



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SIXTH PARLIAMENT, FIRST SESSION
NO. 2/2018: 6 – 15 MARCH 2018

March 2018				
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12	13	14	15	16

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

Liquor and Gaming Legislation Amendment Bill 2018 and cognate bills

On 6 March 2018 the Minister for Lands and Forestry and Minister for Racing introduced the *Liquor and Gaming Legislation Amendment Bill 2018* and the cognate *Casino Control Amendment Bill 2018*, *Gaming Machines Amendment (Leasing and Assessment) Bill 2018*, and *Registered Clubs Amendment (Accountability and Amalgamations) Bill 2018*.

In his second reading speech, the Minister stated that the package of bills was intended to ensure that the regulation of the liquor, gaming and clubs industries continued to evolve to meet changing circumstances and remain fit for purpose.

Debate on the bills was adjourned after the Minister's second reading speech and subsequently resumed on 13 March 2018, continuing on 14 March 2018.

At the conclusion of the second reading debate the House agreed to the bills' second reading, after which they were considered in detail and a number of Government amendments were moved and agreed to.

The bills were then passed by the Legislative Assembly and sent to the Legislative Council for concurrence.

The next day they were returned from the Council with an amendment, which the Assembly agreed to, and the bills passed the Parliament.

The full details of the [bills](#) can be found on the Parliament of NSW website.

Votes and Proceedings: 6/3/2018, p. 1608; 13/3/2018, p. 1632; 14/3/2018, pp. 1635-8; 15/3/2018, pp. 1647-8.

Hansard (Proof): 6/3/2018, pp. 46-60.

Standing Orders 188, 193 and 203.

(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.

Under Standing Orders 193 to 197 cognate bills are dealt with together during their various stages through both the Legislative Assembly and Legislative Council, except when the bills are considered in detail, where they may be considered separately. The Standing Orders also provide:

- that an amendment may be moved to separate one or more cognate bills (Standing Order 194);
- that a motion can be moved for the question to be put separately on each bill at the second and third reading stage (Standing Order 195); and
- that the bills must not be presented to the Governor for assent until all have been passed or otherwise disposed of (Standing Order 197.)

BUSINESS

Motion to censure the Minister for Transport and Infrastructure

Before Question Time on 6 March 2018 Ms Yasmin Catley MP gave notice of a motion that the House censures the Minister for Transport and Infrastructure for:

- (1) His failure to provide the people of the Hunter with an adequate public bus service;
- (2) His arrogance in refusing to reinstate the essential bus routes that the people of the Hunter rely on;
- (3) His insolence in refusing to hold an independent review into the privatisation of the Hunter's buses that is the fundamental cause of the poor service that has been inflicted on the community; and
- (4) The incompetence he has demonstrated, and the belligerence he continues to display, in performing his ministerial duties.

This was the second time this year that a censure motion had been moved by the Opposition against the Minister relating to his transport portfolio.

After Question Time Standing and Sessional Orders were suspended to permit the censure motion to be considered before determining the Motion Accorded Priority; for the debate on the motion to be limited to the mover, the Member named, one non-Government Member, one other Government Member and the mover in reply; and for each of the speakers to be given up to 5 minutes' speaking time.

Later, Ms Catley moved the motion, which was debated in accordance with the suspension and negatived on division.

Votes and Proceedings: 6/3/2018, p. 1602, pp. 1604-6.

Standing Orders 97, 114 and 365.

Ministerial statement – Response to a report of the NSW Ombudsman

On 15 March 2018 after Question Time the Minister for Police, and Minister for Emergency Services made a statement, in accordance with section 27(2) of the *Ombudsman Act 1974*, in response to a report of the NSW Ombudsman, entitled *Operation Prospect: Second report on developments*.

Section 27 (“Default in consequent action”) of the *Ombudsman Act* provides that where the Ombudsman is not satisfied that sufficient steps have been taken in due time as a consequence of a report of investigation (made under section 26 of the Act), the Ombudsman may make a report to the Presiding Officers and must also provide the responsible Minister with a copy of the report. The responsible Minister must then make a statement in response to the report in the House in which they sit, not more than 12 sitting days after the report is made.

Votes and Proceedings: 15/3/2018, p. 1652.

Hansard (Proof): 15/3/2018, p. 44.

Standing Order 103.

MEMBERS

Parliamentary Ethics Adviser

On 6 March 2018 the Speaker tabled a copy of correspondence from the Parliamentary Ethics Adviser enclosing advice provided to the Honourable Jillian Skinner, a former Minister, about her post-separation position with the Children’s Cancer Institute.

A copy of the Parliamentary Ethics Adviser’s letter and the advice provided to Ms Skinner can be viewed on the Parliament of NSW website [here](#).

Votes and Proceedings: 6/3/2018, p. 1603.

Standing Order 264.

(Procedural note: The current Parliamentary Ethics Adviser (PEA) was appointed on a resolution of both Houses, dated 17 June 2014. The PEA’s functions are to provide advice, on request, to Members of Parliament on ethical issues, and to Ministers on post-separation employment.

If the PEA becomes aware that a Minister or a former Minister has accepted a position on which he has given advice, the PEA must provide a copy of the advice to the Presiding Officer of the House to which the Minister or Former Minister belongs or belonged. In the case of current or former Legislative Assembly Ministers, the Speaker may then table the PEA’s correspondence in the House in accordance with the tabling provisions of Standing Order 264.)

Discussion paper: “Review of the Code of Conduct for Members”

On 13 March 2018 Mr Mark Taylor, Chair of the Standing Committee on Parliamentary Privilege and Ethics, tabled a discussion paper of the Committee, entitled *Review of the Code of Conduct for Members*.

The purpose of the discussion paper, which was informed by the views of stakeholders and outlines possible changes to the Code of Conduct for Members, is to stimulate debate about future changes to the Code and what Members and the wider community may wish to see.

The discussion paper is part of the Committee’s remit to review a code of conduct adopted by the Legislative Assembly at least once every 4 years, in accordance with [section 72E\(5\)](#) of the *Independent Commission Against Corruption Act 1988*.

The discussion paper can be viewed on the Parliament of NSW website [here](#).

Votes and Proceedings: 13/3/2018, p. 1628.

Standing Order 264.