



LEGISLATIVE ASSEMBLY



STANDING ORDERS AND PROCEDURE COMMITTEE

AMENDMENTS TO STANDING AND SESSIONAL ORDERS

REPORT 3/55 – NOVEMBER 2012



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Contents

MEMBERSHIP.....	II
TERMS OF REFERENCE.....	III
SPEAKER'S FOREWORD	IV
PROPOSED AMENDMENTS TO THE STANDING AND SESSIONAL ORDERS.....	1
Routine of Business.....	1
General Business notice of motions.....	2
Maximum time limits for debates – Consideration in Detail	3
The Previous Question	4
Third Reading of a Bill.....	4
General Business Days	5
Election of Chair and Deputy Chair of a committee	5
Parliamentary Secretaries.....	6
APPENDIX ONE - EXTRACTS FROM MINUTES	7

Membership

CHAIR

The Hon. Shelley Hancock, Speaker

MEMBERS

The Hon. Richard Amery
Mr Stuart Ayres
Mr Michael Daley
Mr Andrew Fraser
The Hon. Thomas George
The Hon. Brad Hazzard
The Hon. Paul Lynch
Mr Daryl Maguire
The Hon. Richard Torbay

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Terms of Reference

The committee was established to inquire into and report on matters relating to the standing orders and the procedures of the House and its committees.

Speaker's Foreword

At a meeting of the Standing Orders and Procedure Committee held on 22 November 2012, the Committee considered a number of proposed amendments to the Standing and Sessional Orders.

In particular, the Committee considered the operation of General Business. The majority of the Committee agreed that the House should trial a limitation on the number of General Business General Notices that may be given per Member each sitting day to two. The reduction in number has been recommended to provide a greater chance of the motions list for debate actually being debated. The Committee also agreed that the sessional order regarding community recognition notices should be revisited in early 2013 with a view to improving the procedure to meet the needs of Members.

The Committee has also recommended that the routine of business for Wednesdays be amended to provide some flexibility as to whether the House will break for dinner or adjourn earlier than 10.00 p.m. depending on scheduled business. This amendment is recommended in the spirit of 'family friendly' sitting times.

Other recommended amendments bring the sessional orders adopted in April 2012 more closely into line with the purpose of the principal standing orders they modify. For example, one proposed sessional order clarifies that debate on the third reading of a bill can take place only when a bill has been considered in detail. The Committee also considers that each member's speaking time on a bill could more closely correspond with the timing adopted in April 2012.

In addition, the Committee has recommended a number of housekeeping amendments such as providing for the election of a Deputy Chair of a Committee at any time a vacancy occurs and not just at the first meeting of the Committee; suspending the archaic procedure of the previous question; and ensuring that all Standing Orders referring to Parliamentary Secretaries are consistent.

The report on the proposed sessional orders is commended for consideration by the House.

Shelley Hancock
Speaker

Proposed Amendments to the Standing and Sessional Orders

Routine of Business

The proposed sessional order changes the routine for Wednesday to provide for flexibility enabling either (1) a dinner break if the House sits late to consider Government Business or (2) no dinner break if the House is to adjourn early. The time for each item of business has not been altered, although the time for private members' statements is amalgamated into one session, instead of occurring over two separate time slots.

That, during the current session, unless otherwise ordered, the current sessional order for the routine of business be amended as follows:

