



Legislative Assembly

A SHORT GUIDE TO THE PROCEDURES OF THE LEGISLATIVE ASSEMBLY

JUNE 2017



CLERK'S FOREWORD

The Parliament of New South Wales is Australia's first and oldest Parliament and from its inception in 1856 to the present day, the procedures and practices of the Legislative Assembly have developed and changed.

The purpose of this guide is to provide an introduction to those procedures and practices and to the many customs of House. It is not intended that this guide should be exhaustive or be read in isolation. Parliamentary procedure can be complex and highly contextual and I would encourage you to seek advice from myself or my Clerks, many of whom have decades of experience in assisting members in their parliamentary roles.

I hope that this new edition of the *Guide to Procedures* will not only be of assistance to the members and staff of the Assembly but to all who are interested in the workings of the House.

Helen Minnican
Clerk of the Legislative Assembly

PREFACE – WHAT IS PARLIAMENTARY PROCEDURE?

The operation of the House and its committees are governed by laws, rules and practices which are the basis for the Chair's authority when they preside over proceedings. This is parliamentary procedure.

Let's take a look at its three main sources:

The Constitution

As well as establishing a legislature "to make laws for the peace, welfare, and good government of New South Wales", the *Constitution Act 1902* also prescribes many of the Assembly's operations.

These include how members are elected to the Assembly, how its sessions are commenced and terminated and what constitutes a quorum for its meetings. The *Constitution Act* establishes the office of the Speaker and it gives the Assembly the power to make rules to regulate its own proceedings. Those rules are known as the Standing Orders.

As well as the *Constitution Act*, there are other statutes which provide the Assembly with its powers. For example, the *Parliamentary Evidence Act 1901* which makes provision for the summoning of witnesses, or the *Defamation Act 2005* which ensures that the link between parliamentary privilege, freedom of speech and parliamentary proceedings is maintained.

The Standing Orders

The Standing Orders are a set of rules which govern both the internal operations of the Assembly and its committees; and the process by which the House formally communicates with the Governor and the Legislative Council. For example, there are Standing Orders which determine how meetings are conducted, those that set the rules for debate and those that provide a process for considering legislation.

The power to make Standing Orders derives from the inherent (or essential) right of a parliament to control its own proceedings and this is a power common to legislatures in the Westminster system of government. However, unlike the British House of Commons, the NSW Parliament cannot make Standing Orders without the approval of the Governor.¹

Once approved, the Standing Orders are "binding and of force" under the *Constitution Act* but they are not part of the general law and in the main, the courts regard their interpretation as a matter for the Houses themselves.²

¹ See s 15 of the Constitution Act 1902 'Standing Rules and Orders to be laid before Governor'

² See Justice Mahoney in *Egan v Willis* (1996) 40 NSWLR 650 at 673.

In procedural terms the Standing Orders should be seen as the servants of the House and not its master, or as Justice McLelland observed, "...the very nature and function of Standing Orders of a legislative house indicates that they should be considered directory, rather than mandatory."³

For this reason, the House may agree to suspend its Standing Orders either to implement a procedure which they do not provide for, or to do something which is outside the Standing Orders.

For example, in January 2014, a suspension of Legislative Assembly Standing Orders was agreed to so that two bills containing new measures to tackle drug and alcohol-related violence could be introduced and pass through all stages.⁴

The House may also adopt sessional orders. These modify or replace Standing Orders and as their name denotes, they have effect for the parliamentary session. Whilst they have the force of a standing order, they are made by resolution of the House and do not require the approval of the Governor.

Practice and precedent

Legislation and the Standing Orders of the NSW Legislative Assembly do not cover all aspects of the procedures of the House. There are also traditional practices, some of which may be common to many other parliaments using the Westminster system of government and others which have developed locally.

Parliamentary conventions and etiquette on matters such as the use of props and documents in the Chamber, standards for members' dress and control of public galleries, derive from colonial days and have developed over decades through rulings made by the Chair when presiding.

A ruling is where the Speaker makes a decision as to how a particular rule or practice should be interpreted and applied; or where, in the absence of any existing procedure, the Speaker gives the House direction as to how it should proceed. Those decisions may be made in response to a member's point of order, or they may be given on the Speaker's own initiative, either at the time of a procedural matter arising, or some days later.

³ *Namoi Shire Council v Attorney General for New South Wales* (1980) 2 NSWLR 639 at 644

⁴ Suspending Standing Orders in this way removes certain procedural requirements to facilitate the passage of the legislation at that sitting or a subsequent sitting. For instance, debate does not need to be adjourned for five clear days after the mover's has given their second reading speech, which would otherwise be the case; and speakers and speaking times on the various stages of the bill are subject to specific limits.

Another means of expediting a bill's passage would be to declare it urgent, pursuant to SO 189, which again allows the second reading debate and all subsequent stages to take place immediately following the mover's second reading speech.

An important example of a convention which is not subject to any statute, standing order or set rule is the application by the House of the sub-judice convention, whereby it chooses to refrain from debate on a matter before the courts.⁵ In considering the application of the convention, the Speaker will consider the individual circumstances of the case before making a decision. Those highly contextual determinations are useful in guiding Speakers, members and parliamentary officers.

These decisions, or rulings, form an important body of practice and precedent for the House which develops and adapts over time.

HOW YOU MIGHT USE THIS GUIDE

Members perform many roles - they are legislators, spokespersons for their communities, and they maintain our system of responsible government by holding the Executive to account through their work both in the House and its committees.

This guide explains how the procedures of the Assembly support those functions. It begins by covering the basics on Chamber seating and decorum, how to participate in proceedings and what to expect on the opening day of a new Parliament. Where relevant, there are recommendations for further reading.

Subsequent chapters then focus in greater detail on a typical sitting day, the legislative process, asking questions and other key procedures. These areas and more are comprehensively covered in a further Assembly publication entitled [*NSW Legislative Assembly Practice, Procedure and Privilege*](#), which is the primary reference source on the procedures of the House.

As no guide can ever provide for every circumstance, Members are encouraged to contact the Clerks for assistance with any procedural enquiries and they can be assured that they will receive accurate, impartial and confidential advice.

⁵ The convention is that matters still under adjudication by the courts should not be brought forward in debate in such a way as to prejudice court proceedings, but the public interest may be held to prevail over the sub-judice doctrine. A stricter interpretation of the convention is applied in respect of criminal cases before the courts.

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Chapter One – Some defining features of the Assembly

The purpose of this short chapter is to put the House into its constitutional context by identifying some of its defining features; namely that it is the House where government is formed and it has control over those “Money Bills” which impose taxation or appropriate money.

It is these two, responsible and representative government and supremacy in financial matters, which define the role of the Assembly in our Westminster system of government; and here the House very much reflects its antecedent, the British House of Commons.

While briefly mentioned now, in order to frame this procedure guide, reference is made to where these important and complex matters are discussed in greater detail in other publications.

It is the House where Government is formed

The party, or coalition of parties, which can command a majority in the Assembly forms the Government of NSW; and by constitutional convention, the Premier is always a member of that House.

Because it is the confidence of the Legislative Assembly in the Executive which provides it with its mandate to govern, if the government loses the Assembly’s confidence in accordance with the procedure set out in Section 24B of the *Constitution Act 1902*, the Governor may dissolve the Assembly. The process for moving, debating and deciding this type of no confidence motion in the Government is set out in Standing Order 111.

In addition to the procedure set out in the *Constitution Act*, Standing Order 111A provides for a second type of motion of no confidence in the Government to be moved. This provides for a debate on a motion of no confidence to take place without the ramifications outlined above.

As well as the Government being responsible to the Assembly, individual Ministers are also responsible to that House, if they are appointed from its membership, and Standing Order 112 sets out the procedure for a motion of no confidence in a Minister.

Further Reading on responsible government: [Chapter 2 New South Wales Legislative Assembly Practice, Procedure, and Privilege](#); and

Chapter 12, The Executive, *The Constitution of New South Wales*, Professor Anne Twomey.

It has the “power of the purse”

In our Westminster system of government, it is the Assembly which has control over “Money Bills” which impose taxation or appropriate money. Money Bills must originate in the Assembly and in such matters the powers of the Council are limited by both the Constitution and by parliamentary convention.

As Professor Anne Twomey observes, this “power of the purse” arises from the following sources:

1. History, tradition and inheritance. The British established the colonial legislatures and with it the system whereby financial measures were the prerogative of the House of Commons;
2. The principle of representative government. That taxes are paid by the people and therefore their imposition should be controlled by the House which represents the people and is in its entirety directly accountable to it through regular elections;
3. The principle of responsible government. If the Council has power over money bills it could prevent the government from governing and this would undermine the system of responsible government by effectively making the government responsible to two Houses to the detriment of both political stability and genuine responsibility;
4. The need for accountability for economic management. Whereby the Assembly remains publically and electorally accountable for the financial management of the State and that responsibility could be obscured by parliamentary ping-pong between the Houses.⁶

Along with the differences in the election of their respective membership, these two features are key in distinguishing the Assembly from the Council in our bi-cameral parliament; and are typical to the Westminster system of government.

Further Reading on financial procedures: [Chapter 22 New South Wales Legislative Assembly Practice, Procedure, and Privilege](#); and

Chapter 11, Appropriation and Taxation, *The Constitution of New South Wales*, Professor Anne Twomey.

⁶ *The Constitution of New South Wales*, Anne Twomey, Federation Press, Sydney 2004, pp. 530-540.

Chapter Two – Some Chamber basics

The purpose of this chapter is to provide a brief overview of essential information and to identify some key procedures which are then dealt with in greater depth in subsequent chapters.

THE CHAMBER

The Legislative Assembly Chamber is Australia's oldest legislative chamber. Designed by the Colonial Architect, Mortimer Lewis, it has been used by the Legislative Assembly since the establishment of responsible government and a bicameral Parliament in 1856.

The Chamber is rectangular in shape with rows of benches facing each other along each of the longer sides.

Seating arrangements

The seating in the Legislative Assembly is in a horse-shoe arrangement. Members from the Government sit on the Speaker's right and Opposition and Independent Members on the left. During Question Time the front benches are reserved for Ministers and Shadow Ministers respectively. There are no allocated seats for other Members and it is a matter for the party whips as to where Members should be seated.

A Chamber floor plan is enclosed at page 85 of this guide.

Further Reading on the Parliamentary Buildings and Precincts: [Chapter 3 New South Wales Legislative Assembly Practice, Procedure, and Privilege](#)

Routine of business

The daily operations of the House are set down in Standing Order 97, as amended by sessional orders (SO 97). Currently the House commences sitting at 12.00 noon on Tuesday and at 10.00 am on Wednesday and Thursday.

Dress standards and decorum

There is no prescribed minimum dress standard for Members of the Legislative Assembly. However, Members are expected to be dressed in appropriate business attire whilst in the Chamber.

The rules of decorum and custom in the House require that Members:

- Set their mobile phones and other devices to silent mode before they enter the Chamber

- No photographs to be taken on the floor of the Chamber, without the Speaker's permission;
- At the beginning of the day, members should stand and be silent when the Speaker enters the Chamber and remain standing until the Prayer and Acknowledgement of Country are read at the start of the sitting. Members also stand when the Speaker enters the Chamber after the lunch break;
- Remain seated during debate unless moving in or out of the Chamber (SO 54);
- Not pass between the Chair and the Table whilst the Chair is occupied or between the Chair and the Member speaking (SO 53);
- Not leave when the Speaker is standing or putting a question, when a quorum is called for or after the doors are locked for a division (SO 51);
- Address their remarks to the Chair and not directly to another Member;
- Refer to other Members by their title of office or electorate (the Minister for ...; the Member for ...) (SO 75);
- Sit and be silent whenever the Chair rises during a debate (SO 50);
- Not leave the Chamber immediately having finished a speech during a debate;
- Not converse or make any noise or disturbance (SO 52) – A level of interjection by other Members while a Member is speaking is tolerated. Such interjection must be kept within limits and not prevent the Member being heard;
- Not read books or newspapers unconnected with the business before the House;
- Not applaud, nor use props;
- Food and drink should not be consumed in the Chamber;
- Refer to the Legislative Council as “another place” or “the other place”;
- Not converse with persons in the Galleries or the floor of the Chamber.

Acknowledging the Speaker

On entering or leaving the Chamber, it is customary for Members and for Parliamentary Officers to acknowledge the Speaker (or the Member who is presiding).

Quorums and quorum calls

A quorum is 20 Members, excluding the Member who is in the Chair or “Presiding” (see s 32 of the *Constitution Act*). A Member may draw the Chair's attention to the lack of a quorum by calling the attention of the Chair to the “state of the House”. The Chair will order the bells to be rung for up to 4 minutes and debate is suspended until a quorum is formed. If it is not formed, then the House will adjourn (SO 41).

There are certain restrictions as to when a quorum call can be made (SO 45) and it is disorderly for a member to call attention to the absence of a quorum when one is present, or to leave the Chamber after a quorum call (SO 44). The Chair has discretion to proceed with the business before the House on a second or any subsequent quorum call on any one sitting day.

WHAT TO EXPECT ON THE FIRST DAY OF A PARLIAMENT

Opening of Parliament

On the day that the Parliament has been summoned to meet, the House will meet at the designated time, after the bells have been rung.

The Members of the Legislative Assembly, having gathered in the Assembly Chamber, will attend in the Legislative Council Chamber to hear the commission for the opening of Parliament read. Members will then return to the Legislative Assembly Chamber and certain Members, usually the Premier, the Deputy Premier and the next senior Minister commissioned to administer the Pledge of Loyalty or Oath of Allegiance to other Members.

Members are called in order of electorate (A-Z) to take the Pledge or Oath and sign the roll of the House.

The House then elects a Speaker, Deputy Speaker and an Assistant Speaker. Once they are elected the Premier traditionally presents the *Law of Evidence Bill*. This Bill is symbolic and is introduced at the commencement of each session in order for the House to assert its right to meet and legislate.

At some stage of the proceedings, the sitting will be suspended for Members of the House to present the Speaker to the Governor, either at Government House or within the Parliamentary precincts. The Speaker will, in the name and on behalf of the House, lay claim to its undoubted rights and privileges.

