



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SIXTH PARLIAMENT, FIRST SESSION
NO. 11/2018: 13 – 22 NOVEMBER 2018

November 2018				
M	T	W	T	F
12	13	14	15	16
29	20	21	22	23

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.

SPEAKER

Speaker's statement – Centenary of the First World War

Since 2014 the Presiding Officers have made statements commemorating the Centenary of the First World War on the Tuesdays commencing each sitting week. The statements marked significant events of the First World War and its lasting impact on the Parliament and people of NSW.

On 13 November 2018 the Speaker made her final Centenary statement in which she spoke about the events that took place following the declaration of the Armistice with Germany on 11 November 1918.

At the conclusion of the statement Members and officers stood as a mark of respect as a bugler, located in the media gallery, played the Last Post. A minute's silence was then observed, after which the bugler concluded proceedings with the playing of the Rouse.

Votes and Proceedings: 13/11/2018, pp. 2039-40.
Hansard (Proof): 13/11/2018, pp. 18-9.

MEMBERS

Leader of the Opposition

On 13 November 2018 Mr Michael Daley MP informed the House of the resignation, on 8 November 2018, of Mr Luke Foley MP as Leader of the Opposition. Mr Daley also informed the House of his election, on 10 November 2018, as Leader of the Opposition, and of the election of the Hon. Penny Sharpe MLC as Deputy Leader of the Opposition.

Votes and Proceedings: 13/11/2018, p. 2040.

Members' valedictory speeches

The following Members of the Legislative Assembly who are retiring and not re-contesting their seats at the March 2019 General Election gave valedictory speeches during the final two sitting weeks of the year:

Wednesday 14 November 2018	Mr Greg Aplin MP Mr Andrew Fraser MP The Hon. Troy Grant MP
Thursday 15 November 2018	Mr Chris Patterson MP
Tuesday 20 November 2018	Mr Damien Tudehope MP
Wednesday 21 November 2018	Mr Jai Rowell MP Mr Glenn Brookes MP

Votes and Proceedings: 14/11/2018, p. 2061, p. 2067; 15/11/2018, p. 2071; 20/11/2018, p. 2085; 21/11/2018, p. 2101.

Hansard (Proof): 14/11/2018, pp. 14-24, pp. 74-81; 15/11/2018, pp. 21-6; 20/11/2018, pp. 38-42; 21/11/2018, pp. 61-70, pp. 72-4.

Standing Order 63.

(Procedural note: The giving of valedictory or inaugural speeches for a period of up to 20 minutes is provided for by Standing Order 63. Business may be interrupted to permit such speeches, provided that a Member speaking is not interrupted. Any interrupted business may be resumed at the conclusion of the valedictory or inaugural speech.)

BILLS

Saint Paul's College Bill 2018

On 13 November 2018 the *Saint Paul's College Bill 2018*, a private bill originating in the Legislative Council, was sent to the Legislative Assembly for concurrence, where it was introduced and read a first time in the Assembly that day.

The object of the bill was to modernise the governance arrangements for the Saint Paul's residential college at the University of Sydney by repealing and replacing the *Saint Paul's College Act 1854* and the *Saint Paul's College Act 1857*.

Debate on the bill was adjourned and resumed the next day, where it passed through all remaining stages without amendment.

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

Votes and Proceedings: 13/11/2018, p. 2052; 14/11/2018, pp. 2060-1.

Standing Orders 229 and 358.

(Procedural note: Private bills are bills that deal with specific private matters which affect a private person or body. Private bills do not deal with public policy and are therefore not sponsored by the Government, but by a private Member. Private bills are very rare in NSW, with the last private bill being passed by the Parliament in 1992.

A private bill can only be initiated by petition, and if it becomes an Act it is not numbered. By contrast, a public bill may be introduced and sponsored through both Houses by either a Minister or a private Member. Public bills are allocated an Act number when they are passed by the Parliament and assented to by the Governor.)

Government Sector Finance Legislation (Repeal and Amendment) Bill 2018

On 14 November 2018 the Legislative Assembly considered amendments proposed by the Legislative Council to the *Government Sector Finance Legislation (Repeal and Amendment) Bill 2018*.

The bill was one of a pair of cognate bills introduced by the Government in May 2018. As noted in Digest No. 10 of 2018 the cognate bills were separated to allow the *Government Sector Finance Bill 2018* to be presented to the Governor for assent prior to the Assembly concluding consideration of the proposed Legislative Council amendments to the *Government Sector Finance Legislation (Repeal and Amendment) Bill*.

The proposed amendments to the *Government Sector Finance Legislation (Repeal and Amendment) Bill* sought to provide for the dissolution of the existing Legislative Assembly Public Accounts Committee, and for a joint Public Accounts Committee made up of Members of both Houses to be constituted in its place.

The Treasurer moved that the Council amendments be disagreed to. The motion was passed on the voices. The Treasurer then moved that the Assembly send a message to the Council informing it that it disagreed with the proposed amendments and giving reasons for the disagreement.