Wednesdays

1. *At 10.00 a.m. the Speaker takes the Chair*
2. *Giving of Notices of Motions (General Notices)*
3. *Government Business concluding at 1.30 p.m. Any interrupted item of Government Business shall stand as an order of the day for a later hour of the day. If at the time of interruption a division is in progress, that division shall be completed.*
4. *At 2.15 p.m. the Speaker resumes the Chair*
5. *Ministerial Statements*
6. *Giving of Notices of Motions (Government Business, Bills, Business with Precedence, and notices to be the subject of a motion to re-order later in the sitting)*
7. *Giving of Notices of Motions to be Accorded Priority*
8. *Question Time*
9. *Ministerial Statements*
10. *Papers*
11. *Committees - Tabling of reports and notification of inquiries*
12. *Petitions*
13. *Announcement of Matter of Public Importance*
14. *Re-ordering of General Business Orders of the Day (for Bills) and General Business (Notices of Motions)*
15. *Placing or Disposal of Business*
16. *Motion Accorded Priority*
17. *Business with Precedence*
18. *At 4.00 p.m. business before the House is interrupted for Government Business. Any interrupted business lapses except when the House is considering Business with Precedence which will stand as an order of the day for tomorrow.*
19. *Private Members' Statements.*

20. *Government Business concluding at 9:45 pm. Any interrupted item of Government Business shall stand as an order of the day for tomorrow. If at the time of interruption a division is in progress, that division shall be completed.*
21. *Matter of Public Importance.*
22. *Adjournment at 10.00 p.m. or at the conclusion of the Matter of Public Importance if concluded before 10.00 pm.*

General Business notices of motions

The proposed sessional order limits each member to giving a maximum of 2 General Business Notices each sitting day. The existing 10 minute cap for the giving of General Business Notices, which may be extended by discretion of the Speaker, remains unchanged.

The rationale underlying the recommended reduction in the number are as follows:

- Limiting the number of notices given per member each day will have the effect of shortening the list of motions awaiting debate, thereby providing a greater chance of the motions listed actually being debated.
- Members are giving multiple notices on the same subject matter with slight variations.
- Many of the notices given do not lend themselves to a substantive debate.
- Given the routine of business allocates 90 minutes per week for debate, many they will never get debated. The notices are, in effect, given as mini speeches.
- Recently, it has been observed that after notices have been on the paper for nearly a year, when they reach the top of the list they are not moved and thus lapse (i.e. not debated even when the member has the opportunity).

The proposed sessional order is as follows:

That, during the current session, unless otherwise ordered, standing order 133 shall read as follows:

133.

- (1) *A notice of motion for:*
 - (a) *A bill;*
 - (b) *Government Business;*
 - (c) *No confidence in the Government, Minister or Speaker, or censure of Member or Speaker;*
 - (d) *Business with Precedence, (SO 118) with the exception of motions of condolence and the printing of papers; and*
 - (e) *A General Notice to be the subject of a motion for re-ordering must be given verbally at the time prescribed in the routine of business.*
- (2) *General Business Notices of Motions (General Notices):*
 - (a) *May only be given when called for at the time prescribed in the routine of business each day;*

- (b) *The period for giving General Business Notices of Motions (General Notices) is limited to a maximum of 10 minutes. The Speaker has discretion to allow the giving of notices to exceed this 10 minute period.*
 - (c) *Each Member may give up to 2 General Business Notices of Motions (General Notices) each sitting day.*
- (3) (a) *Up to three General Business (Community Recognition Notices) may be lodged per member each sitting week. Such notices must be lodged electronically with the Table Office and must not contain:*
- (i) *Matters of policy;*
 - (ii) *Requests for the Government or the House, or another body to take some form of action or not; or*
 - (iii) *Criticisms or negative reflections on any person, including Members, Office Holders, the Government, the Opposition or a third party.*
- A General Business (Community Recognition Notice) not conforming with this sessional order may be ordered not to be printed by the Speaker, or removed from the Business Paper.*
- (b) *General Business (Community Recognition Notices) must be lodged by 12.00 noon each sitting day.*

Maximum time limits for debates – Consideration in Detail

The proposed sessional order reduces the time limits for debate during consideration in detail. The reduction in speaking time accords with the sessional orders adopted earlier this year reducing the time limits for debate on bills. The number of times each member can speak to each question proposed is not altered.

In addition, the reduction in time accords with the intent of the procedure. In that, the consideration in detail stage provides for an exchange between the Member in charge of the bill and other Members of the specifics of each clause or schedule of a bill. The longer time limit encourages members to recycle their second reading speeches.

