



# PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SIXTH PARLIAMENT, FIRST SESSION

NO. 8/2016: 13 – 22 SEPTEMBER 2016

September 2016				
M	T	W	T	F
12	13	14	15	16
19	20	21	22	23

*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

### ***Land and Property Information NSW (Authorised Transaction) Bill 2016***

On 20 September 2016 debate resumed on the [Land and Property Information NSW \(Authorised Transaction\) Bill 2016](#). In all, 22 Members spoke in the debate, which lasted for over five hours. Mr Clayton Barr MP, who was the lead speaker for the Opposition, spoke for just over two hours.

To accommodate the lengthy debate on the bill, which commenced at 7.18 pm, and the consequential later adjournment of the House, Standing and Sessional Orders were suspended to alter the Routine of Business so as to not call on Private Members' Statements and to permit the House to sit past 10.00 pm.

In order to program the debate and the sitting so that Members could leave Parliament in the evening, at approximately 9.44 pm a second suspension of Standing and Sessional Orders was agreed to by the House, to:

- Provide for the continuation of the debate on the Bill, up to and including the putting of the question on the second reading of the Bill;
- Provide that no motions to adjourn debate on the Bill would be permitted for the remainder of the sitting;
- Provide that no divisions or quorums could be called for the remainder of the sitting; and
- Provide that any divisions called on the second reading of the Bill would be postponed and conducted the next day.

In accordance with the second suspension, at 12.39 am the question on the Bill's second reading was put, a division was called, and the conduct of the division was deferred until the next day.

The next day, at approximately 10.30 am, Standing and Sessional Orders were suspended to provide that any amendments to the Bill would be moved and considered together, and to limit the speakers and speaking times on the Bill to one Opposition Member and one Government Member for a single period of 15 minutes each.

Immediately afterwards, the question that the Bill be read a second time was put and passed on division. Mr Clayton Barr MP then requested that the Bill be considered in detail. In accordance with that morning's suspension a number of Opposition amendments to the Bill were moved and considered together and were ultimately negated on division. The question that the Bill be read a third time was then put and passed on division and the Bill was forwarded to the Legislative Council.

*Votes and Proceedings: 20/9/2016, pp. 877-8; 21/9/2016, pp. 882-5.*

*Hansard (Proof): 20/9/2016, pp. 59-105; 21/9/2016, pp. 3-11.*

**Standing Orders 41, 82, 85, 97, 173, 187, 188, 203, 208 and 365.**

(Procedural note: In the Legislative Assembly most speeches on items of business have limited and defined speaking times. However, some speeches, such as second reading speeches on Government bills by the mover and the lead Opposition speaker, do not have time limits imposed on them. This enabled Mr Barr to speak for over two hours in the debate on the *Land and Property Information NSW (Authorised Transaction) Bill 2016*. The time limits for debates and speeches are set out in [Standing Order 85](#).)

## BUSINESS

### ***Member's resignation from the Legislative Assembly***

On 13 September 2016 the Speaker advised the House that on 31 August 2016 she had received a letter from Ms Noreen Hay resigning her seat as Member for Wollongong.

Immediately after the Speaker's announcement the Leader of the House moved that the seat of the Member for Wollongong be declared vacant on account of Ms Hay's resignation, in accordance with Section 70 of the [Parliamentary Electorates and Elections Act 1912](#). The motion was passed on the voices.

*Votes and Proceedings: 13/9/2016, p. 844.*

(Procedural note: Section 33 of the [Constitution Act 1902](#) provides that any Member of the Legislative Assembly may submit their resignation in writing to the Speaker. Once a letter of resignation is received it takes effect immediately.

After the Speaker has received a letter of resignation, they will inform the Assembly of the Member's resignation during a sitting of the House.

After the Speaker's announcement, Section 70 of the *Parliamentary Electorates and Elections Act 1912* states that the Assembly will declare the Member's seat vacant, noting the reason for the vacancy, by way of a resolution of the House. After the Assembly has declared the seat vacant the Speaker then issues a writ for a by-election for the vacant seat.

If the Assembly is not in session or adjourned for more than seven days, the Speaker can issue the writ without the resolution of the House.)

## ***Two Citizens' Replies published by the Legislative Assembly***

On 13 September 2016 the Speaker tabled two reports of the Standing Orders and Procedure Committee, entitled:

- *Citizen's Right of Reply – Eastern Suburbs Football Association*, Report 4/56, dated September 2016; and
- *Citizen's Right of Reply – Champion Homes*, Report 5/56, dated September 2016.

In the reports the Standing Orders and Procedure Committee indicated that it had concluded that Eastern Suburbs Football Association and Champion Homes should be given a Reply in response to certain comments made by Members in the Legislative Assembly. The Replies were given in accordance with the Citizens' Right of Reply procedure and were published as part of the Committee's reports.

