



# PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SIXTH PARLIAMENT, FIRST SESSION  
NO. 5/2017: 23 MAY – 1 JUNE 2017

May/June 2017				
M	T	W	T	F
22	23	24	25	26
29	30	31	1	2

*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.*

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## BUSINESS

### ***Speaker's statement about the Manchester terrorist incident***

On 23 May 2017 the Speaker made a statement and extended her condolences to the victims on behalf of the House.

Members and Officers of the House stood as a mark of respect at the conclusion of the statement.

*Votes and Proceedings: 23/5/2017, p. 1220.*

*Hansard (Proof): 23/5/2017, p. 13.*

### ***Motion to censure a Minister moved***

On 23 May 2017 the Leader of the Opposition moved, pursuant to notice, that the House censure the Minister for Transport and Infrastructure for matters related to the proposed privatisation of certain bus services.

In accordance with a suspension of Standing and Sessional Orders agreed to by the House earlier, the Leader of the Opposition spoke to the motion first for ten minutes, followed by the Minister for Transport and Infrastructure for ten minutes, Ms Jodi McKay MP for five minutes, and Mr John Sidoti MP for five minutes. After the Leader of the Opposition had spoken in reply the motion was negatived on division.

*Votes and Proceedings: 23/5/2017, pp. 1223-4, pp. 1225-6.*

*Hansard (Proof): 23/5/2017, pp. 34-40.*

**Standing Orders 114 and 365.**

(Procedural note: Under Standing Order 114 any Member may move a motion of censure of another Member of the House. A notice of a Member's intention to move a censure motion must be given prior to Question Time when the Speaker calls for notices of motions for Business with Precedence. The Member will then be called on to move the motion on the same sitting day that the notice was given.

Any Member may also give notice of a motion of no confidence in a Minister or the Speaker. In this case the notice is called on during the next sitting day on which Business with Precedence is considered.)

### ***Motion about the Granville Train Disaster first responders***

On 25 May 2017 the Leader of the House moved a motion that the House:

- (1) Notes the 40<sup>th</sup> anniversary of the Granville Train Disaster.
- (2) Notes the apology given to victims, their loved ones and the broader NSW community by the Legislative Assembly on 4 May 2017.
- (3) Commends, in particular, the exemplary efforts of the first responders and recognises the deep and ongoing impact the disaster had upon their lives.

After the Leader of the House and two other Members had spoken on the motion, debate was interrupted, to be resumed on a future day.

*Votes and Proceedings: 25/5/2017, pp. 1237-8.*

*Hansard (Proof): 25/5/2017, pp. 1-6.*

**Standing Orders 85 and 142.**

### ***Speaker's statement and Matter of Public Importance on the Stolen Generation and the 20<sup>th</sup> anniversary of the 'Bringing them Home' report***

On 25 May 2017 the Speaker made a statement about the Stolen Generation and, in her statement, noted the 20<sup>th</sup> anniversary of the 'Bringing them Home' report. The report examined the intergenerational impact that forcible removal had on the children, grandchildren, communities and family members of the stolen generation.

Members and Officers of the House stood as a mark of respect at the conclusion of the statement.

Later that day the House also discussed a Matter of Public Importance about the 'Bringing them Home' report.

*Votes and Proceedings: 25/5/2017, p. 1240, p. 1241.*

*Hansard (Proof): 25/5/2017, p. 29.*

**Standing Order 110.**

### ***Forestry revocation***

Pursuant to section 15 of the *Forestry Act 2012*, on 1 June 2017 the Legislative Assembly agreed to the revocation of dedication of parts of State Forests and that the resolution be communicated by Address to His Excellency the Governor.

*Votes and Proceedings: 1/6/2017, pp. 1260-1.*

**Standing Orders: Chapter 28 – Addresses to the Sovereign and to the Governor.**

(Procedural Note: Formal communications between the Legislative Assembly the Governor are done by way of an Address. The most common form is the Address-in-Reply, which is the Assembly's response to the Governor's address to Members on the opening of Parliament. In the case of the revocation of crown lands, an Address is required under legislation.)

### ***Motion on regional infrastructure investment***

On 1 June 2017 leave was granted for an additional 16 Members to speak on a General Business Motion about regional infrastructure investment that had been given precedence over other General Business Motions for that day.

*Votes and Proceedings: 1/6/2017, p. 1262.*

**Standing Orders 96, 106 and 107.**

(Procedural note: Debate on General Business Motions is limited to 6 Members per motion (see Standing Order 107).)

## **BILLS**

### ***Bill originating in the Legislative Assembly divided in the Legislative Council***

On 11 May 2017 a message was reported from the Legislative Council informing the Legislative Assembly that it had considered the *Statute Law (Miscellaneous Provisions) Bill 2017* (a bill originating in the Assembly) and divided the bill into two bills, one which retained the original bill's name and another which the Council entitled the *Universities Legislation Amendment (Planning Agreements) Bill 2017*.

In effect, the Council amended the original bill to excise a series of schedules from it, and then those schedules were used to constitute the new *Universities Legislation Amendment (Planning Agreements) Bill*.

The message then indicated that the Council returned the *Statute Law (Miscellaneous Provisions) Bill* with the proposed amendments (to excise certain schedules), that it was still considering the *Universities Legislation Amendment (Planning Agreements) Bill*, and that it requested the Assembly's concurrence in the Council's actions.

