



# PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SIXTH PARLIAMENT, FIRST SESSION  
NO. 3/2018: 10 - 12 APRIL 2018

April 2018				
M	T	W	T	F
9	10	11	12	13

*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

### ***Child Protection (Working with Children) Amendment (Statutory Review) Bill 2018***

On 13 March 2018 the *Child Protection (Working with Children) Amendment (Statutory Review) Bill 2018* was introduced into the Legislative Council by the Minister for Early Childhood Education, the Hon. Sarah Mitchell MLC. The Legislative Council passed the bill without amendment on 10 April 2018 and forwarded the bill to the Legislative Assembly for concurrence. The Assembly considered and passed the bill on 11 April 2018 without amendment.

The object of the bill was to strengthen and streamline laws in relation to the Working with Children Check by implementing the first set of recommendations from the 2017 statutory review of the *Child Protection (Working with Children) Act 2012*.

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

*Votes and Proceedings: 10/4/2018, p. 1660; 11/4/2018, p. 1663.*

#### **Standing Order 229.**

(Procedural note: Except for money bills, which can only be introduced into the Legislative Assembly, bills can be introduced into either House.

After a bill that originates in the Legislative Council has passed that House, it is sent to the Legislative Assembly by way of a message. The Speaker introduces the bill by reporting receipt of the message and the second reading of the bill is set down as an Order of the Day. Standing Order 188, which requires that debate on a newly introduced bill be adjourned until at least five clear days, does not apply to bills originating in the Legislative Council. This is because sufficient notice of the bill's provisions has been given during its passage through the Legislative Council.

When the Order of the Day for the second reading of a Legislative Council bill is called on, and if the bill has not been amended in the Council, the Minister or Member with carriage of the bill may give a truncated second reading speech. The reason for this is because a second reading speech setting out the provisions and objects of the bill has already been given in the Council.

While the *Child Protection (Working with Children) Amendment (Statutory Review) Bill 2018* was not amended in the Legislative Council, the Minister with carriage, the Hon. Pru Goward MP, opted to make a full second reading speech to explain the proposed changes to Assembly Members.

The remaining stages of Legislative Council bills then proceed through all the same stages as an Assembly bill.)

## BUSINESS

### ***Unproclaimed legislation***

On 11 April 2018 the Deputy Speaker tabled a list of legislation unproclaimed 90 days after assent.

*Votes and Proceedings: 11/4/2018, p. 1665.*

#### **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 has been argued that this provision, while administratively convenient, confers a great deal of power on the Executive and controls when, if ever, a law passed by the Parliament will come into effect (see *Odgers Australian Senate Practice*, 14<sup>th</sup> edition, Chapter 12, 'Commencement of Legislation').

In this context the Legislative Assembly makes transparent that legislation remaining unproclaimed 90 days after assent by requiring that a list be tabled on the second sitting day of each new session and then every 15<sup>th</sup> sitting day after.)

## SPEAKER

### ***Deputy Speaker opens sittings***

On 10 and 11 April 2018 the Deputy Speaker opened the sittings of the Legislative Assembly in place of the Speaker, who was absent on those days.

The Deputy Speaker also presided over Question Time on both days, which is another task that is ordinarily undertaken by the Speaker.

*Votes and Proceedings: 10/4/2018, p. 1655; 11/4/2018, p. 1663.*

#### **Standing Order 15.**

(Procedural note: In instances where the Speaker is absent from the Legislative Assembly, but not necessarily absent from the State, Standing Order 15 provides for the Deputy Speaker to perform the duties of the Speaker when the House is sitting.

Section 31A of the [Constitution Act 1902](#) provides for the Deputy Speaker to “exercise and perform all the powers, authorities, duties and functions of the Speaker” while the Speaker is absent from the State.)

## MEMBERS

### ***Disclosures by Members***

On 10 April 2017 the Deputy Speaker tabled the Supplementary Ordinary Returns by Members of the Legislative Assembly, as at 31 December 2017, together with the Primary Disclosures of the Members for Blacktown, Cootamundra and Murray.

*Votes and Proceedings: 10/4/2018, p. 1656.*

(Procedural note: In accordance with the *Constitution (Disclosures by Members) Regulation 1983* and the Legislative Assembly Members Code of Conduct, Members must make a primary return disclosing their pecuniary interests at the beginning of their term in Parliament. Every 6 months after that, Members must make either an ordinary or supplementary return disclosing ongoing interests.)