



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SEVENTH PARLIAMENT, FIRST SESSION
NO. 4/2020: 12 MAY 2020

May 2020				
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11	12	13	14	15

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.

SITTINGS

An earlier resolution adopted by the House on 24 March 2020 (see Procedural Digest no. 3/2020) set the return of the House on 15 September 2020. However, under new Sessional Order 47A, the House returned earlier, on 12 May, to consider three cognate COVID-19 bills relating to the Government's response to the impact of the COVID-19 virus. The day and time of meeting was communicated to all Members by the Speaker via electronic means.

The sitting day extended to 13 May so that the Assembly could conclude consideration of the bills after they were returned following their consideration in the Legislative Council.

As with the sitting held in March, special arrangements were in place for the operation of the Chamber, and to allow for the urgent consideration of the cognate bills. The special arrangements were facilitated by a suspension of Standing and Sessional Orders, and by agreements made by the Government, the Opposition and the Cross-bench.

Votes and Proceedings: 12/5/2020, p. 613.

Sessional Order 47A.

CHAMBER

Absence of Members, pairing arrangements and social distancing

More than half the Members were absent from the Chamber on 12 May 2020. As with the sitting held on 24 March, the Members' absence was planned by the major parties (via pairing arrangements) and the Cross-bench so that the operation of the Legislative Assembly complied with social distancing guidelines. Those Members who were in the Chamber sat in an altered seating plan of at least 1.5 metres between persons and at least four square metres per person. The Clerks-at-the-Table also sat in an altered seating arrangement, with two Clerks seated at either side of the Table, as opposed to the usual three Clerks during busy periods.

Votes and Proceedings: 12/5/2020, p. 634.

Standing Order 186.

(Procedural note: Pairing is an informal arrangement, usually organised through the Party Whips, that allows Members to be absent from the House during sittings by agreeing with Members from the opposite side of the House that they will be absent at the same time. When voting takes place, the absence of a 'pair' of Members means that one Government vote and one Opposition vote are both missed, leaving the final majority unchanged.)

Standing Order 186 provides that Members pairing on any division are to be recorded on the tellers' lists and printed in the Votes and Proceedings and Hansard.)

Divisions

On 12 May 2020 the House implemented the new division process, agreed to on 24 March, which enables Members to vote in a division while maintaining appropriate social distancing. The amended procedure allows for Members to enter and leave the Chamber by separate entrances (for Ayes and Noes) with tellers positioned near both of the entrances to record the votes. Members did not take their seats in the Chamber during the divisions held on 12 May, but left the Chamber immediately after recording their votes with the tellers.

Votes and Proceedings: 12/5/2020, pp. 620-1, 623-5.

Standing Order 180.

BUSINESS

Days of meeting

On 12 May 2020 the Leader of the House, the Hon. Mark Speakman MP, moved that an earlier resolution agreed to by the House on 24 March, setting the return of the House in September 2020, be amended to provide for the House to sit for two weeks in June, one week in July and one week in August, subject to consultation between the Speaker and relevant public health authorities in relation to public health measures in the Chamber. The motion, which effectively re-instated the original 2020 parliamentary sitting calendar for the Legislative Assembly, was agreed to on the voices.

Votes and Proceedings: 12/5/2020, p. 619.

Standing Orders 34 and 47A.

Suspension of Standing and Sessional Orders to facilitate the business of the House

On 12 May 2020 the Leader of the House, the Hon. Mark Speakman MP, moved that Standing and Sessional Orders be suspended to permit the introduction and passage through all stages of the COVID-19 Legislation Amendment (Emergency Measures – Attorney General) Bill and cognate bills. The motion also provided that:

- with the exception of Question Time, other regular business that would ordinarily be considered during the day's Routine of Business, including the giving of notices and Private Members' Statements, would be removed
- time limits would apply to speaking times for the second reading debate and consideration in detail stages of the bills. (The time limits would be applied to parties and Independent Members, rather than a limit on the number of speakers)
- if at 3.30 pm consideration of the bills had not concluded, all questions necessary to complete the remaining stages of the bills would be put

- following consideration of the bills, the Speaker would leave the Chair until the ringing of one long bell and upon resuming the Chair, the House would consider any messages or amendments from the Legislative Council
- Question Time would take place at 4.00 pm, comprising five questions (four questions to be asked by the Opposition and one by the Cross-bench, with no additional information to be sought and no supplementary question)
- written questions, usually lodged on sitting days, would also be allowed to be lodged by Members during the non-sitting weeks of 18-22 May and 25-29 May.

