



# PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SIXTH PARLIAMENT, FIRST SESSION  
NO. 7/2017: 1 – 10 AUGUST 2017

July/August 2017				
M	T	W	T	F
31	1	2	3	4
7	8	9	10	11

*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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## BILLS

### ***Local Government Amendment (Amalgamation Referendums) Bill***

On 21 February 2017 the *Local Government Amendment (Amalgamation Referendums) Bill 2017* was introduced into the Legislative Council as a Private Member's Bill. The purpose of the Bill is to amend the *Local Government Act 1993* to require referendums to be held in relation to the amalgamation, or proposed amalgamation of local councils.

After passing the Legislative Council, the Bill was received by the Legislative Assembly on 1 August 2017. After the Bill had been reported, the Speaker advised the House that she had received written authority from the Hon. Robert Borsak MLC advising that Mr Philip Donato MP would have carriage of the Bill in the Assembly. Debate on the Bill commenced in the Assembly on 3 August 2017.

While the Minister for Local Government was speaking on the Bill, debate was interrupted when the time for considering Private Members' Bills had expired. Debate will resume on a later date.

*Votes and Proceedings: 1/8/2017, p. 1299; 3/8/2017, pp. 1317-8.*

**Standing Orders 97, 188, 203 and 229.**

(Procedural note: When a bill that was introduced by a private Member in the Legislative Council is forwarded to the Legislative Assembly for consideration, it is accompanied by a message transmitting the bill together with a letter signed by the mover in the Council and an Assembly Member who has agreed to have carriage of the bill. Once the message is reported by the Speaker the bill becomes a General Business Order of the Day.

If no Assembly Member agrees to have carriage of the bill, the message is not reported by the Speaker and the bill is not accepted by the Assembly.)

### ***Sydney Public Reserves (Public Safety) Bill***

On 9 August 2017 the *Sydney Public Reserves (Public Safety) Bill 2017* was introduced into the Legislative Assembly.

The Bill authorises police officers to give directions to unauthorised persons occupying the public reserve of Martin Place, and to seize and remove tents, goods and other things. The Bill will also apply to other public reserves in the City of Sydney Local Government Area, by proclamation of the Governor, when the Minister is satisfied that it is in the public interest that the police should take action.

After a suspension of Standing and Sessional Orders to permit its immediate consideration, the Bill was debated and passed by the Legislative Assembly the next day. The Bill was then passed, without amendment, by the Legislative Council on the same day and was assented to on 11 August 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: 8/8/2017, p. 1328; 9/8/2017, pp. 1332-3, p. 1340.*

**Standing Orders 188, 203 and 365.**

(Procedural Note: Under Standing Order 188, after a bill has been introduced and the Minister or mover has completed their second reading speech, debate is adjourned for five clear days to give Members time to examine the bill. However, if the House agrees, Standing and Sessional Orders may be suspended to bypass the ‘five clear days’ rule and, therefore, expedite a bill’s consideration in the Legislative Assembly.)

## **MEMBERS**

### ***Condolence motion for Kathy Smith***

On 2 August 2017 the Premier moved a motion of condolence in relation to the death, on 31 May 2017, of Ms Kathy Smith, a former Member of the Legislative Assembly.

The motion was seconded by the Leader of the Opposition and supported by 13 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.

Ms Smith was elected at the 2015 General Election and resigned her seat shortly before her death.

*Votes and Proceedings: 2/8/2017, p. 1314.*

**Standing Order 118.**

### ***Valedictory speech by the Hon. Katrina Hodgkinson MP***

On 8 August 2017 the Leader of the House moved that the business of the House be interrupted at 12.00 noon on 9 August 2017 to permit the Hon. Katrina Hodgkinson MP to make a valedictory speech. The motion was passed on the voices.

The following day, in accordance with the previous day’s motion, Ms Hodgkinson made her valedictory speech.

*Votes and Proceedings: 8/8/2017, p. 1325; 9/8/17, p. 1332.*

*Hansard (Proof): 9/8/2017, pp. 17-21.*

**Standing Order 63.**

(Procedural note: Retiring Members may make a valedictory speech during their final days in the Parliament. Valedictory speeches provide Members with the opportunity to reflect on their time as a Member of Parliament.)

### ***Joint sitting to elect a Member of the Legislative Council***

On 9 August 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 the resignation of Mr Duncan Gay.

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 Speaker reported that Mr Wesley Fang had been elected to fill the Council vacancy.

*Votes and Proceedings: 9/08/2017, p. 1335.*

(Procedural note: In NSW casual vacancies in the Legislative Council are filled by a person elected at a joint sitting of both Houses ordered 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*.)

## **BUSINESS**

### ***Matter of Public Importance – Les Murray***

On 2 August 2017 Members discussed a Matter of Public Importance about Mr Les Murray, AM, following the recent death of the soccer commentator.

*Votes and Proceedings: 2/8/2017, p. 1314.*

### ***Two Matters of Public Importance discussed on the same day***

On 10 August 2017 Standing and Sessional Orders were suspended to permit consideration of two Matters of Public Importance, one on marriage equality and the other on Indian Independence Day.

*Votes and Proceedings: 10/8/2017, p. 1348.*

### **Standing Orders 110 and 365.**

(Procedural note: Matters of Public Importance (MPI) give Members an opportunity to initiate discussion on a matter without the House making a final judgement on it by way of a resolution (Standing Order 110). Matters for discussion are usually framed as a very brief, general topic and Members submit their topic to the Speaker, who will determine whether the MPI is the appropriate vehicle for raising the issue. If more than one matter has been submitted, the Speaker will determine which matter is of the greatest public importance, and that is the matter that will be discussed.)