



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SEVENTH PARLIAMENT, FIRST SESSION
NO. 3/2020: 24 MARCH 2020

March 2020				
M	T	W	T	F
23	24	25	26	27

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.

SITTINGS

The Legislative Assembly was originally scheduled to sit from Tuesday 24 March 2020 for a two week period. However, due to the global COVID-19 (coronavirus) pandemic, the House met for just one day on 24 March 2020.

Special arrangements were put in place for the operation of the Chamber, and to allow for the urgent consideration of two bills relating to the Government's response to the impact of the COVID-19 virus. In addition, the Assembly concluded its consideration of the Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Bill 2020, a bill intended to provide relief to people affected by the 2019-20 bushfires.

The special arrangements were facilitated by the adoption of new Sessional Orders, the suspension of Standing and Sessional Orders, and by agreements made by the Government, the Opposition and the Cross-bench. Key procedural events and precedents from this extraordinary sitting day are set out below.

CHAMBER

Social distancing guidelines

When the House met at midday on 24 March 2020, Chamber attendants did not take their usual places in the Chamber and only a handful of Members took their seats. Members sat in an altered seating plan which had been drawn up to ensure social distancing guidelines, of at least 1.5 metres between persons and at least four square metres per person, were met. The three Clerks-at-the-Table also sat in an altered seating arrangement, with two Clerks seated at either side of the Table and a third Clerk seated in the Opposition Advisors' seats behind the bar of the House.

Absence of Members and pairing arrangements

More than fifty Members were absent from the Chamber on 24 March 2020. The Members' absence was planned by the major parties and the Cross-bench so that the operation of the Legislative Assembly complied with social distancing guidelines and was facilitated by pre-arranged pairing arrangements.

Votes and Proceedings: 24/2/2020, p. 611.

Standing Order 186.

(Procedural note: Pairing is an informal arrangement, usually organised through the Party Whips, that allows Members to be absent from the House during sittings by agreeing with Members from the opposite side of the House that they will be absent at the same time. When voting takes place, the absence of a 'pair' of Members means that one Government vote and one Opposition vote are both missed, leaving the final majority unchanged.)

Standing Order 186 provides that Members pairing on any division are to be recorded on the tellers' lists and printed in the Votes and Proceedings and Hansard.)

BUSINESS

Facebook livestreaming

The Leader of the House, the Hon. Andrew Constance MP, moved, by leave, that the House authorise the live streaming of the day's proceedings on Facebook. The question was agreed to on the voices.

Votes and Proceedings: 24/3/2020, p. 601.

Standing Orders 96 and 368.

(Procedural note: When Members speak in Parliament, they have freedom to speak, under parliamentary privilege, without fear of prosecution or being sued for defamation. Live video broadcasts of Legislative Assembly proceedings have been made available via the Parliament's website since 2002 and parliamentary privilege extends to the broadcast of proceedings.)

New Sessional Orders

The Leader of the House moved that six new Sessional Orders be adopted to provide for the conduct of business in the wake of the COVID-19 pandemic. The motion was agreed to on the voices.

The Sessional Orders provided for the following:

1. **Postponing meeting times.** New Sessional Order 47A provides that, should the Government determine that the House, in the public interest, need meet, the Speaker will fix a day and time for the House to meet and communicate the meeting time by electronic means to all Members.
2. **A new procedure for divisions.** Standing Order 180 was amended to establish a procedure for divisions which allows Members to vote in a division while maintaining appropriate social distancing. The amended procedure allows for Members to enter and leave by separate entrances (for Ayes and Noes) to minimise opportunities for contact.
3. **Electronic transactions.** The new Sessional Order provides that all matters that are required to be authorised or transacted in writing may be transacted electronically, with the documents bearing clearly displayed signatures.
4. **Tabling and printing of papers.** Standing Order 266 was amended to provide for papers to be received and tabled electronically.

5. **Tabling of papers when the House is not sitting.** New Sessional Order 266A provides that for any report or other document required to be tabled in the House by a Minister, the report or document may be lodged with the Clerk, after which it is deemed to have been laid before (or tabled in) the House. The report or document can also be printed by authority of the Clerk.
6. **Printing and publication of papers and documents.** New Sessional Order 266B makes any reference to "printing" in the Standing Orders to be taken to mean "publication", including by electronic means.

The new sessional orders effectively permit tabling of documents by electronic means – a significant departure from the long-standing practice of the Assembly.