It is proposed to reduce the times as follows:

- Minister – unspecified number of periods limited to 15 minutes each (down from 20 minutes);
- Leader of the Opposition or one Member deputed – unspecified number of periods limited to 15 minutes each (down from 20 minutes);
- Any other Member: Three periods each on any one question not exceeding 5 minutes (down from 15, 10 and 5).

The proposed sessional order is as follows:

That, during the current session, unless otherwise ordered, standing order 85 be amended in part as follows:

Consideration in detail of a bill or other matter (SO 240-242)

<i>Minister</i>	<i>- unspecified number of periods limited to 15 minutes each;</i>
<i>Leader of the Opposition or one Member deputed</i>	<i>- unspecified number of periods limited to 15 minutes each;</i>
<i>Any other Member</i>	<i>- three periods each on any one question not exceeding 5 minutes each.</i>

The Previous Question

This is an old form of procedure to supersede a motion before the House. The motion can be moved when no other members is speaking "That the question be not now put". If this motion is carried in the affirmative the next item of business shall be called on and if negated the question shall be put immediately (with no reply from the mover).

The UK House of Commons Select Committee on the Modernisation of the House of Commons criticised the motion as nonsensical.

The purpose of the procedure is to curtail debate. Other procedures, such as the closure and suspension of standing orders are more regularly utilised to achieve this end. Accordingly, it is proposed to suspend the operation of the standing orders regarding the previous question and that a review of the intended purpose and function of the procedure be undertaken.

The proposed sessional order is as follows:

That, during the current session, unless otherwise ordered, standing orders 149 and 150 shall be suspended.

Third Reading of a Bill

Under the standing orders, a bill that has not been considered in detail, is declared passed by the Speaker unless a member moves a motion "That the bill be not passed", which is put without amendment or debate.

The sessional order adopted in April 2012 reinstating the third reading requires the mover to move a motion for the third reading of a bill which has opened the possibility of enabling debate when the motion is moved.

The proposed amendment to the sessional order will make it clear that debate on the third reading can only occur if a bill has been considered in detail to be consistent with principles in the standing orders.

The proposed sessional order is as follows:

That, during the current session, unless otherwise ordered, standing order 203 shall read as follows:

203. *After the second reading, the Member in charge of the bill shall move forthwith, without debate or amendment, "That this bill be now read a third time" unless:*

- (1) A Member requests consideration of the bill in detail; or*
- (2) The Member in charge of the Bill:*
 - a. moves a motion for consideration in detail pro forma; or*
 - b. requests the Speaker to set down consideration of the bill in detail as an Order of the Day for a later time.*

A subsequent amendment should be made to SO 85, as amended by sessional order to make it clear that the time limits for debate on the third reading only applies to bills that have been considered in detail as follows:

Bill be now read a third time after consideration in detail (SO 218)

All Members

- 10 minutes†

General Business Days

The proposed sessional order provides for the Chair to have discretion to postpone items of business if it is called on and the member is absent from the House. On occasions, if a member postpones a General Business Motion, there can be a domino effect on other items lapsing as the members who have carriage of those items are not in the Chamber to either move the motion or postpone the item. The Leader of the House has suspended standing orders to restore business that has lapsed in these circumstances (31 May 2012).

The proposed sessional order is as follows:

141.

- (1) A notice of motion shall be postponed or withdrawn at the direction of the Member who gave the notice, or by another Member with the written authority of that Member, during the placing or disposal of business or when called on.*
- (2) On any day when General Business is being considered by the House the Speaker has discretion to postpone any notice of motion if the Member is absent from the Chamber.*

Election of Chair and Deputy Chair of a committee

The proposed sessional order amends the standing order that provides for the election of a Chair and Deputy Chair at the first meeting of a committee to enable a Chair or Deputy Chair to be elected at any time a vacancy occurs.

The proposed sessional order is as follows:

That, during the current session, unless otherwise ordered, standing order 282 shall read as follows:

282.

