



# PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SIXTH PARLIAMENT, FIRST SESSION

NO. 1/2017: 14 – 23 FEBRUARY 2017

February 2017

M	T	W	T	F
13	14	15	16	17
20	21	22	23	24

*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

### ***Three new Members of the Legislative Assembly***

On 14 February 2017 three new Members, Ms Sophie Cotsis MP (Member for Canterbury), Mr Philip Donato MP (Member for Orange) and Mr Paul Scully (Member for Wollongong), took their places in the Legislative Assembly Chamber for the first time after successfully contesting by-elections on 14 November 2016.

The three Members were introduced, took the pledge of loyalty or oath of allegiance, signed the roll of the House and then took their seats.

In accordance with a motion moved in the House on 14 February 2017, Mr Scully gave an inaugural speech on 21 February 2017, and Mr Donato and Ms Cotsis each gave their respective inaugural speech on 22 February 2017.

*Votes and Proceedings: 14/2/2017, pp. 1041-2, pp. 1053-4; 21/2/2017, p. 1074; 22/2/2017, p. 1080, p. 1085.*

*Hansard (Proof): 21/2/2017, pp. 32-6; 22/2/2017, pp. 23-8, pp. 57-61.*

**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 Manager of Opposition Business.

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

It is the custom of the Assembly that Members giving their inaugural speech are extended additional courtesies by the other Members of the House, in that they will refrain from making interjections and interrupting in other ways for the duration of the speech.

It should be noted that prior to giving an inaugural speech Members are not prevented from participating in parliamentary business, for example, making Private Members' Statements and asking questions.)

### ***Appointment of new Premier, Ministry and Parliamentary Secretaries***

On 14 February 2017 the Leader of the House informed the House that, on 23 January 2016, the Hon. Mike Baird had resigned as Premier and as a Member of the Legislative Assembly, and that the Hon. Gladys Berejiklian MP had been subsequently elected and sworn in as Premier.

The Leader of the House then provided details of the new Ministry formed by the Premier and the Parliamentary Secretaries appointed by the Premier.

Details of the appointments were recorded in the [Votes and Proceedings](#) for that day.

*Votes and Proceedings: 14/2/2017, pp. 1042-5.*

### ***Resignation of the Member for Manly***

On 14 February 2017 the Speaker advised the House that, on 23 January 2017, she had received a letter from Mr Mike Baird resigning his seat as Member for the electoral district of Manly.

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

The motion was passed on the voices.

*Votes and Proceedings: 14/2/2017, p. 1046.*

### ***Member's statement about the Education portfolio***

On 14 February 2017 Standing and Sessional Orders were suspended to permit Mr Adrian Piccoli MP, the former Minister for Education, to make a statement in relation to the Education portfolio later that day for a period of up to 20 minutes.

In accordance with the suspension Mr Piccoli made his statement, after which Members stood and applauded in recognition of his contribution to the education sector and the Parliament.

*Votes and Proceedings: 14/2/2017, p. 1053, p. 1057.*

*Hansard (Proof): 14/2/2017, pp. 41-4.*

**Standing Order 365.**

### ***Resignation of the Member for Gosford***

On 15 February 2017 the Speaker advised the House that, on 14 February 2017, she had received a letter from Ms Kathy Smith resigning her seat as Member for the electoral district of Gosford.

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

The motion was passed on the voices.

*Votes and Proceedings: 15/2/2017, p. 1060.*

### ***Resignation of the Member for North Shore***

On 21 February 2017 the Speaker advised the House that, on 20 February 2017, she had received a letter from Ms Jillian Skinner resigning her seat as Member for the electoral district of North Shore.

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

The motion was passed on the voices.

*Votes and Proceedings: 21/2/2017, p. 1072.*

### ***Joint sitting to elect a Member of the Legislative Council***

On 22 February 2017 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 Ms Jan Barham.

At the conclusion of the joint sitting, the Legislative Assembly Members returned to the Assembly Chamber, the sitting resumed at the ringing of one long bell, and the Speaker reported that Ms Dawn Walker had been elected to fill the Council vacancy.

*Votes and Proceedings: 22/2/2017, pp. 1083-4.*

(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*.)

