



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SEVENTH PARLIAMENT, FIRST SESSION

NO. 2/2019: 28 MAY – 6 JUNE 2019

May/June 2019

M	T	W	T	F
27	28	29	30	31
3	4	5	6	7

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

Deputy Speaker opens the sitting

On 28 May 2019 the Deputy Speaker, the Hon. Leslie Williams MP, opened the sitting for the first time in place of the Speaker.

Votes and Proceedings: 28/5/2019, p. 85.

Standing Order 15.

(Procedural note: In instances where the Speaker is absent from the Legislative Assembly, but not necessarily absent from the State, Standing Order 15 provides for the Deputy Speaker to perform the duties of the Speaker when the House is sitting.

Section 31A of the [Constitution Act 1902](#) provides for the Deputy Speaker to act as the Speaker while the Speaker is absent from the State. It states:

- (1) During the absence from New South Wales of the Speaker the Deputy Speaker of the Legislative Assembly shall act in his place, and for all purposes, whether of this Act or otherwise, shall have and may exercise and perform all the powers, authorities, duties and functions of the Speaker.
- (2) Without prejudice to the generality of subsection (1) the Deputy Speaker of the Legislative Assembly, while acting in the place of the Speaker under that subsection, shall be deemed to be the Speaker for the purposes of section 71 of the *Parliamentary Electorates and Elections Act 1912*.)

MEMBERS

Inaugural speeches

On 28 May 2019 new Members Mr Nathaniel Smith MP (Wollondilly), Mr Peter Sidgreaves MP (Camden) and Ms Wendy Lindsay MP (East Hills) gave their inaugural speeches.

On 29 May 2019 new Members Mr Roy Butler MP (Barwon), Ms Wendy Tuckerman MP (Goulburn) and Ms Robyn Preston MP (Hawkesbury) gave their inaugural speeches.

Votes and Proceedings: 28/5/2019, p. 93; 29/5/2019, p. 96, p. 103.

Hansard (Proof) 28/5/2019, pp. 40-51; 29/5/2019, pp. 12-6, pp. 56-62.

Standing Order 63.

Condolence motion

On 5 June 2019 the Premier moved a motion of condolence in relation to the death, on 27 February 2019, of the Honourable Milton Arthur Morris, a former Minister. The motion was seconded by the Acting Leader of the Opposition in the Legislative Assembly, Mr Ryan Park MP, and supported by eight other Members, each who spoke to the motion.

The motion was carried unanimously, with Members and Officers of the House standing as a mark of respect.

Votes and Proceedings: 5/6/2019, p. 128.

Standing Order 118(2).

(Procedural note: Under Standing Order 118 certain matters are accorded precedence over all other business before the House. These matters are categorised as Business with Precedence and they have a specified place in the Routine of Business for each sitting day.

One example of Business with Precedence are condolence motions. Condolence motions mostly, but not always, take place to commemorate the death of a sitting Member or a prominent former Member (e.g. a former Premier, Speaker or Minister).

There is no provision in the Standing Orders for specific time limits to apply where Members are speaking on condolence motions. By custom, however, Members are not restricted in time and the total time allotted for debate is generally arranged between the Leader of the House and the Party Whips, often to facilitate the attendance of the deceased person's family and friends.

For more information on condolence motions see Chapter 12 of [NSW Legislative Assembly Practice, Procedure and Privilege.](#))

CHAMBER

Division bells

On 4 June 2018 the House agreed to suspend Standing and Sessional Orders for the next two sitting weeks to allow bells for divisions to ring as one continuous bell for up to four minutes. The Speaker advised the House that the change in procedure was because the bells could not be heard in all parts of the building, and during the previous sitting week some Members missed divisions.

Votes and Proceedings: 4/6/2019, p. 119.

Hansard (proof): 4/6/2019, p. 29.

Standing Orders 35 and 365.

(Procedural note: Standing Order 35 sets out the timing for bells. The usual procedure for the ringing of bells for a division is: First bell 10 seconds, pause 10 seconds; second bell 10 seconds, pause 10 seconds; third bell 20 seconds.)

Casting vote

On Wednesday 5 June 2019 the House divided on a proposed amendment to the wording of a Motion Accorded Priority about the Opposition Leadership. The result of the division was an "equality of votes", that is, there were exactly 45 "ayes" and 45 "noes". The Deputy Speaker cast her vote with the "noes" to disagree to the proposed amendment.

Votes and Proceedings: 5/6/2019, p. 128.

Standing Order 184.

(Procedural note: When there is an equality of votes, section 32(2) of the *Constitution Act 1902* and Standing Order 184 provides for the person in the Chair to have a casting vote. Casting votes are rare occurrences, the last one having taken place in 1997.

When giving a casting vote, the Chair is not required to give their reasons for the way they choose to vote, however, if they do choose to give a reason, this is to be recorded in the Votes and Proceedings.

Over the years in NSW Chairs have generally chosen to cast their vote in support of the Government so as to leave control of business in the hands of the Government.)

COMMITTEES

Joint Select Committee on Sydney's Night Time Economy

On 29 May 2019 the House resolved to appoint a Joint Select Committee to inquire into and report on Sydney's night time economy. The Committee is due to report by 30 September 2019.

Further information on the activities of the [committee](#) can be found on the Parliament of NSW website.

Votes and proceedings: 29/5/2019, p. 96.

Standing Order 315.

(Procedural note: Committees may be established jointly by the Legislative Assembly and the Legislative Council. By convention, joint committees are subject to the Standing Orders of the originating House. Select committees are appointed to investigate and report on a specific matter. Select committees cease to exist when they have concluded their reports, or at the time specified by the House.)