



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SEVENTH PARLIAMENT, FIRST SESSION
NO. 7/2019: 15 - 24 OCTOBER 2019

October 2019				
M	T	W	T	F
14	15	16	17	18
21	22	23	24	25

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.

GOVERNOR

Address in Reply to the Governor's Opening Speech

On Wednesday 16 October 2019 Members of the Legislative Assembly proceeded to Government House to present to the Governor its Address in Reply to the speech Her Excellency made to both Houses of Parliament on the occasion of the opening of the 57th Parliament.

Votes and Proceedings: 16/10/19, pp. 341-2.

Standing Orders 4, 5, 6 & 7.

(Procedural note: The Address in Reply is a motion (moved and seconded by Members supporting the Government) addressed to the Governor in response to a speech given by the Governor to mark the opening of a Session of Parliament.

The Governor's opening speech outlines the Government's proposed legislative program for the Session, and the subsequent debate on the Address in Reply motion is wide-ranging.

Once the debate is concluded the Address is presented to the Governor at Government House by Members of the Assembly, with the mover and seconder of the motion specially presented to the Governor.

Further information on the presentation of the Address in Reply to the Governor can be found in [Chapter Four](#) of *NSW Legislative Assembly Practice, Procedure and Privilege.*)

MEMBERS

Parliamentary Ethics Adviser

On Tuesday 15 October 2019 the Speaker tabled the annual report of the Parliamentary Ethics Adviser for the year ended 30 June 2019. The Speaker also tabled correspondence from the Parliamentary Ethics Adviser to the Hon. Troy Grant, a former Minister, providing advice to Mr Grant about his post-separation employment.

Votes and Proceedings: 15/10/19, p. 335.

Standing Order 264.

(Procedural note: The Parliament Ethics Advisor is required to report to Parliament annually on the number of ethical matters raised with him, the number of Members who sought his advice, the amount of time spent in the course of his duties, and the number of times advice was given.)

Condolence motion – the Hon. Tim Fischer AC

On Wednesday 16 October 2019 the Deputy Premier moved a motion of condolence in relation to the death, on 22 August, of the Hon. Tim Fischer AC, a former Member of the Legislative Assembly and the House of Representatives, and a former Deputy Prime Minister.

The motion was seconded by the Leader of the Opposition, Ms Jodi McKay MP, and supported by the Premier, Ms Gladys Berejiklian MP, and 13 other Members.

Votes and Proceedings: 16/10/19, p. 346.

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.*)

Joint sitting to elect a Member of the Legislative Council

On Thursday 17 October 2019 Members of the Legislative Assembly attended the Legislative Council Chamber for a joint sitting to elect a person to fill a vacancy in the Council caused by the resignation of the Hon. Niall Blair.

At the conclusion of the election the Assembly Members returned to the Assembly Chamber and the Deputy Speaker reported that Mr Sam Farraway had been elected to fill the Council vacancy.

Votes and Proceedings: 17/10/19, p. 359.

(Procedural note: Section 22 of the [Constitution Act 1902](#) provides that when a seat in the Legislative Council is vacated, the Governor, by way of a message to both Houses, convenes a joint sitting to elect a person to fill the vacancy. Members of the two Houses perform the role of electors. A person is eligible to be nominated for election to fill a vacancy in the Council if they are a Member of the same party as the Member who has vacated the seat.

Section 76 of the [Electoral Act 2017](#) provides that when a seat is vacated in the Legislative Assembly, the Speaker issues a writ for an election of a Member to fill the vacancy (a by-election). Any person eligible for nomination as a candidate in an election may nominate as a candidate in a by-election.

This means that in the Legislative Assembly (unlike the Legislative Council) a vacancy and subsequent by-election may lead to a seat changing from one party to another or to an independent Member.)

COMMITTEES

Joint Select Committee on Sydney's Night Time Economy

On Tuesday 15 October 2019 the Joint Select Committee on Sydney's Night Time Economy tabled the report of its inquiry.

The Committee examined the effect of 'lockout laws' on businesses in Sydney and made 40 recommendations to: maintain safety in Sydney while enhancing nightlife; improve governance of Sydney's night time economy; and promote cooperation between venues and regulators.

The [Committee](#) report can be found on the Parliament of NSW website.

Votes and proceedings: 15/10/2019, p. 335.

Standing Order 303.

Standing Orders and Procedure Committee: Report on ePetitions

On Tuesday 22 October 2019 the Standing Orders and Procedure Committee tabled its report, *Modernisation and reform of practices and procedures: ePetitions*.

This was the second interim report of the Committee as part of its inquiry into modernisation and reform of practices and procedures of the Legislative Assembly, in which it made recommendations about a process for the Assembly to receive 'ePetitions'.

ePetitions will allow residents of NSW to create and 'sign' a petition through the Assembly's website.

The [Committee](#) report can be found on the Parliament of NSW website.

Hansard (proof): 22/10/2019, p. 10.

Standing Order 303.

CHAMBER

Mace

On Tuesday 15 October 2019 the Speaker acknowledged the 45th anniversary of the presentation of the Mace to the Legislative Assembly by the Jewish Board of Deputies.

Votes and Proceedings: 15/10/19, p. 334.

(Procedural note: The Mace is an ancient implement with a long association with Parliaments. Originally used as a weapon, the Mace today is a symbol of the authority of the Sovereign, the Legislative Assembly and the Speaker.

It is a tradition of many Westminster legislatures that the House is not properly constituted and cannot make laws unless the Mace is present in the Chamber. This is not the case in NSW, however, as until 1974 the Legislative Assembly did not possess a Mace, and the absence of a Mace has never prevented the Assembly from sitting.

The Legislative Assembly Mace was presented on 15 October 1974 by the NSW Jewish Board of Deputies to mark the 150th anniversary of the establishment of parliamentary institutions in Australia. It was made by the Crown Jewellers, Garrard & Co. of London, with the Royal Arms on the cushion at the head, the Arms of NSW on the front and an inscription engraved on the back. The stem of the Mace is decorated with entwined Tudor rose (representing the Sovereign) and waratahs (the floral symbol of NSW).

When the Speaker is in the Chair the Mace lies on the Table, with the orb and cross surmounter pointing to the Government side of the Chamber.)

Days of meeting

On Wednesday 23 October 2019 the House resolved to meet on the following dates during 2020:

Autumn sittings: February 4, 5, 6, 25, 26 and 27; March 3, 4, 5, 24, 25, 26 and 31; April 1 and 2; May 5, 6, 7, 12, 13, and 14; June 2, 3, 4, 16, 17 and 18.

Spring sittings: July 28, 29 and 30; August 4, 5, and 6; September 15, 16, 17, 22, 23 and 24; October 13, 14, 15, 20, 21 and 22; November 10, 11, 12, 17, 18 and 19 and November 24, 25 and 26 as a potential reserve week.

Votes and Proceedings: 23/10/19, p. 375.

Standing Order 34.