Votes and Proceedings: 24/3/2020, pp. 601-3.

Standing Orders 47, 180, 266 and 364.

Leave of absence

The Leader of the House moved that, due to the impacts of the COVID-19 virus, every Member of the Legislative Assembly be granted a leave of absence from the Assembly, from the rising of the House that day to the day of its next sitting. The motion was agreed to on the voices.

Votes and Proceedings: 24/3/2020, p. 603.

Standing Orders 27, 28 and 29.

Suspension of Standing and Sessional Orders to alter the Routine of Business

The Leader of the House moved that Standing and Sessional Orders be suspended to permit the introduction and passage through all stages of the COVID-19 (Emergency Measures) Bill and the Treasury Legislation Amendment (COVID-19) Bill. All other regular business that would ordinarily be considered during the day's Routine of Business, including Question Time, the giving of notices and Private Members' Statements, was removed. The Manager of Opposition Business, Mr Ryan Park MP, Mr Greg Piper MP and Ms Jenny Leong MP spoke to the motion, after which it was passed on the voices.

Votes and Proceedings: 24/3/2020, p. 603.

Hansard: 24/3/2020, pp. 3-4.

Standing Orders 97, 188 and 356.

(Procedural note: Standing Order 97 sets out the Routine of Business for the House for each sitting day. The Routine may only be altered by a motion to suspend Standing and Sessional Orders, or by leave (or concurrence) of the House. The suspension of Standing and Sessional Orders on 24 March 2020 permitted the House to prioritise the consideration of the COVID-19 and Bushfire 2019-20 legislation over all other House business.)

Days of meeting

The Leader of the House moved that an earlier House resolution of 2019 setting the Legislative Assembly's sitting dates for 2020 be amended to provide that the House not return to sit until September 2020. The motion was agreed to on the voices.

Votes and Proceedings: 24/3/2020, pp. 610-11.

Standing Order 34.

BILLS

The Legislative Assembly considered three bills on 24 March 2020. Each bill was passed by the Parliament that day and was assented to by the Governor on Wednesday 25 March. The details of the bills are as follows:

COVID-19 Legislation Amendment (Emergency Measures) Bill 2020

The Attorney General, the Hon. Mark Speakman MP, introduced the COVID-19 Legislation Amendment (Emergency Measures) Bill 2020 into the House. The bill amended a number of Acts to prepare NSW services and institutions for the impact of the COVID-19 virus in numerous ways, including:

- Measures for altering the conduct of criminal trials, including the giving of audio-visual evidence and more judge-only trials;
- Regulation-making powers to allow amendments to certain Acts for altered arrangements in criminal proceedings, apprehend violence orders, bail sentencing and administration of sentences;
- Flexibility to release certain prisoners on parole in response to COVID-19;
- Allowing councils to meet remotely for the next six months to prevent transmission of COVID-19 (this may be extended to 12 months by regulation);
- Postponing council elections that were due to be held in September 2020;
- Allowing supermarkets to trade on ANZAC Day and Easter public holidays during 2020 only; and
- Empowering Police to arrest people who breach public orders.

Following debate, the bill was agreed to on the voices. The bill was returned from the Legislative Council with the request that the Legislative Assembly agree to eight amendments proposed by the Council, including one amendment providing for the protection of renters during the COVID-19 pandemic. The Assembly agreed to all eight amendments.

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

Votes and Proceedings: 24/3/2020, p. 601 and pp. 606-10.

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

Treasury Legislation Amendment (COVID-19) Bill 2020

The Treasurer, the Hon. Dominic Perrottet MP, introduced the Treasury Legislation Amendment (COVID-19) Bill 2020 to provide for a range of financial assistance measures to people and businesses affected by the COVID-19 pandemic.

Following debate, the bill was passed by both Houses without amendment.

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

Votes and Proceedings: 24/3/2020, pp. 604-5 and p. 606.

Standing Orders 188 and 203.

Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Bill 2020

The Minister for Customer Service, the Hon. Victor Dominello MP, introduced the Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Bill 2020 into the Legislative Assembly on 3 March 2020. The bill makes provision for assistance to victims of the 2019-20 bushfires by enabling a number of Government agencies to waive, reduce, postpone or refund fees.

Following debate, the bill was passed by both Houses without amendment.

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

Votes and Proceedings: 3/3/2020, p. 575; 24/3/2020, p. 605 and p. 606.

Standing Orders 188 and 203.