



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SEVENTH PARLIAMENT, FIRST SESSION
NO. 8/2019: 12 - 21 NOVEMBER 2019

| November 2019 | | | | |
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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 acknowledgment of the appointment of the Governor

On Wednesday 20 November 2019 the Leader of the House, the Hon. Andrew Constance MP, moved that an address in acknowledgment of Her Excellency's message, advising of her appointment as Governor, be adopted by the House and presented to Her Excellency. The Manager of Opposition Business, Mr Ryan Park MP, seconded the motion, after which it was passed on the voices.

Votes and Proceedings: 20/11/19, pp. 439-40.

Standing Orders 354 and 355.

(Procedural note: The Address in acknowledgement is a motion addressed to the Governor in response to a message from the Governor advising of their appointment. At a later date the Speaker, accompanied by Members of the Legislative Assembly, will travel to Government House to present the Address in acknowledgment. Standing Orders 354 and 355 provide that all Addresses to the Governor are presented by the Speaker, with the mover and seconder of the Address standing to the left of the Speaker.)

MEMBERS

Joint sitting to elect a representative of the State in the Senate of the Commonwealth of Australia

On Thursday 14 November 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 Senate caused by the resignation of the Hon. Arthur Sinodinos AO.

At the conclusion of the election the Assembly Members returned to the Assembly Chamber and the Speaker reported that Major General Jim Molan AO DSC (Retd) had been elected to fill the vacancy.

Votes and Proceedings: 14/11/19, p. 429.

(Procedural note: When a seat of a representative of NSW in the Senate is vacated, the Governor sends a message to both Houses notifying them that a vacancy has occurred. The Houses then meet jointly to vote together to choose a new person to hold the seat in the Senate. Following the election the appointment is certified by Governor of NSW to the Governor-General of Australia.

Section 15 of the [Commonwealth of Australia Constitution Act](#) provides that any person proposed to fill a casual Senate vacancy must, if possible, belong to the same political party as that of which the retiring Senator was a member. Should the Houses not be in session at the time of the vacancy, the Governor of NSW, on the advice of the Executive Council, may appoint a person to fill the vacancy.)

BILLS

Transport Administration Amendment (RMS Dissolution) Bill 2019

On Thursday 1 August 2019 the Minister for Transport and Roads, the Hon. Andrew Constance MP, introduced the Transport Administration Amendment (RMS Dissolution) Bill 2019 into the Legislative Assembly. The bill sought to dissolve the Government agency, Roads and Maritime Services, and transfers its assets, rights, liabilities and functions to another Government agency, Transport for NSW.

On 15 October the bill was returned from the Legislative Council with a request that the Legislative Assembly agree to five amendments proposed by the Council. On 12 November the Legislative Assembly agreed to one of the five amendments, disagreed to four of the amendments and proposed four further amendments. The Assembly agreed to a motion that a message be sent to the Council informing it of the Assembly's resolutions and giving reasons for disagreeing to four of the Council's amendments.

On Tuesday 19 November the Council sent a message informing the Assembly that it did not insist on its amendments and that it agreed to the Legislative Assembly's further amendments.

The bill was assented to by the Governor on 22 November.

The full details of the [bill](#) can be found on the Parliament of NSW website.

Votes and Proceedings: 1/8/2019, p. 211; 15/10/2019, p. 333; 12/11/2019, pp. 393-9; 20/11/2019, p. 440.

Standing Orders 223, 224, 226, 227.

(Procedural note: Standing Order 224 gives the Legislative Assembly a number of options for dealing with proposed Legislative Council amendments to Assembly bills, including disagreeing to Council amendments.

Clause (3) provides that if the Assembly disagrees to Council amendments it must send a message to the Council giving reasons for the disagreement, with the Member in charge of the bill 'drawing up' the reasons. The Assembly did this on 12 November, sending a message to the Council indicating that it disagreed to four of the proposed Council amendments to the Transport Administration Amendment (RMS Dissolution) Bill, with reasons for its disagreement.

The Council did not insist on its amendments, but had this not been the case Standing Order 226 provides options for how the Assembly could have responded. The Assembly could have:

- Agreed to the amendments to which it had previously disagreed;

- Insisted on its disagreement to the amendments and laid the bill aside; or
- Requested a conference.

