

**Submission
No 3**

**INQUIRY INTO GIVING OF NOTICES OF MOTIONS
UNDER STANDING ORDER 75**

Organisation: Government Whip

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Government Whip in the Legislative Council

10 May 2024

The Hon. Ben Franklin MLC
President
Chair, Procedure Committee
By Email: procedurecommittee@parliament.nsw.gov.au

Dear ~~Chair~~^{Ben},

Re: Submission – Inquiry into the giving of notices of motions under standing order 75

I make this submission on behalf of Government members.

While there are frequently valid reasons that members may wish to read notices of motions aloud, and in full, the requirement to do so generally fails to provide any tangible benefit to the chamber.

While it is noted that one benefit of reading notices, without restriction, is that it permits members to follow all contributions, it is submitted that the time taken often detracts from available time for other business to be completed and imposes a significant administrative burden, particularly where there alternative methods of notice available to the House (such as in writing via the running record).

The time for reading notices of motions should be limited to 30 minutes total each sitting day, with a 90 second limit imposed on each member to read their motions aloud. To provide additional flexibility to the House (such as, for example, following a substantial break in sitting), both time limits should be capable of being extended by leave of the House.

The ability for members to summarise lengthy motions should be extended, with additional flexibility for members to list the motions they are giving notice for.

To ensure this restriction does not limit the ability of members to give notice of motions, members should also be able to give notices in writing directly to the Clerk via email. This should occur by no later than one hour prior to the sitting to ensure these motions can be dealt with administratively. At the beginning of the sitting day, the Clerk should then provide a summary regarding the motions that have been submitted by this method,



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including the types and subject matters of the motions, and the identity of the movers. The motions moved this way should also be published on the Legislative Council running record as soon as is practicable after the commencement of the sitting.

The Government is open to these options being trialled as a time-limited sessional order.

Responses to questions posed by the discussion paper:

1. Should notices be given in writing only, or should the ability to read notices aloud be retained?

The ability to read motions aloud in the Legislative Council provides an important opportunity for members to represent issues to the chamber and broader community, particularly where those matters will not be subject to further debate. For example, most condolence motions appear to be subsequently dealt with on formal business. Given this occurs without debate, the reading of the notice is an important opportunity for the family, friends, and community of the person to be present in the chamber in recognition of their life and contributions. It is important that an ability for members to read motions aloud is retained for this reason. However, there ought to be some limitations imposed to reduce the amount of time spent for the giving of notices of motion under standing order 75.

Compared to most Australian and New Zealand parliaments, the NSW Legislative Council is a jurisdictional outlier with respect to the lack of regulation for the giving of notices of motion. While the freedom this provides to members is positive, this has meant that the time for reading notices has gradually increased to the point that it has taken an average of 56 minutes on the first day of each sitting week of the current Parliament.

There is little utility for the chamber's time to be spent this way, particularly given the content of each motion is later available in a more practical written format once scanned and published on the Legislative Council running record. Unfortunately, due to motions then being notified in the chamber so late in the day (particularly on a Tuesday), this imposes a significant and unnecessary administrative burden to all in the House. This is particularly the case for personnel who must be aware of the content of motions in preparation for the Business Committee meeting during the dinner break each sitting Tuesday.

It is recommended that the time for reading notices of motion should be limited to 30 minutes each sitting day. This time should be capable of being extended by leave of the House. This timeframe has been selected given it would generally be capable of being completed each sitting Tuesday prior to the commencement of question time. Each member should have a maximum of 90 seconds to read their notices of motion which is able to be similarly extended by leave. This time limit would enable around half of all members to read their motions each sitting day.

Members should also retain the ability to read a summary of lengthy notices as is currently the case, and to also be able to list the type and subject matter of their motions as an alternative.

To ensure fairness and flexibility, it is also recommended that members be permitted to hand their motions in writing to the Clerk without needing to read them aloud. There is precedent for this occurring in the NSW Legislative Council during a period of the COVID-19 pandemic without any negative consequences noted. To facilitate this administratively, motions would need to be emailed or handed to the Clerk by no later than one hour prior to the sitting. The Clerk should then report to the House during formalities about the motions that have been notified this way, including the identity of the mover, subject matter and type of each motion received. The drafts of these motions should also be scanned and published on the Legislative Council running record as soon as practicable after the commencement of the sitting.

2. Should there be differing approaches for specific types of motions or categories of business?

In the interests of simplicity and to avoid any confusion, all types of motions should be subjected to the same requirements.

3. If notices are required to be given only in writing, what time on a sitting day, or prior to the sitting week, should they be lodged by?

Members should submit motions to the clerk by email or hand them in physically by an hour prior to the sitting. This would enable the clerk sufficient time to prepare a report to the House summarising the motions that have been received. This report should be provided during formalities. It would also enable these motions to be uploaded to the running record in a more expedited manner, than is presently the case, for the benefit of members.

4. If notices are continued to be read aloud, should any limits apply, such as:

a. an overall time limit for the giving of notices

There should be an overall time limit of 30 minutes that can be extended by leave of the House.

b. individual notice or speaker time limits

There should be an individual time limit of 90 seconds that can be extended by leave of the House.

c. reading of notices in a list format or only expressing a summary of the intent of the motion?

Members should be able to select to read motions either in full, in a list, or in summary as they prefer during the time limit. At the very least, members should indicate the type and primary subject matter of the motion.

5. *Should any other rules apply to notices, such as:*

a. a 250 word limit for general motions

Given the complexity and nuance of many issues considered by the Legislative Council, there should be no word limit imposed on motions.

b. a limit on the number of notices a member may give on a sitting day?

If there is to be a time limit imposed on each member for giving notices of motions, there should be no limit on the number of notices a member may give each sitting day.

6. *Should the 20 sitting day expiry period for private members' notices relating to general motions be reduced? If so, what should the expiry period be?*

The Government is open to considering proposals to reducing the expiry period for private members' notices to enable the length of the Notice Paper to be better managed.

Bob Nanva

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