Further Reading on the meeting of a new Parliament: [Section 4.1 New South Wales Legislative Assembly Practice, Procedure, and Privilege](#)

Inaugural speeches

A Member's inaugural speech is the first speech a Member makes in the Legislative Assembly and the House can agree to interrupt business at a specified time for this purpose (SO 63). In practice the date and times are usually arranged through the party whips in consultation with the Leader of the House and Shadow Leader of the House.

It is the custom of the House that Members provide a measure of courtesy to Members making their inaugural or first speech and refrain from making interjections and other interruptions.

Members may speak for 15 minutes when making an inaugural speech with provision for a 5 minute extension.

Members are not precluded from making a private Members' statement or asking a question prior to making an inaugural speech.

Further reading on inaugural speeches: [Section 11.3 New South Wales Legislative Assembly Practice, Procedure, and Privilege](#) and [Inaugural speeches in the NSW Parliament](#) by the NSW Parliamentary Library Research Service

PRIVILEGE

One of the principal immunities held by Parliament is the freedom of speech afforded to members, witnesses and other individuals participating in parliamentary proceedings. Statements made by Members of Parliament in Parliament are absolutely privileged and cannot be the subject of an action for defamation.

This “privilege”, or “functional immunity”, exists so that Members can fulfil their duties and so that the Assembly can collectively fulfil its constitutional role. Parliamentary privilege also carries significant responsibility and it is incumbent on Members to not misuse parliamentary privilege. The House has the power to deal with any breaches of its rules on debate and orderly conduct...⁷

In addition to the responsible use of privilege during proceedings it is important to note that Members are not protected by privilege for statements or actions performed outside of proceedings in Parliament, regardless of whether the action is conducted pursuant to the Member’s position as an elected representative. **This includes the repetition, or effective repetition, of any statements which have been made during proceedings under the protection of parliamentary privilege.**

Further Reading on parliamentary privilege: [Part Two Chapter 1 New South Wales Legislative Assembly Practice, Procedure and Privilege](#) and [Parliamentary privilege: first principles and recent applications](#) NSW Parliamentary Library Research Service

SPEAKING & MAKING DECISIONS

Seeking the call

A Member wishing to speak will not be recognised by the Chair unless the Member rises and seeks the call. To do this a Member calls “Mr Speaker” or “Madam Speaker” as soon as the preceding speaker in the debate concludes their speech. After being recognised the Member may then speak at the Table, or from their seat (SO 55 and 56).

If a Member does not seek the call they will not be entitled to speak, even if there is an item of business standing in their name.

⁷ As Josef Redlich puts it, in his *Procedure of the House of Commons*: “...the principle of parliamentary freedom of speech is far from being a claim of irresponsibility for members; it asserts a responsibility exclusively to the House where a member sits, and implies that this responsibility is really brought home by the House which is charged with enforcing it”. Josef Redlich, *The Procedure of the House of Commons*, Archibald Constable, London, 1908, vol. III, p.49

The Speaker exercises discretion over which Member shall be given the call. However, the convention has been for the Chair to alternate between government and non-government Members during debate.

Speaking & time limits

Members come to the Table to speak in debate at one of the lecterns, except at Question Time where a Member asking a question may do so from their seat.

Members speak in debates or when giving statements; when moving a motions or amendments; when making points of order or raising a matters of privilege suddenly arising; and to provide personal explanations or to clarify what they have said when misunderstood or misquoted (SO 61).

Generally in a debate a Member may speak only once on each question. However, there are a number of exceptions to this rule: the Member in charge of the order of the day is entitled to pre-audience when the matter is brought on for debate; a Member may speak in explanation or in reply and a Member may speak more than once during consideration in detail of any matter (SO 64).

Time limits for debates and speeches are set out in Standing Order 85. Many debates have specific time limits, although there are a number that allow certain Members to speak for an unlimited time.

The time limits that apply to a Member's speech include any time taken up by interruptions such as points of order, quorum calls and divisions.

Making Decisions

Parliament is the place where the people's chosen representatives gather to deliberate and decide. Not every parliamentary proceeding will end in a vote, but when a decision is made, it is made "on motion".

A Motion may be defined as follows:

In its widest sense a motion is any proposal made for the purpose of eliciting a decision of the House. It may take the form of a proposal made to the House by a Member that the House do something, order something to be done or express an opinion with regard to some matter. It must be phrased in such a way that, if agreed to, it will purport to express the judgment or will of the House.⁸ When a motion is the subject of a vote, the Speaker will state the question e.g. "That the motion be agreed to" or "That the bill be now read a second time". The Speaker then says "Those in favour say aye, to the contrary no and declares the result based on the voices, e.g. "The ayes (or noes) have it".

⁸ See House of Representatives Practice, Sixth Edition, 2012, p.289.

A division is called when the Speaker's expressed opinion as to whether the "ayes" or "noes" have it, is challenged (SO 173). A division can only be called by a member who gave voice against the majority as declared by the Speaker (SO 174).

If it is clear that there are five or fewer Members on one side in a division, the Chair will declare the question without completing the division and the names of those Members opposing the majority are recorded in the *Votes and Proceedings* (SO 181).

Standing and Sessional Orders may determine that no divisions be held during particular items of business, or at particular times of the sitting day. Currently divisions may not take place during Private Members' Statements, Community Recognition Statements, Matters of Public Importance or the discussion on a petition signed by 10,000 or more persons.

Divisions may not be conducted before 10.30 a.m. on a Wednesday, or before 10.10 a.m. on a Thursday.

Division bells

The bells are rung for four minutes when a division is called, except when there are successive divisions and there has been limited, or no intervening debate, in which case the Speaker may with the leave of the House order that the doors be locked and the vote taken forthwith (SO 185).

Deferred divisions

A division may not be conducted before 10.30 a.m. on a Wednesday or before 10.10 a.m. on a Thursday. Any question on which a division is called must be deferred until 10.30 a.m. at which time any business then before the House is interrupted. (SO 187).

Taking points of order during a division

Members taking a point of order during a division must remain seated and attract the attention of the Chair.

Further Reading on divisions: [Chapter 19 New South Wales Legislative Assembly Practice, Procedure, and Privilege](#)

Pecuniary interest in a matter

A Member may not vote in a division on a question if the Member has a direct pecuniary interest in the question under discussion. **Such interest must be one of direct personal pecuniary benefit and not something which is shared in common with other citizens.** The fact that a Member has a pecuniary interest in a matter which the House is discussing does not prevent them from participating in the debate, only from voting on the matter.

Further Reading on registering pecuniary and other interests: [Chapter 30 New South Wales Legislative Assembly Practice, Procedure, and Privilege](#)

Members may seek confidential advice on ethical issues from the Clerk or from the Parliamentary Ethics Adviser, Mr John Evans PSM (ethicsnswparliament@gmail.com)

ROLE OF THE SPEAKER AND OTHER OFFICE HOLDERS

The Speaker

The Speaker is the Presiding Officer of the Legislative Assembly and as such must act with both authority and impartiality. The *Constitution Act* describes the Speaker as the Legislative Assembly's "independent and impartial representative".

The Speaker is elected by secret ballot (SO 10). The Speaker's role in the House is to preside over the proceedings. The Speaker maintains order, puts the questions at the conclusion of debate and conducts divisions. In maintaining order the Speaker interprets and applies Standing Orders and practice of the House by making rulings and decisions. The Speaker is the mouthpiece for the House and is responsible for conveying messages and addresses from the House to the Legislative Council and the Governor.

A decision of the Speaker may only be challenged by a motion of dissent (SO 95). There is also provision in the Standing Orders for the House's confidence in the Speaker to be tested if necessary (SO 113) and for a motion of censure to be considered (SO 115).

When presiding the Speaker only has a casting vote (the deciding vote when votes are equal). However, when not presiding the Speaker is able to participate in debates from the floor of the House, represent their community and to vote in any divisions as a private member.

The Speaker is also responsible for upholding the rights and privileges of members of the House. The Speaker has extensive administrative functions, being responsible, with the President of the Legislative Council, for the overall direction of the Parliament. In this, the Presiding Officers are advised by the Clerks of both Houses and the Executive Manager, Department of Parliamentary Services. The Speaker is solely responsible for the operation of the Legislative Assembly.

The Speaker also has a protocol role and welcomes consular representatives and inter-parliamentary delegations to the State. The Presiding Officers of the parliament are Presidents of the NSW branch of the Commonwealth Parliamentary Association.

The Deputy Speaker, Assistant Speaker and Temporary Speakers

The principal responsibility of the Deputy Speaker is to act for the Speaker both in the Chair and also in the Speaker's capacity when the House is not sitting. If the Speaker is unavailable, then the Deputy Speaker performs the duties of the Speaker and is vested with all the power, authority, duties and functions of the Speaker (*Constitution Act 1902*, s. 31A). In the absence of the Speaker and Deputy Speaker, the Assistant Speaker performs the duties of the Speaker.

At the commencement of each Parliament, the Speaker nominates not more than five members who will be Temporary Speakers. They relieve the Speaker, Deputy Speaker and Assistant Speaker on a temporary basis whenever requested and are referred to whilst in the Chair as Acting Speaker.

The Leader of the House and Manager of Opposition Business

The Leader of the House is usually a Minister appointed by the Government to manage the Government's business in the Legislative Assembly. The Leader sets and arranges the Government legislative program (the days on which the House will sit and the bills Cabinet has decided will be dealt with) and is the Government's main spokesperson on procedural matters.

The Manager of Opposition Business is appointed by the Opposition to liaise with the Leader of the House in an effort to facilitate the orderly conduct of business.

The Party Whips

The duties of the Whips are in the main to liaise with Ministers in regard to the business of the House, secure the attendance of members in the House, arrange speakers for debates, arrange "pairs" and generally act as intermediaries between the party leaders in the House and backbench members.

The Clerks

The permanent officers of the House are the Clerk of the Legislative Assembly, the Deputy Clerk, Clerk-Assistant Committees and Corporate, and Clerk Assistant Table and Serjeant-at-Arms.

The Clerks are only accountable to the Speaker and the House and are totally independent of the Government and the Opposition. As such, it is the duty of the Clerk of the House to always objectively interpret the position arising from any set of circumstances without any influence of political considerations.

The Clerk of the Legislative Assembly has overall responsibility for the procedural advice given, the administration of the House and the management of the Department of the Legislative Assembly.

Contact details:

Clerk of the Legislative Assembly	Ph: 9230 2222
Deputy Clerk & Serjeant-at-Arms	Ph: 9230 2224
Clerk-Assistant, Committees & Corporate	Ph: 9230 2223
A/Clerk-Assistant, Table & Assistant Serjeant-at-Arms	Ph: 9230 2226

Further Reading on the Speaker and other office holders: [Chapter 5 New South Wales Legislative Assembly Practice, Procedure, and Privilege](#)

Chapter Three – Rules of debate and orderly conduct

Seeking the call

A Member wishing to speak will not be recognised by the Chair unless the Member rises and seeks the call. To do this a Member calls “Mr Speaker or “Madam Speaker” as soon as the preceding speaker in the debate concludes their speech. After being recognised the Member may then speak at the Table, or from their seat (SO 55 and 56).

If a Member does not seek the call they will not be entitled to speak, even if there is an item of business standing in their name.

The Speaker exercises discretion over which Member shall be given the call. However, the convention has been for the Chair to alternate between government and non-government Members during debate.

Speaking & time limits

Members come to the Table to speak in debate at one of the lecterns, except at Question Time where a Member asking a question may do so from their seat.

Opportunities for members to participate in debates, discussions and other proceedings are set out in the Standing Orders along with any time limits which apply to those contributions.

Generally in a debate a Member may speak only once on each question. However, there are a number of exceptions to this rule: the Member in charge of the order of the day is entitled to pre-audience when the matter is brought on for debate; a Member may speak in explanation or in reply and a Member may speak more than once during consideration in detail of any matter (SO 64).

Time limits for debates and speeches are set out in standing order 85. Many debates have specific time limits, although there are a number that allow certain Members to speak for an unlimited time.

The time limits that apply to a Member’s speech include any time taken up by interruptions such as points of order, quorum calls and divisions.

Content of speeches

The content of speeches is regulated by the Standing Orders. Members are not permitted to quarrel; anticipate discussion of a matter on the Business Paper; reflect on a previous decision; use the name of the Governor or Sovereign disrespectfully or to influence the House; or use offensive words against the judiciary or a statute.

Relevance

Members' comments in the House must be relevant to the subject matter of the debate (SO 76). When a bill is being considered in detail discussion must be confined to the clause or clauses under consideration. In contrast, debate on the second reading of a bill that deals with the principles of the proposed legislation can be wide-ranging, for instance, Members can refer to matters they believe should have been included or considered in the Bill.

Offensive words/ un-parliamentary language

Members cannot use offensive words against either House or its Members, a Member of the judiciary or a statute, unless moving for its repeal (SO 72). If Members wish to criticise other Members (in either House) they must do so by way of a specific and distinct substantive motion (SO 73).

Objections that any particular words or language used are offensive must be taken immediately and the Standing Orders require the Speaker to intervene (SO 74). If a Member takes exception to a remark on the ground that it is personally offensive, the Chair will ask the Member if the Member will withdraw the remark. Members may be required to apologise if the words used are extremely distasteful, and if a Member refuses to withdraw certain words when ordered by the Chair to do so, this is disorderly and the Speaker may name the Member.

When considering expressions that may be considered offensive or un-parliamentary, it should be noted that a distinction is drawn between remarks that are made directly to an individual and those which are made more generally.⁹

Tedious repetition

Members may be directed to cease speaking if they persist with tedious repetition in their speech (SO 59). Tedious repetition has not been precisely defined but Speakers' rulings have taken it to mean repeating something within the same debate.

Sub judice convention

Generally matters still under adjudication by the courts should not be debated in such a way as to prejudice court proceedings. The rule only applies to debate and as such notices of motions cannot be ruled out of order on the basis of the sub judice convention.

⁹ See Erskine May's Parliamentary Practice 23rd Edition p.441: "Expressions that are un-parliamentary when applied to individuals are not always so considered when applied to a whole party".

