



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SIXTH PARLIAMENT, FIRST SESSION

NO. 2/2017: 7 – 9 MARCH 2017

March 2017				
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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.

BILLS

Fire and Emergency Services Levy Bill 2017

On 7 March 2017 the Treasurer introduced the *Fire and Emergency Services Levy Bill 2017*. The object of the bill is to provide for the imposition of a fire and emergency services levy on all land (other than Government land) that is situated in the area of a council, or on Lord Howe Island. The Bill also seeks to abolish the Emergency Services Insurance Contribution Scheme.

When introducing the bill the Treasurer tabled a proposed emergency services property levy regulation for Members' information, with the leave of the House.

The details of the [bill](#), which is now awaiting assent, can be found on the Parliament of NSW website.

Votes and Proceedings: 7/3/2017, p. 1099.

Standing Orders 96, 97, 188, 264 and 266.

(Procedural note: From time to time Ministers will table exposure or draft bills or regulations for the information of Members. Standing Order 97 provides for the tabling of papers to occur shortly after Question Time. In this case, because the Treasurer sought to table the draft regulation at the same time that he introduced the bill, he needed leave of the House to do so, in accordance with Standing Order 266.)

Unproclaimed legislation

On 8 March 2017 the Speaker tabled a list of legislation unproclaimed 90 days after assent.

Votes and Proceedings: 8/3/2017, p. 1105.

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 15th sitting day after.)

Public Health (Medicinal Cannabis) Bill 2017

On 9 March 2017 the Leader of the Opposition, Mr Luke Foley MP, introduced a Private Members' Bill, the *Public Health (Medicinal Cannabis) Bill 2017*, into the Legislative Assembly.

The bill seeks to decriminalise the use and possession of cannabis for medical purposes, and to protect medicinal cannabis users and their carers from liability under the criminal laws of NSW.

After the Leader of the Opposition's second reading speech in support of the bill, debate was adjourned until a future day.

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

Votes and Proceedings: 9/3/2017, p. 1110.

Standing Orders 105 and 188.

(Procedural note: While a large proportion of the Assembly's time is taken up with Government Business, time is set aside on Thursdays for General Business, otherwise known as Private Members' Business.

General Business gives all Members the opportunity to introduce legislation, such as Mr Foley's Medicinal Cannabis bill, and to move and debate motions.

The process for considering bills introduced by private Members is exactly the same as with any Government bill.)

BUSINESS

Member withdraws written question

On 9 March 2017 Mr Clayton Barr MP withdrew a written question to the Minister for Police, and Minister for Emergency Services on the attendance of Police to the Cessnock Correctional Centre, with the leave of the House.

Votes and Proceedings: 9/3/2017, p. 1114.

Standing Order 132.

(Procedural note: The Legislative Assembly does not have a procedure for the withdrawal of Questions on Notice. However, from time to time a Member has, for legitimate reasons, asked that their question be withdrawn. The practice was thus developed that a Question on Notice is withdrawn transparently in the House during the time for the placing and disposal of business, and with the leave of the House.)

MEMBERS

Parliamentary Ethics Advisor

On 7 March 2017 the Speaker tabled correspondence from the Parliamentary Ethics Advisor to Mr Mike Baird, the former Premier of NSW, providing advice to Mr Baird about his post-separation employment with the National Australia Bank.

Votes and Proceedings: 7/3/2017, p. 1096.

Standing Order 264.

(Procedural note: The current Parliamentary Ethics Adviser (PEA) was appointed on a resolution of both Houses, dated 17 June 2014. The PEA's functions are to provide advice, on request, to Members of Parliament on ethical issues, and to Ministers on post-separation employment.

If the PEA becomes aware that a Minister or a former Minister has accepted a position on which he has given advice, the PEA must provide a copy of the advice to the Presiding Officer of the House to which the Minister or Former Minister belongs or belonged. In the case of current or former Legislative Assembly Ministers, the Speaker may then table the PEA's correspondence in the House in accordance with the tabling provisions of Standing Order 264.)