The Speaker ordered that the House consider the Council's message at a later time.

During the next sitting period, on 23 May 2017, a second message was reported from the Legislative Council indicating that the Council had agreed to the *Universities Legislation Amendment (Planning Agreements) Bill*.

The Deputy Speaker ordered that the House consider the Council's message at a later time.

On 24 May 2017 the Assembly considered the two Council messages, with the House, firstly, resolving to concur with the Council's division of the original bill into the two bills.

Next, the House resolved to agree to the Council's amendments to the *Statute Law (Miscellaneous Provisions) Bill*, and to the proposed *Universities Legislation Amendment (Planning Agreements) Bill*.

Lastly, the House resolved to send the Council a message informing it of the Assembly's actions in respect of the bills.

*Votes and Proceedings: 11/5/2017, pp. 1213-4; 23/5/2017, p. 1226; 24/5/2017, p. 1231.*  
**Standing Orders 222, 223, 224 and 227.**

### ***Crimes Amendment (Intimate Images) Bill 2017***

On 24 May 2017 the Attorney General introduced the *Crimes Amendment (Intimate Images) Bill 2017* into the Legislative Assembly.

The object of the bill was to create new offences to address the non-consensual sharing of intimate images (also known as revenge porn), making it illegal to intentionally record or distribute, or threaten to record or distribute, an intimate image of another person without that person's consent.

The bill was part of the Government's response to a report of the Legislative Council Standing Committee on Law and Justice, entitled [Remedies for the Serious Invasion of Privacy in New South Wales](#), which was published in March 2016.

The bill passed the Assembly on 31 May 2017 and was transmitted to the Legislative Council for its consideration.

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

*Votes and Proceedings: 24/5/2017, p. 1230; 31/5/2017, pp. 1251-2.*  
*Hansard (Proof): 24/5/2017, pp. 14-17; 31/5/2017, pp. 1-26.*  
**Standing Orders 188, 203 and 239.**

### ***Parliamentary Contributory Superannuation Amendment (Criminal Charges and Convictions) Bill 2017***

On 23 May 2017 the Premier introduced the *Parliamentary Contributory Superannuation Amendment (Criminal Charges and Convictions) Bill 2017* into the Legislative Assembly.

Members of Parliament elected prior to the 2007 election are entitled to a pension under the *Parliamentary Contributory Superannuation Act 1971*. It had been the case that a Member would lose his or her pension entitlement if convicted of an infamous crime or an offence punishable by imprisonment for life or for a term of five years or more, including a common law offence.

Following amendments to the Act in 2006, Members would also lose their pension entitlement if they were charged with a serious offence while in office, resigned before the proceedings were finalised, and were later convicted of that offence.

The amendments made by the *Parliamentary Contributory Superannuation Amendment (Criminal Charges and Convictions) Bill* will mean that any former Member convicted of a serious offence committed during their time in office will also lose their pension entitlement irrespective of whether they left office before or after charges were laid.

The bill passed the Assembly on 31 May 2017 and was transmitted to the Legislative Council for its consideration. The Legislative Council returned the bill with amendments, which were agreed to by the Legislative Assembly on 1 June 2017.

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

*Votes and Proceedings: 23/5/2017, p. 1226; 30/5/2017, p. 1248; 31/5/17, pp. 1256-8; 1/6/17, p. 1260.*

*Hansard (Proof): 23/5/2017, pp. 40-41.*

**Standing Orders 188, 203, 222, 223, 224 and 239.**

### ***Unproclaimed legislation***

On 24 May 2017 the Speaker tabled a list of legislation unproclaimed 90 days after assent.

*Votes and Proceedings: 24/5/2017, p. 1232.*

**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 has been 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 (see *Odgers Australian Senate Practice*, 14<sup>th</sup> edition, Chapter 12, 'Commencement of Legislation').

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 15<sup>th</sup> sitting day after.)

## **SPEAKER**

### ***Appointment of Temporary Speaker***

On 1 June 2017 the Speaker, by leave, nominated Mr Greg Aplin MP to serve as a sixth Temporary Speaker.

*Votes and Proceedings: 1/6/2017, p. 1263.*

**Standing Orders 19 and 96.**

(Procedural Note: Leave was required to appoint a sixth Temporary Speaker because Standing Order 19 permits the Speaker to nominate no more than five Members. There are now five Government Members and one Opposition Member on the panel of Temporary Speakers.)

### ***Death of a former Member of the Legislative Assembly***

The Speaker informed the House of the death, on 31 May 2017, of Ms Kathy Smith, a former Member of the Legislative Assembly, and on behalf of the House extended her sympathies to Ms Smith's family for their loss. Members and Officers stood as a mark of respect at the conclusion of the Speaker's statement.

A sympathy motion will be moved on a future date.

*Votes and Proceedings: 1/6/2017, p. 1263.*

*Hansard (Proof): 1/6/2017, p. 31.*

## COMMITTEES

### ***Inquiry into support for start-ups in regional NSW***

On 1 June 2017 the Chair of the Legislative Assembly Committee on Investment, Industry and Regional Development, Ms Katrina Hodgkinson MP, informed the House that the Committee had resolved to conduct an inquiry into support for start-ups in regional NSW. The full details of the inquiry are available on the Committee's [webpage](#).

*Votes and Proceedings: 1/6/2017, p. 1264.*

**Standing Order 299 (1).**