Whether discussion on a matter purportedly sub judice is allowed is at the discretion of the Chair. The convention is much stricter in relation to criminal matters than civil cases.

Points of order

A Member has the right at any time to raise a point of order relating to a breach of the Standing Orders or the practice of the House (SO 93). The point of order must be clearly stated to the Chair who may make a decision immediately or hear argument on the point of order and then make a ruling. Until the point is determined all other proceedings are suspended. Only one point of order may be raised and considered at one time, and unless taken immediately on an alleged breach, will not be considered later by the Chair.

Members cannot take a point of order claiming that a Member's statement is inaccurate or misleading as such alleged offences do not necessarily constitute breaches of the Standing Orders. It is an abuse of the forms of the House to take spurious points of order and Members may be placed on calls to order when such points are raised as a means for interrupting debate. It is a matter for the Speaker to determine points of order and there is provision under the Standing Orders for dissent (SO 95).

Interrupting a Member

There are a number of circumstances in which a Member is able to interrupt another Member speaking (SO 79). They are to:

- Raise a matter of privilege or contempt suddenly arising (SO 92);
- Call attention to a point of order (SO 93);
- Call attention to the want of a quorum (SO 41 and SO 45);
- Call attention to the presence of visitors (i.e. non Members or authorised staff on the floor of the House) (SO 79 and SO 258);
- Move a closure motion (SOs 86-90);
- Move "That the Member for ... be now heard"; and Move "That the Member for ... be not further heard" (SOs 57-60).

See specific Standing Orders and relevant sections of this guide for details.

Reading of speeches

The convention of the House is that Members are not allowed to read speeches. This is due to the fact that a speech prepared by someone other than the Member may be delivered in such a way as to unwittingly provide a voice for someone who is not entitled to speak in the Parliament.

The Chair has shown leniency when Members are referring to complex matters such as economic figures, statistics or other complicated conceptual matters so as to ensure accuracy or when time limits for speeches are heavily restricted. It has also become accepted practice for Ministers and the Leader of the Opposition (or other Member leading in debate for the Opposition) to read prepared speeches at the second reading stage of a bill and for inaugural speeches to be read. Under the *Interpretation Act*, the mover's second reading speech may be used by the Courts to assist in determining the intent of the legislation.

Members are able to refer to copious notes but are discouraged from reading lengthy quotes.

Quoting of documents

Members may read extracts from debates of the current session or newspaper reports of such debate or proceeding provided the reference or quotation is brief and relevant to the matter under discussion or the subject of a personal explanation (SO 70).

Members may also read extracts from documents other than newspapers or Hansard during a speech provided that the quote is brief and the source of the document is properly identified before the Member quotes from it. For example, Members are able to read from letters provided they identify the person who wrote the letter.

Personal explanation

A Member may make a personal explanation to the House with the leave of the Speaker (SO 62). A Member is not entitled to seek the call to make an explanation if there is a question before the Chair. A personal explanation cannot be debated.

Rulings of the Speaker provide that a personal explanation allows a Member to briefly explain any matter which reflects upon the honour, character or integrity of that Member, or reflects upon the Member in a personal way including the refuting of accusations made against them by other Members in the House.

In practice, a Member should confine remarks to "this is what was said; these are the facts." The Speaker may withdraw leave at any time if the Member strays too far from the rules regarding a personal explanation. In practice, as a matter of courtesy, it is recommended that a member wishing to make a personal explanation advises the speaker prior to seeking leave in the House.

Speech in explanation

A Member, who has already spoken to a question, may briefly explain some material part of their speech that has been misunderstood or misinterpreted (SO 65).

In making an explanation the Member cannot interrupt another Member already speaking, introduce new material into the debate, debate the matter or invoke this right after the question before the Chair has been determined. Leave is not required to make a speech in explanation unless a different question is before the Chair, in which case the leave of the House is required.

Further Reading on the Rules of debate: [Chapter 11 New South Wales Legislative Assembly Practice, Procedure, and Privilege](#)

Disorder

The Speaker is responsible for keeping order in the House (SO 49). If a Member considers that another Member's conduct is offensive or disorderly, they may call the Speaker's attention to a point of order. The Speaker will then rule on the point of order. If a Member's conduct is disorderly, the Speaker will call the Member to order. If a Member receives more than three calls during any one sitting, the Speaker may direct the Serjeant-at-Arms to remove the Member from the Chamber. A Member who is removed from the House in such circumstances is not allowed to remain within the Parliamentary precincts for the remainder of the sitting and cannot take part in any proceedings of the House or its committees (SO 249).

In accordance with Standing Order 249A, which has been adopted as a sessional order, for the current session, the Speaker has discretion to direct a Member to leave the Chamber for up to three hours, e.g. for a set period of time (i.e. one hour) or until the conclusion of certain business (i.e. for the remainder of Question Time). The Speaker does not need to place the Member on a call to order before directing them to leave.

Naming a Member

In certain cases the Speaker may name a Member for:

- Persistently and wilfully obstructing the business of the House;
- Being guilty of grossly disorderly conduct;
- Using offensive words and refusing to withdraw them;
- Persistently and wilfully refusing to conform to any standing order;
- Persistently and wilfully disregarding the authority of the Chair (SO 250).

When a Member is named, the Speaker will forthwith propose the question "That the Member for ... be suspended from the service of the House." The Member may make a 5-minute explanation and, if the motion is carried, is suspended for between 2 to 8 days, depending on whether the Member has been previously suspended during the same session. A suspended Member is not allowed to remain within the precincts of Parliament House for the duration of the suspension and cannot participate in any proceedings of the House or its committees (SO 251).

Further Reading on Disorder: [Chapter 23 New South Wales Legislative Assembly Practice, Procedure, and Privilege](#)

Dissent from a ruling of the Speaker

As the House is the final arbiter on all questions of order, any member may move a substantive motion dissenting to a ruling of the Speaker. A notice of a member's intention to move a motion of dissent must be given prior to Question Time when the Speaker calls for notice of motions for Business with Precedence and such notice must be given within three clear sitting days of the ruling. Any notice of motion of dissent given outside of these three sitting days is out of order.

The procedure for dissent motions is set out in Standing Order 95. While this standing order provides for dissent from "a ruling or decision of the Chair", this is taken to mean any interpretation of Standing Orders by the Speaker.

Motions of censure

A motion censuring a member, or the Speaker, may be moved in accordance with Standing Orders 114 and 115 respectively. A notice of a member's intention to move a motion of censure must be given prior to Question Time when the Speaker calls for notice of motions for Business with Precedence. The member will then be called on to move their motion of censure on the same sitting day that the notice was given.

Speakers have ruled that a censure motion must specifically use the word "censure" in the first paragraph of the motion for the motion to be considered as such and be debated with precedence.

Precedents of the House indicate that a motion of censure of the Speaker is required to be framed absolutely and specifically, and restricted to matters concerning the Speaker and not concern matters of which the Speaker has no official cognisance, or other matters such as a censure of the Government.

Further Reading on Business with Precedence: [Chapter 12 New South Wales Legislative Assembly Practice, Procedure, and Privilege](#)

MOTIONS CONTROLLING OR CLOSING DEBATE

Motion that the Member be not further heard

In accordance with Standing Order 58, a member may interrupt another member to move without notice that the member speaking "be not further heard". The motion is not restricted to a specific business type and can be moved at any time unless specifically prohibited by particular Standing Orders, such as in the case of motions of no confidence and censure. In addition, the motion may not be moved on a member who is speaking on a point of order.

The question must be put to the House without amendment or debate. Accordingly, this standing order needs to be read in conjunction with the Standing Orders that place restrictions on the calling of divisions which effectively mean that such a motion cannot be entertained during private members' statements or during matters of public importance. However, the motion can be moved when a Minister is answering a question in the House or when a Minister is making a ministerial statement.

The question is decided without debate or amendment. If the motion is carried then the member interrupted loses the call, and may not speak again in the debate unless the Standing Orders or the House provide otherwise. If the motion is negatived, the member interrupted may resume his or her speech if time remains and the Chair will not accept a second motion during the same speech. The clock is not stopped and consideration of the question occurs during the interrupted member's speaking time. However, Standing Orders may be suspended to restore the speaking time of the member who was interrupted when the motion was moved.

The question "That the Member be not further heard" is often put during debates on motions to suspend standing and sessional orders as a closure motion cannot be moved.

Motion that the Member be now heard

A member may interrupt another member, to move without notice, that a member who sought but was not given the call should now be given the call by moving the motion "That the Member be now heard" in accordance with Standing Order 57. The question is put without debate or amendment. If the motion is passed, the member who is the subject of the motion is given the call. As the object of the motion is to prefer a certain member in the allocation of the call rather than to silence the member speaking, the member interrupted may again seek the call. If the motion is defeated, the member interrupted may resume their speech. If the time for the interrupted member's speech has commenced, the clock is not stopped and consideration of the question occurs during the interrupted member's speaking time.

The right of a member to move a motion for a member to be now heard must be read in conjunction with other Standing Orders. For example, if a motion "That the question be now put" (i.e. the closure) has been agreed to by the House, the Chair will not accept a motion for a member to be now heard; and the motion may not be accepted if the debate is restricted to a specific number of members as is the case with a motion to suspend Standing Orders which only allows one member other than the mover to speak. Furthermore, a member may only speak once to a question, except in a number of specific circumstances. Accordingly the Chair may not entertain such a motion if the member has already spoken to the question before the House.

Motion that the Member be further heard

If the Speaker has directed a member to cease speaking, a motion may be moved in accordance with Standing Order 60 by any member "That the Member be further heard". The question is decided without debate or amendment.

Examples on when such a motion may be moved include situations where the Chair has directed a member to cease speaking for continued irrelevance or for tedious repetition or where the Chair has ordered a member to stop speaking for speaking outside the leave of the bill or motion being debated by the House.

Closure

The closure motion, also known as “the gag”, is a means of closing the debate before the House by moving the motion “That the question be now put”. If agreed to, debate on a question is brought to an end and the House is forced to reach a decision on the question before it.

The closure of debate is dealt with by Standing Orders 86-89. Briefly the rules and practice governing the moving of the closure are:

- It cannot be moved before 10.30 am on days where the House meets earlier.
- It may be moved without notice, whether another member is speaking or not.
- It may not be moved on a motion to suspend standing and sessional orders.
- There are restrictions on when it can be moved in certain debates. For example, it cannot be moved on a motion of no confidence in a Minister or a censure motion on a member until at least 4 members have spoken in the debate.
- The mover of the original motion, or a member who has already spoken on the question, may not move the closure.
- A member cannot conclude their speech by moving the closure motion.
- A member whose motion for the closure has been negatived is not permitted to speak again in the debate as the question is akin to moving for the adjournment of the debate.
- No debate nor amendment is allowed on the question.
- If there is a division on the closure motion it must be carried by at least 30 members.
- If the motion for the closure is agreed to, the mover of the original motion is permitted a reply of up to 30 minutes, or a lesser time if specified for the debate.
- The closure cannot be moved during a mover’s reply.
- The carrying of the closure only affects the last question submitted to the House. For example, if the closure is agreed to on an amendment, debate on the original motion may be continued and the closure would need to be moved again to end debate.

Further Reading on the Rules of debate: [Chapter 11 New South Wales Legislative Assembly Practice, Procedure, and Privilege](#)

Chapter Four - Business of the House

SITTING DAYS

Parliament ordinarily sits in two blocks during the year, the first period usually being from February through to late June, and then from August through to late November. The actual days that each House will sit are determined by resolution of each House. Presently this is done in the Legislative Assembly at the end of the preceding calendar year (unless preceding a General Election). The proposed dates and sitting times are proposed by the Government, and are put to the Legislative Assembly by the Leader of the House. The current sitting times for the Legislative Assembly each sitting week are as follows:

- Tuesday: 12.00 noon to 10.00 pm, or at the conclusion of Private Members' Statements
- Wednesday: 10.00 am to 10.00 pm, or at the conclusion of the Matter of Public Importance
- Thursday: 10.00 am to the conclusion of Private Members' Statements.

ROUTINE OF BUSINESS

The order in which business is conducted on each sitting day is set out in Standing Order 97. The current Routine of Business is set out on page 86.

BUSINESS OF THE HOUSE

Government Business

Government Business are those notices of motions and orders of the day in the charge of Ministers. Government Business takes up the largest proportion of time in the House.

The majority of bills debated in the Legislative Assembly are those introduced by Ministers, who can arrange Government Business in any order (SO 102).

The Leader of the House will publish a Daily Program, which will indicate the items of Government Business proposed to be considered at that day's sitting. It should be noted that items of business, and the order they are listed on the program may be subject to change.

General Business

General Business is also referred to as Private Members' business as it is those notices of motions and orders in the charge of private members. General Business is conducted on Thursday mornings, straight after the conclusion of Government Business at 10:40 a.m.

Establishing the program for general business

The program for general business days is established the day prior. Members advise the Clerk in writing which General Business standing in their name on the Business Paper is to be postponed. In practice, the Party Whips provide advice to the Table Office on behalf of members of their party and Independents will also liaise with the Table Office staff.

The first ten notices on the business paper not advised to be postponed are deemed to be proceeding. If a member has been granted leave of absence it is accepted practice that the business standing in their name is postponed. Members can withdraw or postpone any notice of motion or withdraw and, on motion, discharge an order of the day when it is called on (SO 101).

When the House proceeds to consider items of general business, members must be present and take some action when the item of general business standing in their name is called on, or else the item lapses. In the case of a member who is absent from the Chamber when their notice of motion is called on, the Speaker has a discretionary power to postpone that item of business (see SO 141(2) on page 52).

Re-ordering General Business - On Wednesday each week members are afforded an opportunity to reorder general business orders of the day for the resumption of debate on a Private Member's bill, standing in their name, and notices of motion (general notices) listed on the Business Paper or given that day to have precedence at the next day's sitting (SO 106).

Community Recognition Statements

A sessional order first adopted in February 2013 provides for Members to make 60 second statements for a total of 20 minutes each Wednesday and 30 minutes on Thursdays. These statements are of a congratulatory nature or acknowledging achievements of people or groups in the community (SO 108A). For further information see Chapter 8.