- (1) At the first meeting of a committee, or if a vacancy occurs, a Chair and Deputy Chair shall be elected.*
- (2) The Speaker, upon being advised, shall report the appointments of a committee Chair and a Deputy Chair to the House.*

Parliamentary Secretaries

The proposed sessional order is housekeeping. In 2009 amendments were adopted to the standing orders to have the motion for the suspension of a member proposed by the Chair forthwith after a member has been named. This amendment removed the need for a Minister to move the motion for the suspension. Accordingly, there is a need to remove the reference to "251(1) Suspension of a Member" in the list of things a parliamentary secretary cannot do.

The proposed sessional order is as follows:

That, during the current session, unless otherwise ordered, standing order 366 be amended in part with the removal of 251(1) Suspension of Member.

Appendix One - Extracts from Minutes

Thursday 22 November 2012 at 9.00 am

Members Present:

The Hon. Shelley Hancock MP

The Hon. Richard Amery MP

Mr Stuart Ayres MP

Mr Michael Daley MP

Mr Andrew Fraser MP

The Hon. Thomas George MP

The Hon. Brad Hazzard MP

The Hon. Paul Lynch MP

Apologies:

Mr Daryl Maguire MP

The Hon. Richard Torbay MP

Consideration of proposed amendments to standing and sessional orders

The Committee discussed the proposed amendments to the standing and sessional orders.

1. Routine of Business

To remove the time specified for dinner and to amalgamate the taking of private members' statements into one session.

Motion moved by Mr Hazzard, seconded Mr Amery, that the proposed amendment to the sessional order be agreed to.

Question put and passed.

2. General Business notices of motions

To limit members to giving two general business notices of motions each sitting day.

Motion moved by Mr Daley, seconded Mr Hazzard, that the proposed sessional order be trialed for six months.

Question put – the Committee divided.

Ayes: 6 [Hancock, Ayres, Daley, Fraser, George and Hazzard]

Noes: 2 [Amery and Lynch].

Question passed.

3. Community Recognition Notices

The Committee agreed to defer consideration of proposed amendments to the sessional order until early 2013.

4. Maximum time limits for debates - Consideration in Detail

To reduce speaking times during consideration in detail consistent with the reduction in the time limits for the second reading debate.

Motion moved by Mr Fraser, seconded Mr Daley, that the proposed sessional order be agreed to.

Question put and passed.

5. Previous Question

To suspend the standing orders providing for the motion "That the question be not now put".

Motion moved by Mr Hazzard, seconded Mr Daley, that the standing orders 149 and 150 be suspended.

Question put and passed.

6. Third Reading of a Bill

To make it clear that debate on the third reading can only occur if a bill has been considered in detail.

Motion moved by Mr Daley, seconded Mr Hazzard, that the proposed sessional order be agreed to.

Question put and passed.

7. General Business Days

To give the Speaker the discretion to postpone any notice of motion called on if the Member is absent.

Motion moved by Mr Fraser, seconded Mr Hazzard, that the proposed sessional order be agreed to.

Question put and passed.

8. Election of Chair and Deputy Chair of committee

To provide that if a vacancy occurs a committee shall elect a Chair or Deputy Chair.

Motion moved by Mr Hazzard, seconded Mr Daley, that the proposed sessional order be agreed to.

Question put and passed.

9. **Parliamentary Secretaries – Suspension of Member**

Since 2009 if a Member is named the question is proposed by the Speaker. Thus it is not necessary for a Minister or a Parliamentary Secretary to move for the suspension of a Member. This amendment consequentially removes the provision from standing order 366.

Motion moved by Mr Daley, seconded Mr Hazzard, that the proposed sessional order be agreed to.

Question put and passed.

Motion moved by Mr Hazzard, that the amendments to the standing and sessional orders be adopted by the Standing Orders and Procedure Committee on 22 November 2012 be adopted by the House as sessional orders.

Question put and passed.

Adjournment

The Committee adjourned at 9.45 am *sine dine*.

.....

(Speaker)