



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SIXTH PARLIAMENT, FIRST SESSION
NO. 8/2018: 7 – 16 AUGUST 2018

August 2018				
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13	14	15	16	17

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.

MEMBERS

Resignation of the Member for Wagga Wagga

On 7 August 2018 the Speaker made a statement about the resignation, on 3 August 2018, of Mr Daryl Maguire as Member for the electoral division of Wagga Wagga and the arrangements for the resulting by-election.

Later that day, prior to Question Time, the Speaker again advised the House that she had received a letter from Mr Maguire resigning his seat as Member for Wagga Wagga.

The Leader of the House then moved that, in accordance with section 70 of the *Parliamentary Electorates and Elections Act 1912*, the seat of the Member for Wagga Wagga be declared vacant by reason of Mr Maguire's resignation.

The motion was passed on the voices.

Votes and Proceedings: 7/8/2018, p. 1839, p. 1842.
Hansard (Proof): 7/8/2018, p. 1.

Joint sitting to fill vacancies in the Legislative Council and the Senate

On 15 August 2018 Members of the Legislative Assembly attended the Legislative Council Chamber for a joint sitting to elect a person to fill the seat in the Legislative Council vacated by Dr Mehreen Faruqi, and to elect a person to fill a vacancy in the Commonwealth Senate caused by the resignation of Senator the Hon. Lee Rhiannon.

At the conclusion of the elections the Legislative Assembly Members returned to the Assembly Chamber and the Deputy Speaker reported that Ms Cate Faehrmann had been elected to fill the vacancy in the Legislative Council and Dr Faruqi had been elected to fill the vacancy in the Senate.

Votes and Proceedings: 15/8/2018, p. 1873, pp. 1875-6, p. 1877, p. 1879.

(Procedural note: In NSW casual vacancies in the Legislative Council are filled by a person elected at a joint sitting of both Houses called by the Governor. If the vacant seat was previously filled by a member of a political party, only another member of that party may be elected to fill the vacancy. This is specified by Section 22D of the *Constitution Act 1902*.)

Similarly, in the Senate, section 15 of the Commonwealth of Australia *Constitution Act 1900* provides that casual vacancies are filled by an election conducted during a joint sitting of the Parliament (except in Queensland, which has a unicameral Parliament) of the State that the outgoing Senator represented.

Like Members of the Legislative Council, Senators elected to fill casual vacancies must be from the same political party as the outgoing Senator. For more information on casual vacancies in the Senate, see Chapter 1 of *Odgers' Australian Senate Practice* (14th Ed.).

BUSINESS

Two Motions Accorded Priority debated on the same day

On 7 August 2018 the House agreed to suspend Standing and Sessional Orders to permit the consideration of two notices of motions to be accorded priority, given by Mr Michael Johnsen MP and the Leader of the Opposition, respectively.

In accordance with the suspension, Mr Johnsen's motion about drought assistance measures was debated first, followed by the Leader of the Opposition's motion about the former Member for Wagga Wagga.

Both motions were agreed to on the voices.

Votes and Proceedings: 7/8/2018, p. 1847, p. 1849.

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 whether either motion will be accorded priority. Generally one of the two motions will be debated.)

COMMITTEES

Review of road safety issues

On 16 August 2018 the Chair of the Joint Standing Committee on Road Safety, Mr Greg Aplin MP, informed the House that the Committee had resolved to conduct a review of road safety issues for future inquiry. The full details of the inquiry are available on the Committee's [webpage](#).

Votes and Proceedings: 16/8/2018, p. 1890.

Standing Order 299 (1).

Inquiry into the impact of expenditure caps for local government election campaigns

On 16 August 2018 Mr Jai Rowell MP, on behalf of the Chair of the Joint Standing Committee on Electoral Matters, informed the House that the Committee had received a referral from the Premier, and had resolved to conduct an inquiry into the impact of expenditure caps for local government election campaigns. The full details of the inquiry are available on the Committee's [webpage](#).

Votes and Proceedings: 16/8/2018, p. 1890.

Standing Order 299 (1).