



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SIXTH PARLIAMENT, FIRST SESSION

NO. 4/2017: 2 – 11 MAY 2017

May 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.

BUSINESS

Premier's motion on the Granville Train Disaster

On 4 May 2017 the Premier moved a motion noting the Granville Train Disaster, which occurred on 18 January 1977 and resulted in 83 people dying and 213 people being injured.

The motion acknowledged the profound and lasting effect that the disaster had on victims, their loved ones and the broader community, and offered a sincere apology to the people whose lives had been affected by the Disaster.

In accordance with a suspension of Standing and Sessional Orders the previous day the Premier and the Leader of the Opposition spoke to the motion for 10 minutes each, and the Minister for Transport and Infrastructure, the Hon. Andrew Constance MP, and the Member for Granville, Ms Julia Finn MP, spoke for 5 minutes each.

At the conclusion of debate the motion was passed by the Legislative Assembly unanimously with Members and Officers of the House standing as a mark of respect.

Votes and Proceedings: 3/5/2017, p. 1184; 4/5/2017, pp. 1189-90.

Hansard (Proof): 4/5/2017, pp. 1-6.

Standing Orders 85, 133 and 365.

Items of business postponed on behalf of other Members

During the sitting period three items of business were postponed by Members on behalf of other Members. This was because the Member in charge of the business was not present in the Chamber at the time the item was called on.

On 4 May 2017 Temporary Speaker Notley-Smith postponed the moving of a General Business Motion about the Nowra Bridge on behalf of Ms Anna Watson MP.

On 11 May 2017 the Opposition Whip, Mr Nick Lalich MP, postponed the resumption of debate on the *Public Health (Medicinal Cannabis) Bill 2017* and the *Securing NSW Steel Industry Bill 2017* on behalf of the Leader of the Opposition and Mr Ryan Park MP, respectively.

Votes and Proceedings: 4/5/2017, p. 1193; 11/5/2017, p. 1215.

Standing Orders 141 and 170.

(Procedural note: A Notice of Motion is a statement that a Member intends to introduce a particular item of business to the House. Notices, therefore, relate to new business which has not yet been put before the House.

Orders of the Day, on the other hand, are items of business which have already been put before the House. Orders of the Day are often the resumption of adjourned (or interrupted) debates or bills received from the Legislative Council which are awaiting consideration.

Standing Order 141 permits Notices of Motions to be postponed or withdrawn at the direction of the Member who gave the notice, or by another Member with the written authority of the Member who gave the notice. Postponing Notices of Motions must be done either when the notice is called on or at the time in the Routine of Business set aside for the placing and disposal of business.

The same Standing Order also gives the occupant of the Chair discretion to postpone any notice of motion for General Business if the Member who gave the notice is not present in the Chamber at the time the business is called on.

Standing Order 170 permits Orders of the Day to be postponed or discharged by the Member in charge of the Order, or by another Member with the written authority of the Member in charge of the Order. In the case of Orders of the Day this may only be done when an Order is called on.)

Additional speakers on a Motion Accorded Priority

On 9 May 2017 Ms Eleni Petinos MP moved a Motion Accorded Priority on the subject of race based political advertising and multiculturalism.

After the number of Members provided for in Standing Orders had spoken to the motion, two additional Members were given leave to make contributions. A third Member then sought leave to speak in the debate, but leave was not granted.

To enable more Members to contribute to the debate the Leader of the House moved to suspend Standing and Sessional Orders to permit up to an additional 10 Members to speak on the motion for a period of up to five minutes each. The suspension was passed on division.

In accordance with the suspension 10 additional Members spoke to the motion, with one further Member speaking, by leave.

At the conclusion of the debate the motion was agreed to by the House.

Votes and Proceedings: 9/5/2017, pp. 1200-2.

Hansard (Proof): 9/5/2017, pp. 28-41.

Standing Orders 96, 109 and 365.