Private Members' Statements

Time is provided each sitting day for members to make a 5 minute statement on a matter of particular concern to their electorate or of local import (SO 108). Members may also touch on issues other than local ones provided that as the matter raised affects constituents directly.

A Minister (or a Parliamentary Secretary) may speak in reply to the statement for up to one minute.

For further information see Chapter 8.

Motions Accorded Priority

The Speaker calls for notices of motions to be accorded priority prior to Question Time on Tuesday and Wednesday. When called upon, the member reads the notice aloud and then hands up a written and signed copy to the Clerk. The written version of the notice of motion must be the same as that given orally. Up to two members may give notices at any one sitting (SO 109).

After the placing or disposal of business members are called on to argue as to why their motion should be accorded priority over the other business of the House. Members have up to three minutes each to state their reasons. If only one notice is given, the member concerned is still afforded an opportunity to argue for the motion to be accorded priority.

When arguing for priority a member should focus on why their motion should have priority over all other business before the House. No points of order regarding the **scope or substance** of the notice will be entertained during the 3 minute statement.

After the statements, the Speaker will put the question “That the motion of the Member for ... be accorded priority” in the order in which the notices were given. If the first notice is accorded priority there is no vote taken on the second notice. However, if the question on the first notice is negatived, a question must be put on the second as the House may be of the opinion that neither notice should proceed.

Amendments can be moved to a motion accorded priority and the closure and other procedural motions such as “That the Member be not further heard” may be moved.

No quorum calls are permitted during the establishment of, or debate on, a motion accorded priority.

Matters of Public Importance

The Matter of Public Importance (MPI) procedure provides members with an opportunity to discuss a matter without the House passing judgement by way of resolution (SO 110). Topics are provided to the Speaker who will determine whether a matter is of sufficient public importance to take up the time of the House. Notification of the Speaker’s decision is provided in writing at least 30 minutes before Question Time. The Speaker’s selection of a topic for discussion cannot be challenged. (See page 50 for further details).

Discussion on Petitions

Provision is made for a discussion on the subject matter of any petition received by the House signed by 10,000 or more persons (SO 125A). The discussion takes place at 4.30 pm on Thursday the week following the receipt of the petition by the House. Any further petitions which are received before discussion on the first petition is concluded are set down on succeeding Thursdays in the order in which they are received. The date of discussion for each petition is listed in the Business Paper.

‘Take Note’ debate on committee reports

On Thursday afternoons there is an opportunity for members to speak on parliamentary committee reports tabled during the current session (SO 306). The member tabling the report may speak for up to 6 minutes and up to 4 other members can speak up to 4 minutes on each report. No reply is permitted.

If a Committee has more than one report on the *Business Paper*, the Chair has the option to move a motion, without notice, that the House consider those reports together.

No quorum calls are permitted during the Take Note debate on committee reports.

Business with Precedence

Certain matters are accorded precedence of all other business. Such business includes: no confidence motions in the Government, a Minister or the Speaker; censure of a member or the Speaker; dissent from a Speaker’s ruling; matters of privilege or contempt; expulsion of a member; arrangement of business of the House; days and hours of sitting; disallowance of statutory rules; votes of thanks or condolence; printing of papers; or other business accorded precedence by the House (SO 118).

Papers

Many Acts require documents to be tabled. Tabling papers is an important method of making information available to the House and the public. Tabled documents include annual reports, reviews of legislation, reports of the Auditor-General and other statutory officers and other documents such as statements of corporate intent for State owned corporations (see Chapter 22 of the Standing Orders on papers and documents).

Placing or Disposal of Business

This procedure allows members to withdraw or postpone their item of business to another day, or move a motion to discharge an order of the day standing in their name (SO 100). See also under non-Government Business in regard to establishing the program for General Business Days (SO 101).

Further Reading on the business of the House: [Chapter 12 New South Wales Legislative Assembly Practice, Procedure, and Privilege](#)

Chapter Five – Passage of Legislation

MAKING LAWS

A bill is a draft legislative proposal that is presented to a House of Parliament. In a bicameral Parliament, to become an Act (or law) a bill must pass through both Houses in the same form and be assented to by the Governor. Bills may be introduced in either the Legislative Assembly or the Legislative Council, with the exception of bills appropriating money or imposing taxation, which must be initiated in the Legislative Assembly (see s5 of the *Constitution Act*).

Bills may be introduced to implement Government policy; from a need to remedy problems with existing laws; or a need to give effect to inter-government agreements.

PREPARING A BILL

Most bills presented to the House form part of the Government's legislative program. Government bills are prepared by Departments at the direction of Cabinet and approved by Cabinet, before being introduced into the House by the responsible Minister. The Parliamentary Counsel's Office drafts and prints all government bills.

In addition to government bills, private members (members other than a Minister) may introduce bills into Parliament. The Parliamentary Counsel's Office provides a legislative drafting service for these 'members' bills'.

STAGES IN THE PASSAGE OF A BILL

The stages in the passage of a bill originating in the Legislative Assembly are:

- Notice of motion
- Introduction and First Reading
- Second Reading
- Consideration in Detail
- Third Reading

Notice of motion

Before a bill is introduced into Parliament the Minister or private member gives a notice of motion indicating their intention to introduce the bill. When the Speaker calls for notices of motion (for bills), the member reads the notice of motion:

"I give notice to introduce the ... (short title of the bill)."

The member then hands a signed copy of the notice to the Clerks. The full text of the notice is printed in the Business Paper for the next sitting day.

Introduction and First Reading

The bill may be introduced at the same or a subsequent sitting. When the item of business is called on, the member says:

“I move that a bill be introduced for an Act to ... (long title of the bill).”

The Speaker puts the question ‘that this bill be introduced’ and, if it is agreed to, the member says “I bring up the bill” and hands three copies to the Clerks. This constitutes the introduction and first reading of the bill. There is no debate at this stage.

Copies of the bill (and any explanatory notes) can then be distributed and published on the Parliament’s website. The Parliamentary Counsel’s Office generally provides multiple copies when bills are introduced. Copies of the bill are also available from the Legislative Assembly Table Office and on the Parliament’s website.

Second Reading Speech

Once the bill has been introduced and read a first time, the member or Minister who introduced the bill moves that the bill be read a second time and makes their second reading speech. No time limit applies to the second reading speech, or to the speech made by the lead speaker for the opposition.

The second reading stage is the stage where the general principles of the bill are considered. The second reading speech outlines the objects of the bill, its general principles and intended effects. The speech may later be used to interpret the bill when it becomes law. Members from both sides of the House express their views in a comprehensive debate, outlining their reasons for supporting or opposing the bill.

After the second reading speech, another member moves that the debate be adjourned. The mover of this motion is often the member who will speak next on the bill when debate resumes.

Under the Standing Orders, the debate cannot resume for at least five clear days (i.e. calendar days commencing the day after the bill has been introduced. For example, if a bill is introduced on a Wednesday it cannot be debated until the following Tuesday). However, Standing Orders may be suspended to provide for the earlier resumption of the debate, or to permit a bill to pass through all stages in one sitting.

Resumption of Second Reading debate

The second reading debate resumes after five clear days, unless Standing Orders have been suspended to provide otherwise.

It is usually the lead speaker for the Opposition who speaks first in the debate and their speaking time is unlimited. Other members may then speak but time limits apply to those contributions.

Debate should be relevant to the objects of the bill and to the second reading speech. Brief references can be made to matters that members believe should be in the bill under consideration.

Amendments may be moved to the question. For instance, the bill may be referred to a committee, disposed of, or consideration of the question deferred to a later time. Any amendments to the bill itself are moved at the consideration in detail stage – though they may be foreshadowed during the second reading debate.

The Speaker then puts the question that the bill be read a second time.

At the conclusion of the debate, the member who moved the second reading has a right of reply, during which issues raised in the debate may be responded to.

After a bill has been read a second time:

- any Member may move without notice that the bill be referred to a Legislation Committee for consideration and report (SO 323);
- any Member may request that the bill be considered in detail;
- the Member in charge of the bill may move a motion for the consideration in detail pro forma (which occurs if there are a large number of amendments and a part of the bill is produced with the amendments already incorporated, to put them in context); or request that consideration in detail be adjourned until a later time.

Otherwise the Speaker will call on the member with carriage of the bill to move the third reading forthwith. No debate or amendment can be made to the motion for the third reading when a bill has not been considered in detail.

After the House has agreed to the third reading the bill is considered to have passed the House and is transmitted or returned to the Legislative Council.

Withdrawal

A Minister may move that a bill be withdrawn either at the time for the placing or disposal of business, or when the order of the day is read for the resumption of the second reading debate (SO 188(11)).

Legislation Committees

In respect of legislation committees, the member must move the required motion (which does not need notice) immediately after the motion for the second reading is agreed to by the House.

Motions referring legislation to a committee are procedural steps in the stages of a bill and the practice of the House has been not to debate such motions.

As a legislation committee specifically reports on proposed amendments to the clauses and schedules of the bill, its report, when tabled, is set down by the Speaker for consideration in detail with the bill.

Although provided for in the Standing Orders, referral of a bill to a legislation committee is not common practice in Assembly.

Consideration in detail (amending bills)

Whilst it is not frequently used the consideration in detail stage provides members with an opportunity to consider a bill clause by clause and schedule by schedule, and to move amendments to the bill. Debate is quite fluid at this stage and unlike in the second reading debate members may speak more than once to a question.

There are three general principles governing the moving of amendments to bills.

1. Amendments must be relevant to the subject matter of the bill (SO 210). For example an amendment which is contradictory to a principle already agreed to by the House or related to an amendment already negated is inadmissible.
2. The House is bound by its decision on the second reading of the bill. It may not therefore, amend a bill in a manner which is destructive of, or reverses, its principles.
3. The objects of a bill are stated in its long title which should cover the matters contained in the bill, as introduced. Amendments are not necessarily limited by the title of the bill, as the House may make amendments relevant to the subject matter of the bill and the title extended accordingly (SO 211).

The following are some examples of the types of amendments which would be inadmissible -

Amendments which -

- (i) Directly or indirectly conflict with the principle of the Bill as determined at the second reading stage.
- (ii) Contradict a principle already agreed to by the House or relate to an amendment already negated by the House.
- (iii) Would render the provision of a bill inconsistent.
- (iv) Introduce a new principle.
- (v) Would render a bill unintelligible.
- (vi) Are moved in a spirit of mockery.
- (vii) Would make a clause inoperative.
- (viii) Propose to omit a whole clause. This is achieved by voting against the clause.

(ix) Would, in a bill providing for a charge upon the Consolidated Revenue (the “Crown”) involve an additional charge; or, in a bill not already providing for expenditure, create one.

There are very specific rules set out in the Standing Orders, which govern the order in which amendments may be considered and the questions which are put by the Chair to dispose of the amendments.

In order to allay any confusion, new clauses or schedules are considered in the numerical order in which they are proposed to be inserted in the bill (Standing Order 209 sets out the order of consideration).

When two amendments clash (i.e. are offered in the same part of the bill), the Chair may put a question to the test (i.e. a “test vote”) by proposing only those words of the first amendment down to the point where the second amendment would begin.

Where there are several amendments offered at the same place in a clause, an amendment to omit words in order to insert other words takes precedence of an amendment to omit words. If the conflicting amendments are the same, amendments proposed by the Minister or member in charge of the bill take precedence of others. The order in which amendments are handed in to the Clerks is also considered if Members’ amendments conflict.

In the case of conflicting amendments to insert words, the amendment first proposed would be considered first and if the insertion was agreed to, the question on the second insertion is not proposed by the Chair because it would be inconsistent with the decision already made.

An amendment may be proposed to a proposed amendment (SO 164). However, no further amendment may be considered until the proposed amendment to the amendment is dealt with.

In some cases there may be a series of related amendments which the House agrees can be dealt with “in globo”. In this event, it is possible, with the leave of the House, for the Chair to put one question “That the amendments as circulated be agreed to”.

Once consideration in detail is concluded a motion is moved “That this bill be now read a third time.” If it is agreed to, the bill has passed all stages in the Legislative Assembly. Although this motion is usually a formality, it may be debated after the consideration in detail stage and the mover has a right of reply. Debate on the motion should be brief. It provides members with an opportunity to make concluding remarks on why the bill should be passed, not to revive discussion covered during the second reading debate.

The only amendment that may be moved to this motion is for the House to reconsider the bill, either in whole or in part.

If the bill has been amended, time may be allowed for a reprint to incorporate amendments before it is read a third time and either forwarded to the Legislative Council for concurrence or returned.

Reconsideration

Members may move for the reconsideration of a bill that has already been considered in detail. When the Speaker puts the question “That this bill be now read a third time”, the member moves that the question be amended to provide that the House reconsider the whole bill or specific parts of the bill.

If the motion that the amendment be agreed to is passed, the Speaker puts the question that the bill be reconsidered. If that motion is agreed to, the House reconsiders the relevant clauses or schedules of the bill.

Process for preparing amendments to a bill

If it has been determined that amendments need to be made to a bill before the House, the Minister’s staff or member should contact the Office of the Parliamentary Counsel (Tel: 9321 3333) to arrange the drafting of amendments as soon as possible. The Office of the Parliamentary Counsel functions independently of the Parliament and have their own policies and procedures regarding drafting.

Ministerial staff or members should notify the Deputy Clerk on 9230 2225 or the Legislative Assembly Table Office on 9230 2226 that the Minister, or member, will propose amendments to a bill. Advance notice of a Minister’s or member’s intention to move amendments is required so that amendments can be checked for procedural admissibility and guidance notes prepared for use by the Chair.

As soon as possible after the amendments have been drafted, the Clerks require a copy of the amendments. If the amendments are later reviewed or re-drafted, the Clerks will also require a copy of the updates.

The Clerks keep the amendments confidential until authorised by the Minister or member to make them public. Whilst it is a matter for the individual Minister, or member, it may be beneficial to provide the Minister or Shadow Minister with a copy of any proposed amendments as soon as possible.

Passing of the bill

Once a bill originating in the Legislative Assembly has been read a third time and passed, it is forwarded to the Legislative Council with a message. The Council may agree to the bill without amendment and return it for the Governor’s assent; return the bill with amendments for the Assembly’s consideration; withdraw the bill, or not pass it.

