



# PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SIXTH PARLIAMENT, FIRST SESSION

NO. 1/2016: 16 – 25 FEBRUARY 2016

February 2016				
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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.*

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## BILLS

### ***Unproclaimed legislation***

On 17 February 2016 the Speaker tabled a list of legislation unproclaimed 90 days after assent.

*Votes and Proceedings: 17/2/2016, p. 531.*

#### **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 is argued that this provision, while administratively convenient, confers a great deal of power on the Executive and virtually allows it to determine when, if ever, a law passed by the Parliament will come into effect.

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.)

## BUSINESS

### ***Re-ordering of General Business***

On 17 February 2016 Mr Adam Marshall MP moved that his General Business Notice of Motion on rural road and bridge infrastructure investment should have precedence the following sitting day. The motion was passed on division.

On 24 February 2016 Mr Bruce Notley-Smith MP moved that his General Business Notice of Motion giving an apology to participants in the first Sydney Gay and Lesbian Mardi Gras in 1978 should have precedence the following sitting day. The motion was passed on the voices.

*Votes and Proceedings: 17/2/2016, p. 532; 24/2/2016, p. 556.*

**Standing Order 106.**

(Procedural note: Thursday mornings are set aside in the Routine of Business for General Business, also known as Private Members' Business. That is, debating those bills or motions where the person in charge is not a Member of the Government.

Each sitting day Members may give notice in the House of their intention to move an item of General Business. Those notices are then listed in the Business Paper and are considered in the order in which they have been given (Standing Order 136).

If the House commences but does not conclude consideration of any of those motions or bills by the time of interruption, then they are listed as an Order of the Day for consideration before the House moves on to any new items of General Business.

However, on Wednesdays Standing Order 106 provides an opportunity for Members to seek to re-order a General Business Notice of Motion, or an Order of the Day for a Bill, so that it then has precedence over the other General Business scheduled for consideration (including any Orders of the Day.)

***Ministerial Statement on Members' use of confidential information***

On 18 February 2016 the Leader of the House made a Ministerial Statement about Members' use of confidential material. The Leader of the House reminded Members that they have a responsibility to protect the confidential material that they come across in the course of their duties as parliamentarians.

The Leader of the House made the statement in response to the recent unauthorised disclosure of confidential material presented to the Committee on the Independent Commission Against Corruption.

The Leader of the Opposition also addressed the House in relation to the matter.

*Votes and Proceedings: 18/2/2016, p. 541.*

*Hansard: 18/2/2016, pp. 6520-2.*

**Standing Orders 103 and 297.**

***Nominations for a panel of the Conduct Division of the Judicial Commission of NSW***

On 23 February 2016 the Attorney-General moved, by leave, that, pursuant to clause 4 of Schedule 2A of the *Judicial Officers Act 1986*, the House nominates Ken Moroney AO APM and Professor Nailini Joshi as community representatives for appointment to a panel of the Conduct Division of the Judicial Commission of NSW; and that a message be sent requesting the Legislative Council's concurrence in the nominations. The motion was passed on the voices.

*Votes and Proceedings: 23/2/2016, p. 547.*

**Standing Order 96.**

(Procedural note: The [Judicial Officers Act 1986](#) delegates the task of nominating community representatives for appointment to a panel of the Conduct Division of the Judicial Commission of NSW to the Legislative Assembly, by way of a resolution of the House.

Although the Legislative Council's concurrence in the nominations is desirable, the legislation provides that the Assembly can insist on its' nominees, in which case the person or persons are deemed to be nominated as community representatives.)

### ***Early adjournment due to power outage***

On 23 February 2016, due to a power outage in Parliament House at 4.54 pm, the Deputy Speaker left the Chair, thereby interrupting business (debate on a bill) and suspended proceedings. As it was anticipated that the issue would not be resolved in the immediate future, the Assistant Speaker resumed the Chair at 5.22 pm and a Parliamentary Secretary, by leave, moved that the House adjourn. The motion was passed and, accordingly, the House adjourned at 5.23 pm until 10.00 am the next day.

The next day the Speaker made a statement about the power outage, advising Members that it had been caused by a fault in the Parliament's main electrical switchboard; that the back-up generator had been engaged to ensure that vital information technology, security systems and emergency lighting systems continued to operate; and that all protocols were followed to ensure the safety of building occupants.