## **SPEAKER**

### ***Changes to the panel of Temporary Speakers***

On 14 February 2017 the Speaker advised the House that she had nominated Mr Geoff Provest MP as a Temporary Speaker in place of the Hon. Melinda Pavey MP due to her appointment as a Minister.

The Speaker also advised that she had revoked the nomination of Ms Melanie Gibbons MP as a Temporary Speaker due to her election as Deputy Government Whip. Prior to revoking Ms Gibbons' nomination, by special arrangement, there were six Temporary Speakers nominated, although Standing Orders limit the number of Temporary Speakers to five (see procedural note below).

*Votes and Proceedings: 14/2/2017, p. 1046.*

### **Standing Orders 19 and 20.**

(Procedural note: [Standing Order 19](#) provides for the Speaker to nominate up to five Members to serve as Temporary Speakers at the commencement of each Parliament. Temporary Speakers are appointed to exercise the powers and duties of the Speaker in the absence of the Deputy Speaker and Assistant Speaker.

[Standing Order 20](#) provides that the Speaker may, at any time, revoke the nomination of a Member as a Temporary Speaker and nominate another Member. Legislative Assembly practice is that Ministers and Parliamentary Secretaries do not serve in the Chair.)

## CHAMBER

### ***'Lockdown' announcement during proceedings***

On 14 February 2017, during Private Members' Statements, an announcement was made over the Parliament's PA system advising of an emergency 'lockdown' taking place in the Parliamentary Precincts.

Once the Chair and Clerks had been advised that the announcement was triggered in error, Private Members' Statements resumed as normal.

### ***Member removed from Chamber makes a personal explanation the next day***

On 22 February 2017, during Question Time, Mr Clayton Barr MP was removed from the Chamber for the remainder of the sitting after repeatedly being called to order by the Speaker.

The next day Mr Barr, by leave, made a personal explanation in relation to the circumstances which led to his removal from the House the previous day.

*Votes and Proceedings: 22/2/2017, p. 1081; 23/2/2017, p. 1087.*

*Hansard (Proof): 22/2/2017, p. 41; 23/2/2017, p. 1*

**Standing Orders 62, 96 and 249.**

### ***AUSLAN interpreter translates Member's inaugural speech on the floor of the Chamber***

On 22 February 2017 Standing and Sessional Orders were suspended to permit an accredited AUSLAN interpreter to be present on the floor of the Chamber for the purpose of translating the inaugural speech of Ms Sophie Cotsis MP later that day.

In accordance with the suspension, immediately prior to Ms Cotsis' speech, a Temporary Speaker invited the AUSLAN interpreter to take their place at Ms Cotsis' left shoulder. The AUSLAN interpreter then translated Ms Cotsis' speech and withdrew from the Chamber at its conclusion.

*Votes and Proceedings: 22/2/2017, p. 1082, p. 1085.*

*Hansard (Proof): 22/2/2017, pp. 57-61.*

**Standing Orders 261 and 365.**

(Procedural note: Since the adoption of the current Standing Orders 2006, all persons who are neither Members nor officers of the House are known as 'visitors'. Under [Standing Order 261](#) a Member may not bring a visitor into any part of the building exclusively set aside for the use of Members, including the floor of the Chamber.

[Standing Order 365](#) provides for the suspension of Standing and Sessional Orders, including Standing Order 261. Standing Orders have been suspended on previous occasions to permit visitors to address the House from the floor of the Chamber, but this was the first occasion that an AUSLAN interpreter was permitted to stand on the floor of the Chamber beside a speaking Member.)

## STAFF

### ***Appointment of Clerk of the Legislative Assembly, Deputy Clerk and Acting Clerk-Assistant, Table***

On 14 February 2017 the Speaker advised the House that the previous day she had recommended to His Excellency the Governor that Ms Helen Minnican be appointed as Clerk of the Legislative Assembly.

The Speaker also advised the House that Mr Leslie Gonye had been appointed Deputy Clerk.

On 16 February 2017 the Speaker advised the House of the appointment of Ms Elaine Schofield as Acting Clerk-Assistant, Table.

*Votes and Proceedings: 14/2/2017, p. 1046; 16/2/2017, p. 1067.*