Process for dealing with Legislative Council amendments

Amendments proposed by the Legislative Council are considered by the House in detail.

The Clerks need to be advised as to whether the Minister, or member, intends to either:

- Agree to the Legislative Council amendment(s);
- Disagree to the Legislative Council amendment(s); or
- Amend the Legislative Council amendment(s).

If the Assembly agrees to the amendment, the bill is sent to the Governor for assent. However, if the Assembly disagrees with an amendment, the bill is returned to the Legislative Council with a message explaining the reasons for the disagreement.

Assent

After the bill has passed both Houses of Parliament, the House in which the bill was introduced arranges for the bill to be prepared for assent.

A vellum paper copy of the bill is prepared by the Parliamentary Counsel's Office. The vellum is signed by the Clerk and countersigned by the Assistant Speaker. It is then sent to the Governor for assent.

Paper copies are also sent to the Attorney-General to sign an "opinion" letter as to the constitutional legality of the bill. When the opinion is received, the Governor signs the vellum and an assent message is sent to the Parliament and the Minister.

The signed vellum is returned to the originating House with a message and an Act number is allocated in the order of assent. Assent details are published in the *Government Gazette* and the vellum is sent to the Registrar General for enrolment as a deed.

BILLS ORIGINATING IN THE LEGISLATIVE COUNCIL

The Speaker reports the receipt of a bill from the Legislative Council by reading the message that is sent with the bill. The bill is introduced and read a first time without a motion being moved. The member who will have carriage of the bill in the Legislative Assembly then moves the motion "That the bill be now read a second time" and gives the second reading speech. This is usually a truncated speech, which simply says the bill was introduced in the Legislative Council, that the bill is in the same form as introduced into the Council, and that the second reading speech given in the Council appears at a certain reference in Hansard. If amendments have been made to the bill during its passage through the Legislative Council, the mover may highlight the changes made in the bill.

After the mover's speech the debate may be adjourned until a later time or proceeded with forthwith; the five clear day rule does not apply because sufficient notice of the bill's provisions has already been given during its passage through the Legislative Council. The second reading of the bill is dealt with in the same manner as an Assembly bill.

PRIVATE MEMBERS' BILLS

Under Standing Order 191 a private member may introduce a public bill. Members have great freedom in the introduction of bills, with the important exception that only Ministers may initiate a bill imposing or varying a tax or requiring the appropriation of revenue or money.

Private Members' bills can only be introduced during the time set aside for the introduction of General Business Notices of Motions for bills. The current routine of business provides for the introduction of private members' bills on Thursday mornings after the conclusion of Government Business at 10:40 a.m. The Member in charge of the bill has an unlimited speaking time when making their second reading speech.

After a private member's bill has been introduced and the member has given their second reading speech it follows the same procedures as other bills, in that it is set down on adjournment for five clear calendar days before the second reading debate can be resumed.

The Premier, or one Minister or Parliamentary Secretary deputed, and the Leader of the Opposition, or one Member deputed, may also speak for an unspecified period of time during the second reading debate on a private member's bill. All other members are limited to 10 minutes, with a possible 5 minute extension.

In relation to private members' bills from the Legislative Council, the practice is for the message to be reported to the House following receipt of a letter from the member in charge of the bill indicating which Legislative Assembly member will have carriage of the bill. The message can be reported at any time and the second reading speech is set down as a general business order of the day for bills and is placed on the Business Paper in its relative order. When the bill is called on the member in charge of the bill will give their second reading speech and in accordance with Standing Order 229(5) debate on the bill can be adjourned or continued forthwith.

As with any other bill, a private member's bill only becomes law, if it passes through both Houses of Parliament.

COMMENCEMENT OF ACTS

Nearly every Act of Parliament has a provision (normally section 2) which sets out when it will come into force. As a result, there are four ways in which an Act can come into force:

By Proclamation: This means that the Governor, on the advice of the Executive Council, will issue a proclamation indicating the date on which the Act will commence. It should be noted that there is no set period in which this must happen, and it can take as long as the relevant Minister thinks necessary e.g. to establish regulatory frameworks. Further, an Act does not have to be wholly proclaimed, and sections may remain not in force.

On a specified date: When the bill was drafted, it was determined that the Act would be in force from a set date. It should be noted that the date can be retrospective.

Date of Assent: This means that the date the Governor assents to the bill (thus making it an Act) is the day on which the Act comes into force.

None specified: Under the *Interpretation Act 1987*, if an Act has no provision indicating when it comes into force, it is deemed to commence 28 days from the date of assent.

DELEGATED LEGISLATION

Delegated or subordinate legislation or “statutory rules” are regulations, by-laws or ordinances made, approved or confirmed by the Governor or a rule of court (section 3 of the *Interpretation Act 1987*).

A regulation is made pursuant to an Act of Parliament, and provides the detail (administrative arrangements) to the broad outline given by the respective Act. To avoid having Parliament consider every minor change to the administration of a particular scheme set up by an Act of Parliament, each Act usually contains a provision enabling regulations to be made under that Act so that the fine detail can be formulated.

How is a statutory instrument made?

After an Act of Parliament has been assented to and before commencement, the Minister who administers that Act may require the drafting of regulations/ordinances/by-laws etc. under that Act, which will spell out the detail for the operation of the particular Act. As most proposed regulations fall under the scope of the *Subordinate Legislation Act 1989*, there is a requirement that a regulatory impact statement for the draft regulation be prepared, and the draft regulation be exhibited for public comment.

The Minister is required to consult with interested parties and the public, and to take into consideration any comments or submissions which are made in relation to the draft regulation. The draft regulation may be changed to reflect comments made during the exhibiting period. It should be noted that not every regulation is required to follow this process. For example, the Minister can apply for an exemption as set out in section 6 of the *Subordinate Legislation Act 1989*.

The draft may then be presented to the Governor at a meeting of the Executive Council for this approval. As long as there is no legal impediment to approval being granted (which is certified by the Attorney General or the Parliamentary Counsel), the Governor will approve the regulation. It is then published on the NSW Parliamentary Counsel's Legislation website.

Some statutory instruments are drafted by bodies other than Ministers, such as by-laws made under University Acts, still need to be approved by the Governor.

Statutory instruments come into force with effect from the date of publication on the Parliamentary Counsel's Legislation website.

What role does Parliament have in passing regulations?

Parliament does not have to approve the making of regulations and may disallow them. All statutory instruments must be tabled in each House within 15 sitting days of publication. Regulations are also scrutinised by the Legislation Review Committee which reports to Parliament on matters such as the social and economic impact of particular regulations, and their compliance with procedures relating to the making of regulations.

How does Parliament disallow a regulation?

Either House may pass a resolution to disallow a statutory rule at any time before it is tabled in the House after its publication on the NSW Parliamentary Counsel's Legislation website. Once a statutory rule has been tabled in the House members then have 15 sitting days in which to give notice of motion to disallow either all or part of that instrument (Standing Order 116). Any motion to disallow a statutory instrument is considered Business with Precedence and is considered at the time allocated for Business with Precedence on the sitting day after notice has been given.

The House has adopted a practice that a notice of motion to disallow part of a statutory rule is in order but the House cannot amend a statutory rule.¹⁰

Under section 41(4) the effect of a successful disallowance motion is to restore or revive the pre-existing scheme. Also under section 8 of the *Subordinate Legislation Act 1989*, a statutory rule the same in substance as one disallowed cannot be published on the NSW Legislation website within 4 months after the date of disallowance, unless the disallowance resolution has been rescinded.

Statutory Instruments Paper

A Statutory Instruments Paper is published by both Houses each sitting week or, if the House is in recess, on the first week of each month. The document provides the title of the statutory instrument, the date it was published on the NSW Parliamentary Counsel's Legislation website and information on the tabling date and last date for giving notice of a disallowance motion.

¹⁰ See for example the ruling by Speaker Murray which confirmed that a regulation could be disallowed in part. PD 17/06/97, p.10374

ACCESSING LEGISLATION

All bills currently being considered by the Parliament are available from the Parliament's website and intranet at the following links:

<https://www.parliament.nsw.gov.au/bills/pages/current-bills.aspx>

The NSW Legislation website, administered by the NSW Parliamentary Counsel's Office, is the official NSW Government website for the online publication of legislation. Legislation on the website is usually updated within 3 working days after a change to the legislation. The website can be accessed from the following link:

<http://www.legislation.nsw.gov.au/>

This website contains: consolidated Acts, regulations, planning instruments and other statutory instruments currently in force; historical and repealed versions of legislation; Acts as assented to since 1824; statutory instruments as made since 1990; explanatory notes for bills introduced and passed since 1990; consultation drafts of Bills and other instruments; and legislation guides.

The 'Legislation in Force' guide provides a collection of tables, updated monthly, which contains:

- Public Acts in force (i.e. all public Acts that have been assented to and not subsequently repealed);
- Private Acts in force;
- Principal Statutory Instruments;
- Environmental Plans;
- Applied laws (i.e. laws of other jurisdictions that are taken to be laws of New South Wales); and
- Chronological table of unproclaimed and provisions of Acts whose commencement is tied to those unproclaimed provisions.

The tables are available from the following link:

<http://www.legislation.nsw.gov.au/maintop/tables>

The 'Allocation of the Administration of Acts' guide lists all public Acts currently in force by responsible Minister. It provides a quick reference guide as to which Minister is responsible for which Act and is readily updated as changes are made to the portfolio responsibilities. It is available from the following link:

<http://www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+338+2001+cd+0+N>

The Parliamentary Counsel's Office provides legislation feeds (RSS or Atom feeds) to notify when statutory instruments are made and other events. To subscribe to the feeds go to:

<http://www.legislation.nsw.gov.au/>

Further Reading on the passage of legislation: [Chapters 20-22 New South Wales Legislative Assembly Practice, Procedure, and Privilege](#)

Chapter Six – Question Time

WHAT IS QUESTION TIME?

Question Time is an opportunity for members to ask questions of Ministers and Committee Chairs without notice. It is a very public means by which the House can scrutinise the administration of government. As such it is a fundamental function within the “Westminster system of government” whereby the legislature can act as a brake on any misuse of executive power.

During the Question Time period members may ask questions to Ministers about public affairs, matters under the Minister’s administration and proceedings in the House for which they have carriage. In the Legislative Assembly questions can also be asked of the Chair of a parliamentary committee, relating to the affairs of that committee.

WHEN IS QUESTION TIME?

Question Time in the Legislative Assembly occurs at 2.15 pm each sitting day.

PROCEDURE FOR QUESTION TIME

The Leader of the Opposition is entitled to ask the first question. Any member may then seek the call to ask a question. Current practice is for questions to be asked alternatively between the Government and non-Government members; independent members are allocated a number of questions each week proportionate to their numbers as part of the non-Government allocation.

The duration of Question Time is 45 minutes or the answering of 10 questions, whichever takes longer.

An answer to a question must not exceed five minutes. However, the member who asked the question may, at the discretion of the Speaker, seek additional information from the Minister. The Minister’s response on the additional information is limited to two minutes.

The Speaker has discretion at any time during a Minister’s answer to order that the timing clock be paused (SO 131(4)).

One supplementary question may be asked each Question Time. A supplementary question must be asked by the member asking the original question and the answer to it counts towards the 10 answers.

At the end of Question Time Ministers may provide additional information (i.e. a supplementary answer) to an answer already given that day or at a previous sitting (SO 131(8)).

RULES FOR QUESTIONS

The rules governing the form and content of questions can be found in the Standing Orders and in the established practice of the House.

Questions should be brief and ask directly for the information sought.

As outlined in SO 128 Questions should not contain:

- Statements of facts or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated;
- Argument;
- Inference;
- Imputation;
- Epithets;
- Expression of opinion or ironical expressions; or
- Hypothetical matter.

Questions should not ask for:

- an expression of opinion;
- legal opinion;
- an announcement of Government policy; or
- confirmation of rumour or media reports.

If a member is uncertain about the wording of their question, they are welcome to seek advice from the Clerks.

Further Reading on asking questions: [Chapter 14 New South Wales Legislative Assembly Practice, Procedure, and Privilege](#)

Chapter Seven – Written Questions

PROCEDURE FOR SUBMITTING WRITTEN QUESTIONS

In addition to Question Time, members have the opportunity to lodge written questions. Questions are published in the Questions and Answers Paper pursuant to SO 132 and the same rules in relation to content are applicable as to questions asked during Question Time (see previous Chapter on Question Time).

Each question should be on a separate sheet of paper, clearly indicating the Minister to whom the question is addressed.

Ministers may be asked questions that relate to:

- public affairs the Minister is officially connected with;
- matters under the Minister's administration;
- proceedings pending in the House of which they have carriage.

Questions to Ministers in the Legislative Council should be directed to the Minister representing that Minister in the Legislative Assembly. The Clerks and Table Office staff can assist with identifying the responsible Minister for a particular question.

Each question must be **signed** and **dated** by the member.

In order to be published in that day's Questions and Answers Paper, a hard copy of each question must be handed in writing to a Clerk at the Table or lodged in the Table Office by 12.00 noon on a sitting day to be published in the next sitting day's paper.

As a large number of questions are submitted each sitting day, to assist Table Office staff in addition to lodging the hard copy, a soft copy should also be emailed to: assemblyq&a@parliament.nsw.gov.au

Members can lodge nine questions each sitting week (the Leader of the Opposition twelve).

Questions should not put an argument, or be framed so as to suggest an answer, or convey a particular point of view. Statements or information not strictly necessary to make a question intelligible should not be included. It is not permissible to make a statement under the guise of asking a question.

The facts forming the basis of a question may be stated briefly, if the member asking the question can verify their accuracy if required. A member may direct attention to a statement (for example a newspaper report) but may not ask whether the statement is true or quote extracts.

Questions may seek an explanation regarding government policy and its application.

A question should only refer to one matter. If a question contains matters that are not relevant to each other, the question may be divided under the authority of the Speaker. If a question is divided it will affect the number of questions a member has submitted (SO 132).

Questions reflecting on, or critical of, the character or conduct of the Sovereign, the Governor, the Speaker, members of either House and judicial officers may not be asked. In these cases, action can only be taken by moving a substantive motion in the House.