Further, the House caught up with some items of business that were scheduled for consideration but not proceeded with the previous day by taking an additional five Private Members' Statements and discussing an additional Matter of Public Importance. The additional Matter of Public Importance was provided for by a suspension of Standing and Sessional Orders to alter the Routine of Business.

*Votes and Proceedings: 23/2/2016, pp. 549-50; 24/2/2016, p. 551, p. 553, p. 557, p. 558.*

*Hansard: 23/2/2016, p. 6654; 24/2/2016, p. 6728, pp. 6790-4, pp. 6798-801.*

**Standing Orders 46, 97, 108, 110 and 365.**

### ***General Business Motion giving an apology to participants in the first Gay and Lesbian Mardi Gras in 1978***

On 25 February 2016 at 10.15 am, in accordance with two suspensions of Standing and Sessional Orders to alter the Routine of Business and a motion that his General Business Motion have precedence that day (see item two of this Digest), Mr Bruce Notley-Smith MP moved that the House:

- notes that the first Sydney Gay and Lesbian Mardi Gras took place on 24 June 1978 to demonstrate against the criminalisation of homosexual acts and discrimination against homosexuals, and for a public celebration of love and diversity;
- places on record an apology from the Legislative Assembly to the participants in the first Mardi Gras for the harm and distress that the events surrounding the demonstration (police forcibly broke up the peaceful demonstration making over 50 arrests and the *Sydney Morning Herald* published the names, occupations and addresses of all those arrested) have had on them and their families, and for past discrimination and persecution of the LGBTIQ community; and
- affirms an ongoing commitment to an inclusive society and full respect for the rights of all LGBTIQ citizens protected in law.

In all, 24 Members spoke on the debate with 18 Members doing so with the leave of the House and seven Members, by leave, speaking beyond their prescribed speaking times. At the conclusion of the debate the motion was passed on the voices.

*Votes and Proceedings: 24/2/2016, p. 554, p. 556; 25/2/2016, p. 559, p. 560.*

*Hansard: 24/2/2016, pp. 6775-6; 25/2/2016, pp. 6858-75.*

**Standing Orders 96, 106, 107 and 365.**

### ***Deputy Speaker's statement commemorating Saint David's Day***

On 25 February 2016 the Deputy Speaker made a statement commemorating Saint David's Day, the National Day of Wales, on 1 March 2016, and the tenth anniversary of the presentation of a mace by the Parliament of NSW to the National Assembly for Wales.

*Votes and Proceedings: 25/2/2016, p. 566.*

*Hansard: 25/2/2016, p. 6882.*

(Procedural note: On 1 March 2006, in the Sesquicentenary year of Responsible Government in NSW, the Parliament of NSW presented the gift of a Mace to the National Assembly for Wales, on the occasion of the opening of the Senedd, a new building purpose built for the Assembly.

The gifting of the mace to the Assembly follows the Australian parliamentary tradition whereby maces are usually conferred as gifts from other parliaments, specific persons or groups, or from governments.

For more information on Westminster traditions associated with the mace, see Chapter 32 of [NSW Legislative Assembly Practice, Procedure and Privilege.](#))

### ***Suspension of Standing and Sessional Orders to provide that General Business Notices of Motions (General Business) remain on the Business Paper***

On 25 February 2016 Standing and Sessional Orders were suspended to provide that General Business Notices of Motions (General Business) numbers 327, 328, 329 and 330, which were due to lapse not having been commenced or completed six months from the date that they were given, remain on the Business Paper up to and including 10 March 2016.

*Votes and Proceedings: 25/2/2016, p. 566.*

**Standing Order 105 (3).**

(Procedural note: Consideration of these notices gave way to debate the motion of apology to participants in the first Gay and Lesbian Mardi Gras in 1978 (see item six of this Digest).)

## **COMMITTEES**

### ***Inquiry into driverless vehicles and road safety in NSW***

On 25 February 2016 the Chair of the Joint Standing Committee on Road Safety, Mr Greg Aplin MP, informed the House that the Committee had resolved to conduct an inquiry into driverless vehicles and road safety in NSW. The full details of the inquiry are available on the Committee's [webpage](#).

*Votes and Proceedings: 25/2/2016, p. 566.*

**Standing Order 299 (1).**