



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SIXTH PARLIAMENT, FIRST SESSION
NO. 5/2018: 15 – 24 MAY 2018

| May 2018 | | | | |
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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

National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018

On 1 May 2018 the Attorney General introduced the *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018* into the Legislative Assembly. The Assembly passed the bill without amendment on 15 May, and the following day the Legislative Council passed the bill, also without amendment.

The object of the bill was to refer certain matters relating to the National Redress Scheme for Institutional Child Sexual Abuse to the Commonwealth Parliament, in order to enable the Commonwealth Parliament to make laws about those matters.

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

Votes and Proceedings: 1/5/2018, p. 1681; 15/5/2018, p. 1702; 16/05/2018, p. 1711.

Standing Orders 188 and 203.

(Procedural note: Section 51 (xxxvii) of the *Commonwealth of Australia Constitution Act* enables participating state parliaments to refer matters to the Commonwealth Parliament where matters that are usually under the jurisdiction of the states can be better managed by national legislation. The usual procedure is for one state to introduce uniform legislation referring the matter to the Commonwealth. Similar legislation is then adopted by the other participating states.

The *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill* reflects the commitment made by the NSW Government in March 2018 to participate in the National Redress Scheme, which was recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse.

NSW was the first state to introduce referring legislation, followed by Victoria and the ACT. Queensland, South Australia and Tasmania have agreed to join and are in the process of enacting the referring legislation.

Western Australia initially expressed some concern but is expected to join the scheme in the near future after agreement was reached to give the State's Attorney General the discretion to determine whether child sex abuse survivors in prison or with serious criminal records are eligible for compensation.

Commonwealth legislation to establish the Scheme was introduced into the House of Representatives on 10 May and passed the House on 29 May. On 10 May the Senate referred the bill to the Senate Community Affairs Legislation Committee for inquiry and report. Submissions to the inquiry closed on 1 June.

It is anticipated that the Scheme will come into force from 1 July.)

Electoral Funding Bill 2018

On 17 May 2018 the Minister for Planning, Minister for Housing, and Special Minister of State introduced the *Electoral Funding Bill 2018*. The object of the bill was to make provision for the disclosure, capping and prohibition of certain political donations and electoral expenditure for state parliamentary and local government election campaigns, and for the public funding of state parliamentary election campaigns.

The bill was developed in response to the *Final Report on Political Donations by the Panel of Experts* (known as the *Schott Report*), dated December 2014, the *Report on the Inquiry into the Final Report of the Expert Panel - Political Donations and the Government's Response*, dated June 2016, and the *Report on the Administration of the 2015 NSW Election and Related Matters*, dated November 2016. The latter two reports were prepared by the Joint Standing Committee on Electoral Matters.

The bill passed the Legislative Assembly, with amendments, on 23 May and was transmitted to the Legislative Council for concurrence. The bill was returned by the Council on 24 May with amendments, which were agreed to by the Assembly on the same day. The bill is now awaiting assent.

The full details of the [bill](#) can be found on the Parliament of NSW website. The Committee's [reports](#) can also be found on the Parliament's website.

Votes and Proceedings: 17/05/2018, pp. 1713-4; 23/05/18, pp. 1729-30, pp. 1736-48; 24/05/2018, pp. 1749-51.

Standing Orders 188, 203, 222, 223 and 224.

SPEAKER

Deputy Speaker opens sittings

On 15, 16, 17, 22, 23 and 24 May 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 those days, which is another task that is ordinarily undertaken by the Speaker.

Votes and Proceedings: 15/5/2018, p. 1697; 16/5/2018, p. 1705; 17/5/2018, p. 1713; 22/05/2018, p. 1721; 23/05/2018, p. 1729; 24/05/2018, p. 1749.

Standing Order 15.

MEMBERS

Appointment of Parliamentary Secretary

On 24 May 2018 the Leader of the House, on behalf of the Premier, informed the House that Mr Chris Patterson MP had been appointed as Parliamentary Secretary for Youth Employment in Western Sydney. Mr Patterson also serves as Government Whip, a position he has held since 2014.

Votes and Proceedings: 24/05/2018, p. 1756.

Standing Order 366.

(Procedural note: Part 4A of the *Constitution Act 1902* provides for the appointment by the Premier of Parliamentary Secretaries to perform such functions as the Premier, from time to time, determines.

Parliamentary Secretaries can act on behalf of Ministers in the House in certain circumstances, for example when introducing legislation and tabling papers. Standing Order 366 specifies the things that Parliamentary Secretaries are not permitted to do in the House on behalf of Ministers.)

Condolence motion for former Member

On 17 May 2018 Mr David Mehan MP moved a motion of condolence in relation to the death, on 12 February 2018, of the Hon. Grant McBride, a former Minister for the Central Coast and Minister for Gaming and Racing, Assistant Speaker and Member of the Legislative Assembly.

The motion was seconded by the Minister for Health and Minister for Medical Research, the Hon. Brad Hazzard MP, and supported by nine Members, including the Leader of the Opposition, each who spoke to the motion.

The motion was carried unanimously, with Members and Officers of the House standing as a mark of respect.

Mr McBride served as Member for the Entrance from 18 January 1992 to 4 March 2011.

Votes and Proceedings: 17/05/2018, p. 1718.

Standing Order 118.

COMMITTEES

Request for access to in camera evidence taken by a Legislative Assembly committee

On 23 May 2018 the Deputy Speaker informed the House that the Speaker had received correspondence from the Counsel Assisting the Coroner of Western Australia requesting access by officers of the Coroner's Court of Western Australia to the in camera evidence taken before the Legislative Assembly Select Committee upon Prostitution, which was in operation between 1983 and 1986. The Deputy Speaker advised that access to the in camera evidence had been requested to assist the Coroner's inquest into the death of Ms Shirley June Finn.

Immediately after the Deputy Speaker's statement the Leader of the House moved, by leave, that the House grants leave to officers of the Coroner's Court of Western Australia to inspect the in camera evidence taken before the Select Committee upon Prostitution, to assist the Coroner of Western Australia's inquest into the death of Ms Shirley June Finn, on condition that:

- (1) The evidence is inspected in Parliament House.
- (2) Any information obtained be used by the Coroner's Court of Western Australia to pursue appropriate further inquiry without revealing to any person other than the Coroner and officers of the Coroner's Court of Western Australia the contents of the in camera evidence, and its contents not be made public.
- (3) Before adducing into evidence of the inquest any evidence taken before the Select Committee upon Prostitution, the Coroner seek leave of the Legislative Assembly.

The motion was passed on the voices.

Votes and Proceedings: 23/05/2018, pp. 1731-2.

Standing Orders 96 and 297.