A question containing argument, unbecoming expressions or otherwise not conforming with the practice of the House may, under the authority of the Speaker, be amended by the Clerk. In these circumstances the Clerk would liaise with the member concerned.

Questions may also be edited to eliminate unnecessary wording and, where applicable, put them in a standard interrogative form. The Clerk-Assistant, Table or other Table Office staff will consult with the member regarding the content of any question that does not comply with the rules or requires more than straightforward editing. Where required, matters can be referred to the Speaker for resolution.

A member can withdraw a written question with the leave of the House at the end of the placing or disposal of business procedure. If a written question is withdrawn under this procedure, the Table Office will advise the relevant Minister's office that an answer is no longer required. A member cannot withdraw another member's written question.

Suggested wording for written questions

Wording to avoid	Suggested wording	Comment
Will the Minister advise whether Ryde Hospital...?	Is Ryde Hospital...?	Eliminates unnecessary words
The Minister is reported in the Daily Telegraph as announcing...	Did the Minister announce...?	Put in question form
Does the Minister believe that...? opinion	Is...?	Avoids seeking an
...If this is correct, will she furnish unnecessary words the reason?	If so, why?	Eliminates
In view of the fact that... rather	Is it a fact that...?	Seek information, than give it

ANSWERS TO WRITTEN QUESTIONS

Written questions are published in the Questions and Answers Paper. In accordance with Standing Order 132 Ministers are required to lodge signed answers to written questions within 35 calendar days after the question is first published. The due date for questions is published in a table on the inside cover of the Questions and Answers Paper.

A signed copy of each answer must be lodged with the Table Office before the answer is published. In addition, Ministers are required under the Standing Order to submit an electronic copy of the answer by email to: assemblyq&a@parliament.nsw.gov.au

Answers may be lodged at any time. However answers submitted on the due date must be submitted to the Table office by 12 noon on sitting days and at 5pm on non-sitting days.

Ministers failing to answer a question within 35 calendar days will be called to give an explanation to the House. If the Minister, after explanation to the House, has not provided an answer within 3 sitting days then the Minister is again called to give an explanation to the House. **Failure to provide an answer may constitute contempt of the House.**

Copies of answers to written questions are not forwarded to individual members. The answer once received will be published in the Questions and Answers Paper and can be tracked on the Parliaments website via Questions and Answers Tracking.

<https://www.parliament.nsw.gov.au/la/papers/Pages/Legislative-Assembly-Questions-and-Answers-tracking.aspx> Written questions can be tracked according to:

- The member asking the question
- The relevant portfolio
- Date the question was asked
- The due date for the answer
- The relevant portfolio and then by due date for the answer
- A keyword search.

Further Reading on asking questions: [Chapter 14 New South Wales Legislative Assembly Practice, Procedure, and Privilege](#)

Chapter Eight – Non-Government business: Statements, Discussions and Debates

There are a number of opportunities for members to raise matters through general business and other means. This section only covers the requirements of the House. Party Whips can advise on party conventions that members are expected to follow when initiating matters for debate.

PRIVATE MEMBERS' STATEMENTS

Private Members' Statements (SO 108) provide members with an opportunity to bring to the House's attention a matter concerning their electorate. Members may also make Private Members' Statements touching on other issues, as long as the matter raised affects their constituents or was brought to them by a constituent.

The following matters are outside the scope of Private Members' Statements:

- Attacks on other members;
- Attacks on the Government in relation to general state issues;
- Reflections on the judiciary and attacks on persons outside of Parliament. It is important to note that the right of free speech should always be exercised with restraint;
- Announcing Government policy or other initiatives;
- Ministers raising policy issues within their portfolio responsibilities, unless they are relevant to matters raised by private members;
- Shadow Ministers raising policy issues relevant to their shadow portfolio responsibilities;
- Anticipating or continuing debate on a matter raised in the Assembly or Legislative Council.

The rules provide for a Minister (or a Parliamentary Secretary) to reply for up to one minute. The same principle of relevance applies here as it would in a debate and a Minister's reply must remain within the scope of the statement given by the Member.¹¹

Private Members' Statements are taken each sitting day at the following times:

- Tuesday – just after 12.00 noon; and again in the evening following the conclusion of Government Business;

¹¹ See, for example, the ruling by Speaker Rozzoli where a Minister was asked to direct his comments to the Private Member's Statement. PD 31/08/1988, p. 99.

- Wednesday – in the evening following the conclusion of Government Business;
- Thursday – in the afternoon, at the conclusion of any discussion on a petition signed by 10,000 or more persons.

COMMUNITY RECOGNITION STATEMENTS

A sessional order first adopted in February 2013 provides for Members to make 60 second statements for a total of 20 minutes each Wednesday and 30 minutes on a Thursday. Statements should be congratulatory in nature or acknowledging the achievements of people of groups in the community (SO 108A).

The scope of Community Recognition Statements includes:

- Statements that are congratulatory in nature and predominantly of a local or private nature and uncontroversial (e.g. congratulating a particular person or group or people for an achievement);
- Statements that recognises charity work, retirements or honours and awards (e.g. sporting achievements, school awards etc.); and
- Words of thanks or condolence.

The sessional orders specify that Community Recognition Statements should not contain:

- Matters of policy;
- Requests for the Government or the House, or another body to take some form of action or inaction; or
- Criticisms or negative reflections on any person, including members, office holders, the Government, the Opposition or a third party.
- Members are not permitted to make consecutive statements.

MATTERS OF PUBLIC IMPORTANCE

Matters of public importance give members an opportunity to initiate discussion on a matter without the House making a final judgement on it by way of resolution (SO 110). Matters for discussion are usually framed as a very brief, general topic. For example: Children's Book Week; Mental Health in Regional NSW; Hendra Virus.

The matter is to be handed in writing to the Speaker before **12.00 noon** on any day upon which a matter of public importance is to be discussed, in order for the Speaker to determine whether a matter is to be discussed at a later time that day. The Speaker bases this decision on criteria including: the timeliness of the issue, and whether the matter of public importance procedure is the most appropriate vehicle for raising the issue. If more than one matter has been submitted, the Speaker determines which matter is of the greatest public importance. The Speaker's decision in these matters is final.

Written notice of the matter selected for discussion is given to the Premier, the Leader of the Opposition, the responsible Minister in the House, those members who also submitted matters and Independent members. Notices of matters are also placed on notice boards at least 30 minutes prior to Question Time. There are notice boards near and in the Assembly Chamber, and on each floor where members' offices are located.

Time is set aside in the routine of business for a matter of public importance to be discussed at the following times:

- Wednesday – in the evening, following the conclusion of Private Members' Statements; and
- Thursday – in the afternoon following the conclusion of debate on committee reports.

These times may be earlier if Government business is concluded before the times allocated, or if the Routine of business is varied by a resolution of the House.

GENERAL BUSINESS

While a large proportion of the House's time is taken up with Government Business, time is set aside each week for general business or private members' business (i.e. non-Government business). General business provides all members with an opportunity to introduce legislation and debate general motions. It is conducted on Thursdays mornings following the conclusion of Government Business at 10:40 a.m. The order is:

- Introduction of private members' bills – for up to 20 minutes;
- Debate on private members' bills already introduced – for up to 60 minutes;
- Debate on General Business, General Notices and Orders of the Day, until 1.30 pm.

As with any item of business that a member wishes to place before the House for consideration, a notice must first be given.

What is a notice of motion?

A notice of motion proposes that the House do something, order something to be done, or that it expresses an opinion on a matter. Members are required to give notice of their intention to move a motion in the House, unless the Standing Orders provide otherwise. A notice of motion sets out the words of the motion being moved. Notice is normally required to be given at least one day before the motion is moved and debated.

Notices of motion are published in the Business Paper in the order in which they are received. They remain on the paper until they are concluded or otherwise disposed of. Notices for general business not commenced or completed within 6 months lapse.

How to draft a notice of motion

A notice of motion is drafted to express the will or judgement of the House. A notice should be precise and concise. Notices that contain argument, unbecoming expressions or that are given in the spirit of mockery may be ruled out of order. A notice containing matters that are not relevant to each other may be divided under the Speaker's authority.

There have been a number of Speaker's rulings reminding Members that Notices of Motion are not opportunities to give speeches.

The purpose of a notice is to concisely inform the House of a Members' intention to move a motion. Arguments about the substance of the motion should be made when it comes before the House for debate.¹²

Private members' motions typically take the form "That this House places on record its support for/opposition/concern about..." or "That this House calls on the Government to/ condemns..."

Notices are edited by the Clerks, under the authority of the Speaker prior to their publication in the Business Paper (SO 137). Advice on drafting notices of motion can be obtained from the Clerks.

How to give a notice of motion for debate

While general business notices of motions are usually given by private members (i.e. members other than the Speaker, a Minister or a Parliamentary Secretary), any member may give a notice of motion for general business.

Members give notice of a motion for general business after the reading of the Prayer and Acknowledgement of Country each sitting day when the Speaker asks "Are there any notices of motion for general business?"

When giving a notice of motion, the member reads the notice aloud and hands a signed, legible copy of the notice to the Clerk.

Members can only give one notice at a time and cannot give consecutive notices.

¹² See for example Speaker Hancock, PD 24/05/2012, p 11958 and Speaker Murray PD 15/05/1997, p. 8729.

How to move a motion

Notices are considered in the chronological order in which they are given unless a notice is reordered by the House to have precedence (see section on reordering below), or notices have been postponed. Any postponed notice remains on the Business Paper in its relative order.

When the notice is called on by the Clerk, the member moves the motion by reading its text, as printed in the Business Paper. The member then makes their speech in support of the motion. After a motion has been moved and debated the House will vote on it.

If a member has not postponed a notice of motion standing in their name and does not take some form of action when the motion is called on in the House, the item of business will lapse. Although the Speaker has the discretion to postpone a notice if the member is absent from the Chamber when the notice is called on (SO 141 (2)).

Amending general business notices of motions

There may be occasions when a member will need to alter their notice which has already been given to the House.

Standing Order 139 provides the means for how to alter a notice of motion. That standing order reads:

“To alter a notice of motion already given, a Member must hand in an amended notice before the motion is moved. The amended notice must not exceed the scope of the terms of the original notice.”

The standing order does not prescribe the manner in which the amended notice is to be handed in. However, as the House works best with an underlying principle of dealing with business on notice it would be preferable for the member to hand in an amended notice transparently in the House in the same manner as the original notice was given. That is verbally and in writing.

Establishing the program for General Business Days

Placing or disposal of business

Each sitting day, after the conclusion of Question Time, the Speaker asks whether any member wishes to postpone, withdraw or discharge any business standing in their name on the Business Paper.

If a member wishes to withdraw or discharge General Business items standing in their name – then they may do so at this time in the Routine of Business (SO 100).

However, a member cannot postpone a General Business item at this time. Postponements of General Business items must be done in accordance with SO 101 – as follows:

Establishing the program for General business days

In accordance with sessional orders the program for general business is set on Wednesday. Members are to advise the Clerk in writing prior to 12.00 noon on Wednesday of any General Business standing in their name that they wish to have postponed. A Whip may also advise the Clerk on behalf of members of their party. The first ten notices of motion on the Business Paper that are not advised to be postponed are deemed to be proceeding. If a member has been granted leave of absence the business standing in their name is automatically postponed.

Reordering general business

Under the Standing Orders provision is made on Wednesday for general business to be reordered to enable the resumption of the adjourned debate on a private members' bill or the debate on a general business motion to have precedence over other general business as follows:

- Members may seek to reorder a general business order of the day for the resumption of debate on that member's bill – where the House accords precedence to an order of the day (for bills), the resumption of the debate on that bill takes precedence when general business orders of the day (for bills) are considered and accordingly has precedence over all other general business orders of the day (for bills) on the Business Paper on that day only
- Members may seek to reorder a general business general notice – where the House accords precedence to a general business notice of motion (general notice), such notice takes precedence at the time when general business general orders of the day and general notices of motions are considered and accordingly has precedence over all other notices of motions (general notices) and orders of the day (general orders) on the Business Paper on that day only.

Members seeking to reorder their item of business may make a statement of up to three minutes in support of the reordering. Only one item of business can be reordered under each category.

Further Reading on the business of the House: [Chapter 12 New South Wales Legislative Assembly Practice, Procedure, and Privilege](#)

Chapter Nine – Raising matters of privilege or contempt

What are matters of privilege and contempt?

Privilege refers to those ‘functional immunities’ from the law which are required so that Parliament can fulfil its constitutional role as a place of inquiry and debate. For example, the freedom of speech for Members and witnesses during its proceedings and the right of Parliament to control its own affairs.

Breaches of those rights and immunities constitutes a contempt. It has been said that “All breaches of privilege amount to contempt; contempt does not necessarily amount to a breach of privilege” meaning that an action or omission which impeded the House could still be a contempt even if it did not breach a particular right or immunity held by parliament.¹³

Raising matters of privilege or contempt suddenly arising

The only matter of privilege that can be raised on the floor of the House is one suddenly arising relating to the proceedings then before the House.

Standing Order 79 provides that a member may interrupt another member in order to raise a matter of privilege or contempt “suddenly arising” relating to proceedings then before the House. The member may then, under the provisions of Standing Order 91 address the House for up to 10 minutes in order to satisfy the Speaker that: the matter is one suddenly arising and should be dealt with at the earliest opportunity; that there is a prima facie case; and that the member has a prepared notice of motion. If so satisfied, the Speaker will rule that the matter should proceed forthwith or have precedence of other business on the next sitting day. Such motions are considered during the time set aside for Business with Precedence in the routine of business.

Speakers’ rulings indicate that for a matter to be accorded precedence as one of privilege or contempt, the Chair must be satisfied that the matter involves:

- Disobedience to general orders or rules of the House;
- Disobedience to particular Standing Orders;
- Indignities offered to the character or proceedings of the Parliament;
- Assaults or insults upon members or reflections upon their character or conduct in Parliament; or
- Interference with officers of the House in the discharge of their duties.

¹³ See House of Representatives Practice, Sixth Edition, 2012, p.731.