The Manager of Opposition Business, Mr Ryan Park MP, and, by leave, Mr Greg Piper MP and Ms Jenny Leong MP, each spoke to the motion, after which it was passed on division.

Votes and Proceedings: 12/5/2020, pp. 619-21.

Hansard: 12/5/2020, pp. 2-7.

Standing Orders 85, 96, 97, 131, 132, 188 and 365.

Written questions

Each sitting week Members are allowed to lodge written questions to Ministers, and Ministers have 35 days in which to provide answers to each written question. Members may lodge up to nine written questions per sitting week and the Leader of the Opposition may lodge up to twelve written questions.

On 12 May 2020 the House resolved to suspend Standing and Sessional Orders to allow written questions to be lodged in the non-sitting weeks of 18-22 May and 25-29 May. The suspension provides an avenue for Members to continue to scrutinise the actions of Executive Government while the House is not sitting. [Questions and answers](#) are published on the Parliament of NSW website.

Votes and Proceedings: 12/5/2020, p. 620.

Standing Order 132.

BILLS

COVID-19 Legislation Amendment (Emergency Measures-Attorney General) Bill 2020 and cognate bills

On 12 May 2020 the Leader of the House, the Hon. Mark Speakman MP, introduced the COVID-19 Legislation Amendment (Emergency Measures-Attorney General) Bill and its cognates, the COVID-19 Legislation Amendment (Emergency Measures-Treasurer) Bill and COVID-19 (Legislation Amendment (Emergency Measures-Miscellaneous) Bill.

The *COVID-19 Legislation Amendment (Emergency Measures) Act 2020*, which was assented to in March 2020, amended a number of Acts to prepare NSW services and institutions for the impact of the COVID-19 virus. The cognate bills sought to implement further amendments to allow government services and functions to continue while restrictions and social distancing remain in place. Suggestions for the wide range of proposed amendments in the cognate bills were received by the Government from government agencies, non-government organisations, peak bodies and other stakeholders. They included:

- Measures to allow court security staff to check the temperature and ask screening questions of people entering court premises;

- Further amendments for altered arrangements in bail decisions, permissions and arrangements in relation to court documents, court, youth justice and other appearances by audio-visual link, making of youth community service orders and parole orders;
- Additional temporary powers for Sheriff's officers;
- Deferral of the 2020-21 NSW Budget from June until at least the end of 2020 and empowering the Treasurer to authorise payments until the 2020-21 Budget is enacted;
- Extending the period for agencies and departments to prepare 2019-20 annual reports and giving the Treasurer flexibility in tabling certain reports in the 2019-20 and 2020-21 reporting period;
- Allowing local government employees to cash out annual leave;
- Reintroduction of the Energy Savings Scheme;
- Amendment of approvals and conditions for development consents;
- Amendments to certain Acts and Regulations for landlords and tenants; and
- Amendments to enhance delivery of health services.

Following the second reading debate, the House considered an amendment proposed by Ms Jenny Leong MP in detail. The proposed amendment was defeated on division, the bills passed the House and were subsequently sent to the Legislative Council for consideration. Following Question Time, the Speaker left the Chair at 4.28 pm.

The Legislative Council considered the bills until midnight on 12 May and adjourned at 12.30 am on 13 May. The Council continued to consider the bills when it met at 10.00 am on 13 May, and returned the COVID-19 Legislation Amendment (Emergency Measures-Attorney General) Bill without amendment and the COVID-19 Legislation Amendment (Emergency Measures-Treasurer) Bill and COVID-19 (Legislation Amendment (Emergency Measures-Miscellaneous) Bill with amendments.

The Legislative Assembly resumed at 2.45 pm on 13 May to consider the Council amendments, all of which were agreed to on the voices.

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

Votes and Proceedings: 12/5/2020, pp. 621-5 and pp. 626-34.

Standing Orders 188, 193, 203, 222, 223 and 224.

(Procedural note: Cognate bills are bills which are related to each other and presented as a package to be considered simultaneously.)