A conference may be convened with 'managers' appointed by each House. If an agreement cannot be reached at a conference, the Governor may then convene a joint sitting of both Houses to deliberate upon the bill and upon any amendments made by the Council with which the Assembly does not agree.

Section 5B of the *Constitution Act* provides that if there is no agreement reached following the joint sitting, the Assembly may direct that the bill, with or without the amendments made by the Council, be submitted to the electors of the state by way of a referendum.

The last time a referendum of this kind was held in NSW was 1961 when a bill was before the Parliament which proposed to abolish the Legislative Council. The referendum was unsuccessful and the NSW Parliament continued to be bicameral.)

COMMITTEES

Legislative Assembly Committee on Community Services

On Thursday 14 November 2019 the Chair of the Legislative Assembly Committee on Community Services, Ms Wendy Lindsay MP, announced that the Committee had resolved to conduct an inquiry into the Protocol for Homeless People in Public Places. The Protocol is an important element of the Government's response to homelessness and has been endorsed by a number of NSW Government organisations supporting homeless people. The Protocol is also used as a reference guide by local councils and the non-government sector. The inquiry will evaluate how the Protocol is working in practice and the opportunities available to strengthen the current approach, with a particular focus on reducing street sleeping.

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

Votes and proceedings: 14/11/2019, p. 428.

Standing Order 299(1).

Joint Standing Committee on Road Safety (Staysafe)

On Thursday 14 November 2019 the Deputy Chair of the Staysafe Committee, Ms Robyn Preston MP, announced that the Committee had resolved to conduct an inquiry into reducing trauma on local roads. The Committee will examine opportunities for improving road safety planning and management on local roads, and the role of local communities in identifying and delivering road safety initiatives to reduce trauma on local roads.

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

Votes and proceedings: 14/11/2019, p. 429.

Standing Order 299(1).

Committee on Children and Young People

On Tuesday 19 November 2019 the Deputy Chair of the Committee on Children and Young People, Ms Felicity Wilson MP, announced that the Committee had resolved to conduct an inquiry into the adequacy of services to assist the children of imprisoned parents in NSW.

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

Votes and proceedings: 19/11/2019, pp. 434-5.

Standing Order 299(1).

BUSINESS

Tabling of annual reports

Throughout the last two sitting weeks of the year the Speaker and other Ministers tabled the annual reports of NSW government agencies and statutory bodies. This included the annual report of the Legislative Assembly, which was tabled on Thursday 21 November 2019.

Earlier, on 24 October 2019, Standing and Sessional Orders were suspended for the remainder of the 2019 sittings to enable Ministers to table papers by making an announcement in the House without handing up copies of such papers. Under the resolution, any papers announced in the House must have been lodged with the Table Office beforehand.

Votes and Proceedings: 24/10/2019, p. 390; 12/11/2019, pp. 400-2; 19/11/2019, pp. 433-4; 20/11/2019, pp. 442-3; 21/11/2019, pp. 455-9.

(Procedural note: Under the [Annual Reports \(Departments\) Act 1985](#) and [Annual Reports \(Statutory Bodies\) Act 1984](#), all statutory bodies and government agencies in NSW are required to present to Parliament an annual report containing an overview of their activities and financial information for the previous financial year. The annual report is a key accountability mechanism for agencies to the Parliament, Government and public. The three departments of Parliament are not required to table an annual report under annual reporting legislation, however they choose to do so as a way of providing information to the public about their activities and performance.

The suspension of Standing and Sessional Orders to enable Ministers to table annual reports by making an announcement in the House is a response to the increased numbers of annual reports that are tabled by Ministers in the final sitting weeks of each year.)

Christmas felicitations

On Thursday 21 November 2019, the last sitting day before Christmas, in accordance with a suspension of Standing and Sessional Orders on 19 November 2019, the Premier, the Leader of the Opposition and other Members spoke on a motion that the House take note of Christmas felicitations.

Votes and Proceedings: 19/11/2019, p. 435, 21/11/2019, pp. 460-1.

Hansard: 21/11/2019, pp. 60-3, 67-82.

Standing Order 365.

Special adjournment

On Thursday 21 November 2019, the last sitting day of 2019, the Leader of the House, the Hon. Andrew Constance MP, moved that the Legislative Assembly adjourn until Tuesday 4 February 2020 at 12 noon.

Votes and Proceedings: 21/11/2019, p. 459.

Standing Order 34.