Members must also show how the matter complained of fairly and reasonably interferes with the operation of the House or hinders the member in the discharge of their duties. A member must quickly establish to the satisfaction of the Chair whether there is a prima facie breach of privilege or contempt and Standing Order 91, as amended by sessional order, makes it clear that there is no requirement for the Chair to allow a member to speak for the full 10 minutes, if it is clear that there is no prima facie case.

The Chair has also ruled that, should a matter of privilege or contempt be raised during Question Time, consideration will be deferred until the conclusion of Question Time.

Raising other matters of privilege or contempt

Matters of privilege that are not suddenly arising relating to the proceedings then before the House must be raised in accordance with Standing Order 92, as amended by sessional order, which provides:

1. A Member desiring to raise a matter of privilege or contempt must inform the Speaker of the details in writing.
2. The Speaker must consider the matter within 14 days and decide whether a motion to refer the matter to the Standing Committee on Parliamentary Privilege and Ethics (the Committee) is to take precedence under the Standing Orders. The Speaker must notify this decision in writing to the Member.
3. While a matter is being considered by the Speaker, a Member must not take any action or refer to the matter in the House.
4. If the Speaker decides that a motion for referral should take precedence, the Member may, at any time when there is no business before the House, give notice of a motion to refer the matter to the Committee. The notice must take precedence under Standing Order 118 on the next sitting day.
5. If the Speaker decides that the matter should not be the subject of a notice of referral, a Member is not prevented from giving a notice of motion in relation to the matter. Such notice shall not have precedence.
6. If notice of a motion is given under paragraph (4), but the House is not expected to meet on the day following the giving of the notice, with the leave of the House, the motion may be moved at a later hour of the sitting at which the notice is given.

As with matters of privilege or contempt suddenly arising, a matter of privilege not suddenly arising must involve the abovementioned elements, including how the matter raised interferes with the operation of the House or hinders the member in the discharge of their duties.

Further Reading on Parliamentary Privilege in NSW: [Part Two New South Wales Legislative Assembly Practice, Procedure, and Privilege](#)

Chapter Ten – Tabling of Reports and other Documents

WHY ARE DOCUMENTS TABLED IN PARLIAMENT?

Documents are tabled in Parliament as a means of informing members of Parliament, and thus the public, of various actions of the Executive Government. Ministers are required to table a range of reports and other documents in accordance with legislative provisions such as annual reporting by departments and agencies, statutory reviews of legislation, and statements of corporate intent for state-owned corporations.

TABLING OF REPORTS AND OTHER DOCUMENTS BY MINISTERS

Provision is made in the routine of business for the tabling of reports and other papers by Ministers after Question Time. The Speaker will ask whether any Minister has papers to table. The Minister when tabling papers should simply state “I table the” and read out the title of the document being tabled. Outside of the routine of business Ministers are able to table papers with the leave of the House.

Some documents may be tabled with the Clerk when the House is not sitting such as annual reports of government departments. These documents are considered to be tabled on the date they are received by the Clerk and the receipt of the document is reported to the House on the next sitting day.

TABLING OF COMMITTEE REPORTS

Provision is made in the routine of business for the tabling of committee reports by committee chairs, or other members delegated by the committee, after the tabling of papers by Ministers each sitting day. The member presenting the report is not entitled to speak to the report when tabling it (SO 303).

Once a committee report has been tabled it is set down as an order of the day for discussion. A take note debate on committee reports tabled is conducted on Thursday afternoons shortly after Question Time (SO 306).

Committee reports can be tabled with the Clerk if the House is not sitting. The report is considered to be tabled on the date it is received by the Clerk and the receipt of the report is reported to the House on the next sitting day.

CAN PRIVATE MEMBERS’ TABLE DOCUMENTS?

There is no provision in the Standing Orders for private members, except as committee chairs, to table documents. However, members may read extracts from documents provided the quote is brief and the document is properly identified before the member quotes from it.

Members may be permitted by the Chair to leave a document on the Table for the information of other members. It should be noted however that this is not “tabling” and the document has no official status. The Chair may order a member to remove a document laid on the Table for the information of other members if the document is already publicly available or if the member is using the document as a prop.

HOW CAN I FIND OUT WHAT HAS BEEN TABLED?

Documents other than annual reports are tabled by Ministers, for example reports of inquiries and reviews of Acts. All documents tabled are recorded in the respective House Papers i.e. the Votes of Proceedings of the Legislative Assembly and the Minutes of Proceedings of the Legislative Council. These documents are produced for every sitting day, and are the “minutes” of what transpired in each House on that day.

You can find papers that have been tabled in the Legislative Assembly on the Tabled Papers Database, which is available on the Parliament’s website at the following link:

<https://www.parliament.nsw.gov.au/la/papers/pages/house-papers.aspx?filterHouse=LA&paperType=tabledPapers&view=tabledPapersViewByDate&browseHouse=LA&type=TabledPapers>

WHERE CAN TABLED DOCUMENTS BE ACCESSED?

Most documents that have been tabled are available for download on the Tabled Papers Database. If a copy of the document is not available from the database a copy of the document can be viewed at the Legislative Assembly Table Office.

WHAT IS MEANT BY “ORDERED TO BE PRINTED”?

Documents which are tabled in the Parliament may be ordered to be printed by the authority of the Parliament. This is done by motion in the House, or done automatically if the document was tabled with either the Clerk or the Speaker when the House was not sitting. The document automatically becomes a part of the published series of the Parliamentary papers, and being printed under the authority of the House, the tabled copy of the publication attracts absolute privilege from defamation proceedings under the Defamation Act 2005.

Further Reading on asking papers and documents: [Chapter 25 New South Wales Legislative Assembly Practice, Procedure, and Privilege](#)

Chapter Eleven – Petitions

A petition is an ancient right by which citizens can have their grievances brought to the notice of the Parliament by a member on their behalf. The petition is a direct means by which any citizen or group of citizens can place concerns before the Parliament.

Standing and Sessional Orders 119-125A set out the form and content of petitions, and the procedure for lodgement and presentation. These rules ensure the authenticity of petitions and provide protection to the petitioners and the House.

FORMAT

The main requirements are:

- Petitions must be addressed “To the Honourable the Speaker and Members of the Legislative Assembly of New South Wales in Parliament assembled”.
- A brief paragraph must be included which sets out the reasons for the petition and which ends with the request for the House to take some action.
- Each page of signatures must be headed with the words of the request.
- The paragraphs of the petition may be written, typed or printed. Every signature must be in original hand-writing, and signatures must not be pasted on, photocopied or transferred in any other way.
- The petition must not have any attachments, such as letters, affidavits, or other documents, except in the case of a petition for a private bill. Standing Orders 358-359 sets out the rules for private bills.

CONTENT

Petitions must be suitably worded:

- The petition must be legible and not contain alterations.
- The language used in the petition must be polite and respectful.
- The petition must be in English or accompanied by a translation certified to be correct by the Member lodging the petition.
- No reference can be made to debates that have taken place in Parliament.
- Only issues which the Legislative Assembly has authority to deal with can be raised (some matters, for example, are the responsibility of the federal parliament).
- No information that seeks support for the petition should be added, although a note giving a name and/or address for the return of the petition is allowed.

SIGNATURES

The petition must be signed by the persons, whose names are listed, using their own signature or mark unless they are physically incapacitated. Every person signing a petition must write their address after their signature.

PROCEDURE FOR PRESENTATION

A member presenting a petition on behalf of citizens must lodge it with the Clerk, in practice the Table Office, by 12 noon on the sitting day it is to be reported to the House. Petitions lodged outside a normal sitting week or during a prorogation are kept for presentation at the next sitting.

Petitions can only be lodged for presentation to the Legislative Assembly by a member of the House. However, a petition may not be lodged by a member who has signed it as a petitioner.

The member lodging the petition must sign the top of the front sheet. This signifies that the member has ensured that the petition conforms with the Standing Orders as set out in the rules listed above.

In addition, a member must, if applicable, certify that the petition has been signed by 500 or more persons, or by 10,000 or more persons.

The Clerk must also certify that each petition is in conformity with the Standing Orders before it is reported to the House.

The Clerk will announce receipt of the petitions lodged for presentation. The subject matter of the petition and the member who lodged it will be published in the Votes and Proceedings and a summary of each petition is printed in Hansard.

REFERRAL OF PETITION TO MINISTER AND MINISTERIAL RESPONSE FOR PETITIONS SIGNED BY 500 OR MORE PERSONS

In accordance with Standing Order 125 the Clerk forwards copies of petitions that have been received by the House to the Minister with responsibility for the subject of the petition. If the petition has been signed by 500 or more persons, the Minister is required to respond within 35 calendar days after receipt of the petition in the House. If the House is not sitting when the response is due Ministers are still required to submit the response to the Clerk or the Table Office. The Minister's response is announced in the House and published on the Parliament's website.

Petitions signed by 500 or more persons can be tracked on the Parliament's website at the following link:

<https://www.parliament.nsw.gov.au/la/petitions/Pages/house-papers.aspx?tab=Filter&filter-House=LA&paperType=Petitions&browseDisabled=yes&view=Date&s=1>

Staff of the Table Office can assist members with any inquiries they have in relation to petitions (x3505).

DISCUSSION ON PETITIONS SIGNED BY 10,000 OR MORE PERSONS

Standing Order 125A, which has been adopted for the current session as a sessional order, provides for a discussion on any petition that has been signed by 10,000 or more persons.

The discussion on any such petition takes place at 4.30 pm on Thursday the next sitting week following the receipt of the petition by the House. If there is more than one petition listed for discussion they are set down as orders of the day and the discussion will take place on subsequent Thursdays. The date each petition will be discussed is set out in the Business Paper.

There is no requirement for the member who lodged the petition to speak during the discussion and if a member does not seek the call when the discussion is called on the discussion will lapse.

Further Reading on petitions: [Chapter 13 New South Wales Legislative Assembly Practice, Procedure, and Privilege](#)

Chapter Twelve – Committees

WHAT IS A PARLIAMENTARY COMMITTEE?

Parliamentary committees are composed of members of Parliament appointed to inquire into and report on a particular matter or subject. The Parliament creates committees to examine matters in greater detail than is possible in the Chamber. Committees conduct inquiries using a wide range of powers, including the ability to call for submissions, conduct hearings and examine witnesses. Parliamentary committees undertake their functions as delegated by Parliament and, as parliamentary bodies, their proceedings attract parliamentary privilege.

Parliamentary committees can either be composed solely of members of the Legislative Assembly; solely of members of the Legislative Council; or jointly from both Houses. Pursuant to Standing Order 276 a member shall not participate as a committee member in a matter under inquiry by a committee if they hold a personal or direct pecuniary interest.

WHAT ARE THE FUNCTIONS OF A PARLIAMENTARY COMMITTEE?

Parliamentary committees perform various functions, for example:

- Giving detailed consideration to proposed new laws and policies;
- Keeping the Government and the public service accountable by scrutinising their activities;
- Providing opportunities for the public to have direct input into the Parliament and for the Parliament to be better informed of community views;
- Accessing expert advice and the views of stakeholders including professionals, business groups, academics, government officials and other organisations;
- Providing a forum for wider debate on issues before the Parliament;
- Providing a link between the Parliament and the Auditor-General, the Ombudsman, the Independent Commission Against Corruption and a number of other statutory bodies performing public sector accountability roles.

Committees are established by statute, Standing Orders or resolution of either or both Houses, and have functions or terms of reference that set out their jurisdiction. The terms of reference may relate to the examination of bills before the Parliament, public policy or the monitoring and review of statutory bodies.

TYPES OF COMMITTEES

Standing Committees: are established by the House for the life of the Parliament to inquire as required into matters within a specified subject area.

Select Committees: are established by the House to inquire into a particular matter (including bills) and cease to exist after they have reported.

Statutory Committees: are established by an Act of Parliament rather than a resolution of the House. These committees are appointed at the commencement of a Parliament and operate for the life of the Parliament.

Legislation Committees: are established solely for the purpose of considering a bill in detail.

Domestic Committees: deal with matters internal to the House e.g. the Library Committee. Such committees have not been appointed in recent years.

Estimates Committee: examine the proposed budget allocations for public sector agencies and the Parliament and previous year's expenditure. The Legislative Assembly has not appointed these types of committees in recent years. In the Legislative Council the estimates review role is performed by General Purpose Standing Committees.

Joint Committees: these comprise members from both the Legislative Assembly and Legislative Council. Note that a Joint Committee is administered by the House in which the resolution establishing the committee originates and, therefore, is subject to the relevant Standing Orders and practice of that House.

MAKING A SUBMISSION TO AN INQUIRY

Committee inquiries usually commence with a call for submissions from the public or invitations to persons and organisations with specialist knowledge or a particular interest. Any person can make a submission to a committee seeking submissions.

Information on how to prepare a submission is available on the Parliament's website at the following link:

<https://www.parliament.nsw.gov.au/committees/pages/engaging-with-committees.aspx>

More detailed information about a specific inquiry can be obtained from the Inquiry Manager identified on the Parliament's website.

APPEARING BEFORE A COMMITTEE

Committees conduct public hearings to obtain oral evidence from witnesses in relation to an inquiry. Most witnesses appearing before a committee do so on a voluntary basis. The Inquiry Manager will contact persons that the Committee wishes to take evidence from and advise of the time for the hearing, hearing procedure and the rights and obligations of witnesses.

Witnesses appearing before a committee will be administered either an oath or affirmation prior to giving their evidence. This is necessary as it provides the witness with protection under the *Parliamentary Evidence Act 1901*.

Once sworn or affirmed, witnesses are expected to answer questions put to them by the members of the committee. Where a committee requires detailed or technical information, a witness may seek to take the question on notice. A committee also may consider a request from a witness to deal with certain evidence in private (termed *in camera*). In some circumstance, a witness may decline to answer a question including on jurisdictional grounds or due to a claim of privilege, e.g. legal professional privilege or public interest immunity. In these circumstances, it is a matter for the Committee to deliberate in private on the reasons provided by the witness.

