

Preface

This first edition of *New South Wales Legislative Assembly Practice, Procedure and Privilege* is a culmination of a number of years of work. The publication has been previously published in various forms as a “work in progress” document. The first edition has completed this “work in progress” by expanding the text that had previously been written and including a new section on parliamentary privilege.

The New South Wales Legislative Assembly has 150 years of practice and precedents that supplement the standing and sessional orders adopted by the House. This has meant that there are few instances where the House does not have some precedent to follow. It was felt that it was time to document the practice and procedures of the House so to provide a valuable reference tool. The publication includes reference to both modern and past practice, where it is relevant.

Whilst the House has developed its own practice and precedents, reference is also made to authorities such as *May's Parliamentary Practice*, and *House of Representatives Practice*, where the material enhances the understanding of how certain practices and procedures are applied in the Legislative Assembly.

In relation to parliamentary privilege, reference is made to numerous court cases across Westminster jurisdictions and to the works of Professor Enid Campbell and Professor Gerard Carney on this subject. These references have provided valuable information that contribute to an understanding of the principles of parliamentary privilege that operate in our jurisdiction - one that has not legislated to define its privileges.

The publication is current as at July 2007. It includes newly adopted standing orders that were adopted by the House on 21 November 2006 and took effect from the commencement of the 54th Parliament in May 2007. It also includes reference to the recent amendment to the *Constitution Act 1902*, which enables the Speaker to participate in debate and vote in the House when not presiding in the Chair.

I am grateful for the work of Mark Swinson, who has applied his substantial knowledge of the practice and procedures of the House to ensure that the information provided is accurate and Stephanie Hesford, who has devoted a large proportion of time to update and expand the text that had previously been written on practice and procedure by Mark and others, and for drafting a new section on parliamentary privilege. Thanks are also given to colleagues who have made contributions to the text and have commented on the draft. In particular I would like to thank Les Gönye, Ronda Miller, Russell Keith and Helen Minnican.

It is hoped that this work will prove to be a useful resource for the Speaker, members and staff of the Legislative Assembly and interested observers.

Russell D Grove
Clerk of the Legislative Assembly

The online version of this first edition has been updated to April 2013 to reflect changes to practice and amendments to the Standing Orders since July 2007. The additions appear in blue font and replace or add to certain sections of the text. (added, April 2013).