



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SIXTH PARLIAMENT, FIRST SESSION
NO. 9/2018: 18 – 27 SEPTEMBER 2018

September 2018				
M	T	W	T	F
17	18	19	20	21
24	25	26	27	28

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.

ELECTIONS

By-election for the Wagga Wagga electorate

On 18 September 2018 the Speaker informed the House that, on 17 August 2018, she had issued a writ for a by-election for the electoral district of Wagga Wagga with the following details:

Nomination day – Thursday 23 August 2018

Polling day – Saturday 8 September 2018

Return of writs – Friday 19 October 2018

The by-election arose from the resignation of Mr Daryl Maguire from the Legislative Assembly.

Votes and Proceedings: 18/9/2018, p. 1895.

(Procedural note: Section 70 of the *Parliamentary Electorates and Elections Act 1912* states that the Speaker issues writs to fill vacancies occurring as a result of the resignation, death or expulsion of Members.

The dates for by-elections are determined by the Speaker, in consultation with the Electoral Commissioner.

Once the outcome of a by-election has been determined, the result is declared by the returning officer in the electorate and the writ is forwarded to the Electoral Commissioner, who then returns it to the Speaker.)

MEMBERS

A new Member of the Legislative Assembly

On 18 September 2018 a new Member, Dr Joe McGirr MP (Member for Wagga Wagga), took his place in the Legislative Assembly after winning a by-election held on 8 September 2018 (see previous entry).

Dr McGirr gave an inaugural speech on 26 September 2018.

Votes and Proceedings: 18/9/2018, p. 1895; 26/9/2018, p. 1939.

Hansard (Proof): 26/9/2018, pp. 17-20.

Standing Orders 23, 24 and 63.

(Procedural note: A Member's inaugural speech is the first speech they will give in the Legislative Assembly and the House can agree to interrupt business at a specified time for this purpose. In practice, the date and times are usually arranged through the party whips in consultation with the Leader of the House and the Shadow Leader of the House.

Members may speak for up to 20 minutes when giving an inaugural speech.

Prior to giving an inaugural speech Members are not prevented from participating in parliamentary business, for example, voting, making Private Members' Statements and asking questions.)

BUSINESS

Parliamentary Budget Officer

On 27 September 2018 the Deputy Speaker tabled the Parliamentary Budget Officer Operational Plan 2018.

Mr Stephen Bartos was appointed as Parliamentary Budget Officer (PBO) by the Presiding Officers on 6 September. PBOs are appointed as soon as practicable after 1 September in the year prior to a State General Election, and they provide costings of proposed or publically announced election policies and budget impact statements.

Votes and Proceedings: 27/9/2018, p. 1965.

Petitions signed by 10,000 or more persons

On 18 September 2018 the Deputy Speaker announced that three Members had lodged petitions for presentation signed by 10,000 or more persons:

- Mr Andrew Fraser MP – calling for the creation of a Coffs Harbour regional boat ramp precinct with suitable amenities for boat ramp users
- The Hon. Gladys Berejiklian MP – requesting the banning of the use of single-use and heavy retail plastic bags in NSW
- Mr Luke Foley MP – opposing increasing allowable building heights in Kingscliff and calling for three storey height limits in medium density and mixed-use zones.

Votes and Proceedings: 18/09/2018, pp. 1899-900.

Standing Order 125A.

(Procedural note: Upon receipt of a petition with 500 or more signatures, the responsible Minister is required to provide a written response in relation to the terms of the petition within 35 calendar days. The Minister's response is announced in the House and published on Parliament's website. As well as requiring a written ministerial response, petitions signed by 10,000 or more persons are also set down for a discussion in the House on sitting Thursdays.)

COMMITTEES

Tabling of committee reports

A total of six committee reports were tabled on 20 September 2018. The committees and the reports that they tabled were the:

- Legislative Assembly Committee on Law and Safety – The adequacy of youth diversionary programs in New South Wales
- Legislative Assembly Committee on Investment, Industry and Regional Development – Support for start-ups in regional NSW
- The Committee on Children and Young People – Review of the 2016-2017 Annual Report of the Advocate for Children and Young People and the functions of the Children's Guardian
- Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission – 2018 review of the annual reports of oversight bodies
- Public Accounts Committee – Inquiry into the management of health care delivery in NSW
- Legislation Review Committee – Legislation Review Digest No 60/56.

Votes and Proceedings: 20/9/2018, p. 1923.

Standing Orders 303 and 306.

(Procedural note: Committee reports may be tabled on any sitting day by the Committee Chair or another member of the Committee. Committee reports are tabled without debate or amendment, however, on Thursday afternoons Members may speak in a debate on a motion to 'take note' of committee reports that have been tabled. The Member tabling the report is given six minutes to speak and any other Member may speak for up to four minutes for a total time of up to 22 minutes. At the conclusion of the debate the House votes on the motion to take note of the report.

A total of 30 minutes is allocated for take note debates each Thursday and committee reports are debated in the order that they are tabled in the House.)

CHAMBER

Disorder from the Public Gallery

On 25 September 2018, during Question Time, the Deputy Speaker directed that spectators in the Public Gallery be removed on two occasions, due to their loud interjections and their interrupting of the orderly conduct of the business of the House.

Votes and Proceedings: 25/09/2018, p. 1930.

Standing Order 260.

(Procedural note: It is fundamental to the operation of the Legislative Assembly that the House is able to exercise control over its own proceedings. Accordingly, the Assembly, or its designated officers, have the right to take protective, non-punitive measures to ensure the conduct of orderly business. These rights are specified in Chapter 21 of the Standing Orders, in particular:

- Standing Orders 258 and 259, which provide for the House and Chair to order the withdrawal visitors from the Chamber; and
- Standing Order 260, which provides for the Chair to direct the Serjeant-at-Arms to remove any persons interrupting the orderly conduct of the House.

The approach that is taken in the Legislative Assembly is that all instances of disorder are managed on an individual basis, taking into account all the relevant circumstances. In some cases the very first instance of disorder may be so serious that only the strictest sanction (i.e. removal from the Public Gallery) is appropriate. In other cases a rising scale of warnings from the Chair might be issued prior to taking any action.)