standing Committee on Parliamentary Privilege and Ethics
- Legislative Assembly Committee on Investment, Industry and Regional Development
- Legislative Assembly Committee on Community Services
- Legislative Assembly Committee on Environment and Planning
- Legislative Assembly Committee on Law and Safety
- Legislative Assembly Committee on Transport and Infrastructure
- Standing Orders and Procedure Committee.

Two new committees (the Committee on Investment, Industry and Regional Development and the Committee on Environment and Planning) were established and five committees were discontinued from the previous Parliament.

*Votes and Proceedings: 28/5/2015, pp. 123-36.*

*Hansard: 28/5/2015, pp. 1009-18.*

**Standing Order 315.**

## PERSONAL EXPLANATIONS

By leave, the Member for Wollongong made a personal explanation in response to comments made about her by a Member of the Legislative Council in the House during the previous sitting day.

*Votes and Proceedings: 27/5/2014, p. 116.*

*Hansard: 27/5/2014, p. 893.*

**Standing Order 62.**

(Procedural note: Members can make explanations in the House to briefly explain any matter which reflects upon the honour, character or integrity of that Member, or reflects upon the Member in a personal way (Standing Order 62). It is the practice of the House that these personal explanations should be brief and not debate the matter.

Members may also be heard in explanation to correct the details of a speech that the Member has made in the House if, upon reflection, the Member has concluded that a part of parts of the speech were incorrect (Standing Order 65).

For more information about personal explanations, see Chapter 11 of [\*NSW Legislative Assembly Practice, Procedure and Privilege.\*](#))