(Procedural note: Items of business in the Legislative Assembly have prescribed speaking times and, in many cases, a prescribed number of speakers. This is indicated in the Standing Orders, specifically that Standing Order that relates to the particular business item (e.g. Standing Order 109 for Motions Accorded Priority), and also Standing Order 85, which sets the maximum time limits for debates and speeches for all Assembly business.

In cases where additional Members wish to speak on items of business, they must do so with the leave of the House or by way of a suspension of Standing and Sessional Orders agreed to by the House.)

BILLS

Extended debate on the Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2017

On 4 May 2017 the *Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2017*, a Private Member's Bill that originated in the Legislative Council, was introduced into the Legislative Assembly when a message from the Legislative Council transmitting the bill for concurrence was reported in the House.

On 11 May 2017 Mr Philip Donato MP, the Member with carriage of the bill in the Legislative Assembly, moved that it be read a second time and proceeded to give a second reading speech. It being a Legislative Council bill, the second reading debate could then follow immediately after the conclusion of Mr Donato's speech.

During the debate the Minister for Medical Research, and Minister for Health, the Hon. Brad Hazzard MP, moved to suspend Standing and Sessional Orders to permit debate on the bill to continue beyond the 60 minutes that is generally provided in the Routine of Business for debate on Orders of the Day for Private Members' Bills. The motion was carried on the voices.

In accordance with the suspension, debate continued until approximately 1.10 pm. The question on the bill's second reading was negatived on division.

Votes and Proceedings: 4/5/2017, p. 1191; 11/5/2017, pp. 1214-5.

Hansard (Proof): 11/5/2017, pp. 5-25.

Standing Orders 97, 188, 229 and 365.

(Procedural note: The Routine of Business for the Legislative Assembly sets out the order in which business is conducted each sitting day, and, in certain cases, the amount of time that is set aside for considering business items. The Routine of Business is provided for by Standing Order 97.

On General Business Days, which take place on Thursdays, much of the business that is scheduled before 1.30 pm is subject to maximum time limits. For example, Government Business may be debated for up to 30 minutes, General Business Notices of Motions for Bills for up to 20 minutes, and General Business Orders of the Day for Bills for up to 60 minutes, with the remainder of the time available up to 1.30 pm used for debating General Business Notices of Motions or Orders of the Day (not being Bills).

MEMBERS

Three new Members of the Legislative Assembly

On 2 May 2017 three new Members, Ms Liesl Tesch MP (Member for Gosford), Mr James Griffin MP (Member for Manly) and Ms Felicity Wilson MP (Member for North Shore), took their places in the Legislative Assembly after winning by-elections on 8 April 2017.

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

In accordance with a motion moved in the House on 2 May 2017, Mr Griffin gave an inaugural speech on 3 May 2017. The next week, in accordance with a motion moved on 9 May 2017, Ms Wilson gave an inaugural speech on 10 May 2017 and Ms Tesch gave an inaugural speech on 11 May 2017.

A suspension of Standing and Sessional Orders permitted an AUSLAN interpreter to be present on the floor of the Legislative Assembly Chamber for the purpose of interpreting Ms Tesch's speech.

Votes and Proceedings: 2/5/2017, pp. 1173-4, p. 1176; 3/5/2017, p. 1187; 9/5/2017, pp. 1198-9; 10/5/2017, p. 1211; 11/5/2017, p. 1217, p. 1218.

Hansard (Proof): 3/5/2017, pp. 60-4; 10/5/2017, pp. 61-6; 11/5/2017, pp. 55-9.

Standing Orders 23, 24, 63, 261 and 365.

(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.

Prior to giving an inaugural speech Members are not prevented from participating in parliamentary business, for example, voting, making Private Members' Statements and asking questions.)

Joint sitting to elect a Member of the Legislative Council

On 3 May 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 Mr Michael Gallacher.

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 Deputy Speaker reported that Mr Taylor Martin had been elected to fill the Council vacancy.

Votes and Proceedings: 3/5/2017, p. 1185.

(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*.)