Those reasons included:

- the constitutional primacy of the Assembly in relation to financial matters;
- the Assembly's significant and long-standing role in relation to the scrutiny of public finance; and
- the amendments being outside the scope of the bill.

The motion was agreed to on the voices.

On Thursday 15 November the Speaker reported a message from the Council informing the Assembly that it did not insist on its amendments that were disagreed to the day before.

The full details of the [bill](#), including its passage through both Houses, can be found on the Parliament of NSW website.

Votes and Proceedings: 14/11/2018, pp. 2065-6; 15/11/2018, p. 2070.
Standing Order 224.

(Procedural note: Standing Order 224 gives the Legislative Assembly a number of options for dealing with proposed Legislative Council amendments to Assembly bills, including disagreeing to Council amendments.

Clause (3) provides that if the Assembly disagrees to Council amendments it must send a message to the Council giving reasons for the disagreement, with the Member in charge of the bill 'drawing up' the reasons.)

Children and Young Persons (Care and Protection) Amendment Bill 2018 and cognate

On 15 November 2018 the Speaker reported a message from the Legislative Council transmitting the *Children and Young Persons (Care and Protection) Amendment Bill 2018* bill and its cognate, the *National Disability Insurance Scheme (Worker Checks) Bill 2018* to the Legislative Assembly for concurrence.

The bills were introduced and read a first time and the second reading was made an Order of the Day for a later time.

The object of the *Children and Young Persons (Care and Protection) Amendment Bill*, amongst other things, was to implement improvements in the NSW child protection system resulting from certain proposals contained in a discussion paper, entitled *Shaping a Better Child Protection System*, which was issued by the Department of Family and Community Services in October 2017.

Shortly after the bills had been introduced, debate resumed with the Minister for Family and Community Services, the Hon. Pru Goward MP, moving that the bills be read a second time and debate on the motion ensuing.

During the second reading debate Opposition Members spoke for a total of six hours and 40 minutes, with the Shadow Minister for Family and Community Services, Ms Tania Mihailuk MP, contributing five hours and 55 minutes of that speaking time. Ms Mihailuk's extended speaking time was due to her role as Opposition lead in the debate, which, under Standing Order 85, entitled her to 'unspecified' or unlimited speaking time in the second reading debate.

The second reading debate concluded on Thursday 22 November, after which Ms Mihailuk requested that the bills be considered in detail. During the Consideration in Detail stage 29 proposed Opposition amendments to the *Children and Young Persons (Care and Protection) Amendment Bill* were moved and negatived, and both bills passed the Assembly without amendment.

The bills were assented to by the Governor on 28 November.

The full details of the [*Children and Young Persons \(Care and Protection\) Amendment Bill*](#) and the [*National Disability Insurance Scheme \(Worker checks\) Bill*](#) can be found on the Parliament of NSW website.

Votes and Proceedings: 15/11/2018, pp. 2069-70; 20/11/2018, p. 2085; 21/11/2018, p. 2101, p. 2102; 22/11/2018, pp. 2105-12, p. 2120, pp. 2121-3, pp. 2124-30.
Hansard (Proof): 15/11/2018, pp. 1-5; 20/11/2018, pp. 42-82; 21/11/2018, pp. 70-2, pp. 80-101; 22/11/2018, pp. 3-36, pp. 62-4, pp. 66-78, pp. 82-94.
Standing Orders 85, 203 and 229.

BUSINESS

Annual report of the Ethics Adviser

On 13 November 2018 the Speaker tabled the report of the Parliamentary Ethics Adviser for the year ended 30 June 2018.

Votes and Proceedings: 13/11/2018, p. 2042.

(Procedural note: The Parliamentary Ethics Adviser provides confidential advice on ethical issues to Members; advice to Ministers and former Ministers on post-separation employment; meets annually with the Ethics Committee of each House; and provides an annual report to Parliament.

The annual report of the Ethics Adviser must list the number of ethical matters raised; the number of members who sought advice; time spent in the course of duties; and the number of times advice was given.)

Tabling of papers by announcement

On 13 November 2018 Standing and Sessional Orders were suspended for the remainder of the 2018 sittings to enable Ministers to table papers by making an announcement in the House (as opposed to handing up copies of the papers in the House). Under the resolution, any papers announced in the House must have been lodged with the Table Office beforehand.

Votes and Proceedings: 13/11/2018, p. 2044.

Standing Orders 264 and 365.

(Procedural note: This practical arrangement reflects the large number of annual reports that are tabled by Ministers toward the end of the spring sitting period, in accordance with the statutory timeframes of annual reporting legislation.)

Special adjournment

On 22 November 2018, the last sitting day of 2018, the Leader of the House moved that the Legislative Assembly adjourn until Tuesday 5 March 2019 at 12.00 noon.

Votes and Proceedings: 22/11/2018, p. 2119.

Standing Order 34.