*Votes and Proceedings: 13/9/2016, p. 846.*

(Procedural note: In 1996 the Legislative Assembly first adopted a procedure by which persons or corporations could request a "Right of Reply" if they considered themselves to have been adversely mentioned during proceedings in the House. The procedure attempts to balance Members' freedom of speech in the House by giving an individual or corporation adversely mentioned in the House an opportunity to respond.

The procedure firstly requires the Speaker to be satisfied that a submission is appropriate and practicable, before he/she refers it to the Standing Orders and Procedure Committee for consideration.

If the Committee decides to consider the matter, it may then report its conclusions to the House as to whether or not a response from the person or corporation should be published by the Legislative Assembly or incorporated into *Hansard*.

The current Citizens' Right of Reply procedure, which was adopted by the Legislative Assembly on 15 September 2015, can be viewed [here](#).

In accordance with Clause 6 of the procedure, when considering a submission at no point does the Committee judge the truth of any statements made in the Legislative Assembly or the submission.)

## **SPEAKER**

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

On 13 September 2016 the Speaker informed the House that she had nominated Ms Melinda Pavey MP as a Temporary Speaker in place of Mr Adam Marshall MP on account of Mr Marshall being appointed as a Parliamentary Secretary.

*Votes and Proceedings: 13/9/2016, p. 845.*

### **Standing Orders 19 and 20.**

(Procedural note: [Standing Order 19](#) provides for the Speaker to nominate up to five Members to serve as Temporary Speakers at the commencement of each Parliament. Temporary Speakers are appointed to exercise the powers and duties of the Speaker in the absence of the Deputy Speaker and Assistant Speaker.

[Standing Order 20](#) provides that the Speaker may, at any time, revoke the nomination of a Member as a Temporary Speaker and nominate another Member. Legislative Assembly practice is that Parliamentary Secretaries do not serve in the Chair.)

## ELECTIONS

### ***By-elections for three electorates***

On 13 September 2016 the Speaker advised the House that she would issue the writs for by-elections for the electoral districts of Canterbury, Orange and Wollongong on 23 September 2016, with a view to polling day for the by-elections being Saturday 12 November 2016.

The by-elections were necessitated by the resignations of Ms Linda Burney, Mr Andrew Gee and Ms Noreen Hay from the Legislative Assembly.

*Votes and Proceedings: 13/9/2016, p. 844.*

(Procedural note: Section 70 of the *Parliamentary Electorates and Elections Act 1912* states that the Speaker issues writs to fill vacancies that occur as a result of the resignation, death or expulsion of Members.

The dates of by-elections are determined by the Speaker, in consultation with the Electoral Commissioner, the Premier and the Leader of the Opposition.

Once the outcome of a by-election is determined, the poll is declared by the returning officer in the electorate and the writ is forwarded to the Electoral Commissioner, who then returns it to the Speaker.)

## MEMBERS

### ***Mr Adam Marshall MP appointed as Parliamentary Secretary***

On 13 September 2016 the Leader of the House, on behalf of the Premier, informed the House that, on 25 August 2016, Mr Adam Marshall MP was appointed as the Parliamentary Secretary for Northern NSW and Renewable Energy.

*Votes and Proceedings: 13/9/2016, p. 848.*

#### **Standing Order 366.**

(Procedural note: Parliamentary Secretaries may act on behalf of Ministers in most respects, except in relation to certain Standing Orders. The things that Parliamentary Secretaries are not permitted to do on behalf of Ministers are set out in [Standing Order 366](#).)

## STAFF

### ***Retirement of Ms Ronda Miller, Clerk of the Legislative Assembly***

On 14 September 2016 the Speaker informed the House that on 1 August 2016 she had received a letter from Ms Ronda Miller, Clerk of the Legislative Assembly, advising that Ms Miller intended to retire and that her last day of service would be 23 September 2016. The Speaker then informed Members that there would be an opportunity for the House to formally acknowledge Ms Miller's more than 26 years of service to the Legislative Assembly during the next sitting week.

The next week, on 22 September 2016, the Speaker made a statement in relation to Ms Miller's retirement, paying tribute to her achievements and her dedicated service.

At the conclusion of the Speaker's statement the Premier moved a motion that the Speaker's remarks be entered into the *Votes and Proceedings*. The motion was seconded by the Leader of the Opposition and supported by eight other Members. After Premier, the Leader of the Opposition and the other Members had spoken in support of the motion it was unanimously passed by the House.

Later in the day, at the conclusion of the last Question Time in which Ms Miller would serve as Clerk, Members stood and applauded to thank the outgoing Clerk and to wish her well for the future.

*Votes and Proceedings*: 14/9/2016, p. 855; 22/9/2016, pp. 893-4.

*Hansard (Proof)*: 14/9/2016, p. 32; 22/9/2016, pp. 1-6, p. 40.

**Standing Order 142.**