There is a convention that when public servants appear before a committee they will not answer questions seeking their opinion of Government policy, such as the merits or otherwise of a policy. However, questions of fact can be asked in relation to the administration or implementation of policy. The NSW Department of Premier and Cabinet has issued *Guidelines for Public Servants Appearing before Parliamentary Committees*. These guidelines outline processes to be observed by public officials as required by the Executive. They are not guidelines that bind parliamentary committees. Procedural advice concerning issues arising in relation to the routine examination of witnesses may be obtained from Committee Directors and, on complex questions, including claims of privilege, is provided by the Clerk.

Relevant Ministers are advised of the commencement of inquiries relevant to their administration as a matter of courtesy and Committee Chairs announce new inquiries in the House for the information of the Members (SO 299).

Information on appearing as a witness before a parliamentary committee is available on the Parliament's website at the following link:

<https://www.parliament.nsw.gov.au/committees/pages/engaging-with-committees.aspx>

COMMITTEE REPORTS & TAKE-NOTE DEBATE

At the conclusion of an inquiry the Committee produces a report which sets out its finding and recommendations.

Committee reports are tabled in the Legislative Assembly in the routine of business. There are provisions in the Standing Orders and the legislation establishing statutory committees which allow reports to be tabled with the Clerk when the House is not sitting. In such cases, the report becomes a public document on the day it is tabled and it is reported to the House on the next sitting day. Joint committees must table reports in both Houses.

Copies of committee reports are available on the Parliament's website under the relevant committee and inquiry.

<https://www.parliament.nsw.gov.au/committees/listofcommittees/pages/committees.aspx>

A debate that 'The House take note' of Committee reports is conducted every Thursday afternoon in sitting weeks and reports are debated in the order in which they have been tabled. Time limits apply to the contributions made by the Chair and other members of the House (SO 306). Joint Committee reports are debated in both Houses.

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

In accordance with Standing Order 303A, the Clerk refers any recommendation in a committee report which has been tabled to the relevant Minister(s). The Minister(s) must, within six months report to the House what action, if any, the Government proposes to take in relation to each recommendation of the committee.

The Clerk also forwards a copy of all of the recommendations to the Premier and, in cases where a recommendation affects a range of portfolios; the Premier may provide a whole of Government response.

A copy of the Government's response to a committee's report is accessible from the same webpage as the report.

<https://www.parliament.nsw.gov.au/committees/reports/pages/reports.aspx>

Further Reading on committees: [Chapters 26-27 New South Wales Legislative Assembly Practice, Procedure, and Privilege](#)

Chapter Thirteen – Records of the House

VOTES AND PROCEEDINGS

The Votes and Proceedings document is the official record of the House. This is the “minutes of the proceedings” of the Legislative Assembly and a record of the resolutions of the House and other events. They are a summary as opposed to being a transcript of the proceedings.

The Votes are prepared for each sitting day. Draft votes are posted on the Parliament’s Intranet and Website routinely throughout the day while the House is sitting to provide up-to-date information on what has occurred during the sitting. The running version can be located on the website at the following link:

<https://www.parliament.nsw.gov.au/la/papers/pages/house-papers.aspx?tab=Browse&browseHouse=LA&type=VotesAndProceedings&filterHouse=LA&paperType=VotesAndProceedings>

A proof version of the entire day’s proceedings is published at the end of the sitting day and is available to view on the Parliament’s Intranet and Website within 15 to 30 minutes after the House rises.

Hard copies of the document are available from the Legislative Assembly Table Office the following morning.

BUSINESS PAPER

The Business Paper is a document which shows all the business which is before the House. It is divided into sections dealing with:

- Government Business
 - Notices of Motions
 - Orders of the Day
- Business of the House – Petitions
- General Business
 - Notices of Motions (for Bills)
 - Orders of the Day (for Bills)
 - Orders of the Day (General Orders)
 - Notices of Motions (General Notices)
- Orders of the Day (Committee Reports)
- Petitions Requiring Ministerial Response
- Committee Recommendations Requiring a Government Response

Government Business – Notices of Motions

This section of the Business Paper lists the Notices of Motions given by Ministers or Parliamentary Secretaries on their behalf. Most Government Business Notices of Motions pertain to Bills. However, any notice given by a Minister may be listed as a Government Business – Notice of Motion. Such notices may include: notices of motions establishing committees and notices of motions for the amendment of Standing Orders.

Government Business – Orders of the Day

This section of the Business Paper lists all Orders of the Day arising from Government Business, e.g. Bills that have been introduced by a Minister, and other interrupted Government Business.

Business of the Houses – Petitions

This section of the Business Paper lists petitions that have been received by the House which have been signed by 10,000 or more persons. Such petitions are set down as an order of the day for discussion by the House. One petition is discussed each Thursday. The date of discussion for each petition is listed in the Business Paper.

General Business – Notices of Motions (for Bills)

This section of the Business Paper lists Bills to be introduced by private members, i.e. not Ministers.

General Business – Orders of the Day (for Bills)

This section of the Business Paper lists all those Bills introduced by private members that have already been introduced and have been set down as an Order of the Day.

General Business – Orders of the Day (General Orders)

When debate of Notices of Motions (General Notices) is adjourned, they are set down as an Order of the Day (General Order) and listed under this heading on the Business Paper.

General Business – Notices of Motions (General Notices)

This section of the Business Paper lists all General Notices scheduled for debate. Members can give Notices of Motion for General Business each sitting day. Debate on General Business Notices of Motions (General Notices) and Orders of the Day (General Orders) is scheduled for Thursday mornings after the conclusion of General Business Orders of the Day for Bills.

Orders of the Day (Committee Reports)

Once a committee report is tabled, debate on it is automatically set down as an Order of the Day. Time is allocated during the last sitting day each week for the “take note” debate of committee reports. This section of the Business Paper, therefore, lists all the committee reports in the order in which they have been tabled. The listed order is adhered to for the conduct of “take note” debates (unless consideration of the report is postponed or several reports from the same committee are dealt with together).

Petitions requiring a Ministerial response

This section of the Business Paper lists those petitions signed by 500 or more persons, which require a response from the responsible Minister. It notes the date the petition was presented to the House, the member who presented the petition and the date the Minister’s response is due.

Committee Recommendations requiring Government response

This section of the Business Paper lists Committee Reports that have made recommendations which require a response from the Government. Reports are listed by order of date tabled, and the date the response is due is also listed.

Business with precedence

Another category of business that may be listed on the Business Paper from time to time is Business with Precedence: This includes items such as dissents from a ruling of the Speaker, no confidence and censure motions, motions regarding privilege and contempt, expulsion of a member, and motions for the disallowance of statutory rules.

Listing items of business on the Business Paper

Items are listed on the Business Paper according to the order in which they are notified to the House; accordingly, new notices and orders appear at the end of the listing, unless they are given special precedence. Although the Business Paper sets out an order of business, it is not a definitive guide to the sequence the House will follow. Notices of Motions and Orders of the Day may be set down on the Business Paper for “next sitting day”; however, it does not necessarily mean they will be dealt with on that day. Furthermore, the Business Paper usually lists considerably more business than can be transacted in a single sitting day. Therefore, many of the items will carry over to subsequent Business Papers until they are completed, or disposed of. For information about what items will be dealt with by the House on any given day, refer to the Daily Program.

Terminology

Notice of Motion is a statement that member intends to move a particular motion. Notices therefore relate to new business, which has not yet been before the House.

Notices of Motion are required to be read aloud by members during the time for giving notices in accordance with the routine of business each day. Each notice will then appear in the following day's Business Paper. A notice will continue to appear in the *Business Paper* until it is moved or withdrawn by the member.

A Notice of Motion lapses if the member who gave the notice does not move or seek to postpone it when it is called on. Only those motions that appear in the *Business Paper* can be moved (unless leave has been granted). Hence, ordinarily, at least one day's notice is needed before a motion can be moved, except in the case of bills, which can be introduced the same day that notice is given (SO 188(3)).

Orders of the Day are items of business which have already been before the House and which the Assembly has ordered to be taken into consideration on a particular day. Orders of the day usually arise from adjourned debates on matters.

The Business Paper

The Business Paper is published at the end of the sitting day and is available to view on the Parliament's Intranet and Website within 15 to 30 minutes after the House rises. Hard copies of the document are available from the Legislative Assembly Table Office the following morning.

The following symbols may appear before items of business on the *Business Paper*:

- † Denotes a bill forwarded from the Legislative Council.
- * Denotes that an item has been accorded precedence.
- P Denotes that consideration of an item has been postponed.

The Business paper is available on the Parliament's website at the following link:

<https://www.parliament.nsw.gov.au/la/papers/pages/house-papers.aspx-?tab=Browse&browseHouse=LA&type=BusinessPapers&filterHouse=LA&paperType=Business-Papers&wpPaperType=businesspaper>

DAILY PROGRAM

A daily program is issued by the Government for each sitting day and provides a listing of the proposed items of business to be dealt with on that day. The program is indicative only and items listed will not necessarily be dealt with in the order given. The program for general business shows the items of general business that the House has agreed to deal with. The program can be found on the Intranet or the Parliament's website under the "Today in Parliament" section.

QUESTIONS AND ANSWERS PAPER

The Questions and Answers Paper contains all written questions members put to Ministers, together with the answers when they are received.

Member's questions are published in full when the question is given and then again when the question is answered.

The Questions and Answers Paper is published at the end of the sitting day and is available to view on the Parliament's Intranet and Website within 15 to 30 minutes after the House rises. Hard copies of the document are available from the Legislative Assembly Table Office the following morning.

See also section on Answers to written questions

HANSARD

Hansard is an edited record of everything said in both Houses of Parliament, similar to a transcript. A team of reporting staff, typists and editors compile a draft (proof) version at the end of each sitting day. Hansard is available on the Parliament's Intranet and Website three hours after the last House rises. Hard copies are available from the Legislative Assembly Table Office the following morning.

Members may make suggestions for corrections to their speeches. For those speeches made on Tuesdays and Wednesdays suggested corrections must be submitted by 4.00 p.m. on Thursday and for speeches delivered on Thursday by 12.00 noon on the following Monday. The Editor of Debates considers the requested changes prior to publication of the corrected Hansard, which usually happens within 2 weeks.

Corrections to Hansard should only relate to inaccuracies and new matters cannot be introduced.

There is no provision for the Speaker to order a reference to be struck from the Parliamentary record or to alter the Hansard record. Should a member wish to expunge (have some material removed) from Hansard a resolution of the House rightly needs to be agreed to and the matter to be removed generally needs to be of an offensive nature (e.g. naming a potential witness).¹⁴

STATUTORY INSTRUMENTS PAPER

This document is published by the Legislative Assembly Table Office for the information of members on each sitting week and on the first week of each month when the House is not sitting. The document provides the title of the statutory instrument, gazettal details and information on the tabling date and last date for lodgement of a disallowance motion. See also section 2.7 on delegated legislation.

¹⁴ See section on Expunging the record in [Chapter 8 New South Wales Legislative Assembly Practice, Procedure, and Privilege](#)

OTHER PUBLICATIONS

Standing and Sessional Orders

Section 15 of the *Constitution Act 1902* provides for the Legislative Assembly to prepare and adopt standing rules and orders regulating its conduct, procedures and mode of communication with the Legislative Council. Such standing rules and orders are approved by the Governor and once approved become binding and of force.

The Standing Orders are the main rules by which the House operates but they can be supplemented by sessional orders. Sessional orders are temporary rules that vary the existing rules or introduce new procedures. Sessional orders are resolutions of the House and do not require the Governor's approval. However, sessional orders are only valid for the session of Parliament for which they have been adopted.

Copies of the Standing and Sessional Orders are available on the Parliament's Intranet and Website:

[https://www.parliament.nsw.gov.au/la/houseprocedures/standingorders/Documents/Consolidated%20Standing%20and%20Sessional%20Orders%20\(No.%203\)%20\(May%202016%20revision\)%20\(3%20May%202017\).pdf](https://www.parliament.nsw.gov.au/la/houseprocedures/standingorders/Documents/Consolidated%20Standing%20and%20Sessional%20Orders%20(No.%203)%20(May%202016%20revision)%20(3%20May%202017).pdf)

Hard copies are available from the Legislative Assembly Table Office.

Rulings of the Chair

When the House is sitting the Speaker and other occupants of the Chair are required to make rulings which impact on the application of the Standing Orders and the operations of the House. These rulings are summarised and published on a regular basis and set out the practice of the House. These decisions are often referred to in the House when a dispute arises as to the interpretation of various procedures by the Speaker.

Further Reading on the records of the House: [Chapter 8 New South Wales Legislative Assembly Practice, Procedure, and Privilege](#)

Appendix One – Key Contacts for procedural matters

Officer	Enquiries relating to
Clerk of the Legislative Assembly Ph: 9230 2222	All procedural and administrative matters
Deputy Clerk and Serjeant-at-Arms Ph: 9230 2224	Procedural inquiries, particularly those regarding making amendments to Bills
Clerk-Assistant (Table) and Assistant Serjeant-at-Arms Ph: 9230 2226	Procedural inquiries, particularly those relating to the routine of business, questions and notices of motions
Clerk-Assistant (Committees and Corporate) Ph: 9230 2223	Committee inquiries and support services to electorate offices and electorate office staff.
Director, Research and Protocol Ph: 9230 2216	Procedural inquiries, particularly those related to procedural publications
Director, Table Office Ph: 9230 2228	Procedural inquiries, particularly those related to the sittings of the House and the Questions and Answers Paper
Parliamentary Officer – Table Ph: 9230 2440	Status of legislation, amendments to bills and assents to legislation
Parliamentary Officer – Papers Ph: 9230 2234	Tabling of annual reports and other documents

Officer

Parliamentary Officer – Votes
Ph: 9230 2240

Enquiries relating to

Votes and Proceedings, logs for the Chamber

Parliamentary Officer – Procedure
Ph: 9230 2828

Business Paper, petitions, statutory
instruments

Appendix Two – A glossary of parliamentary terms

A

Act (of Parliament)

A law made by Parliament; a bill which has passed all three stages in both Houses of Parliament and has received assent by the Governor.

Address-in-Reply

The formal answer of each House to the speech made by the Queen, or the Governor as her representative, at the opening of a session of the Parliament.

Adjournment (of debate)

Postponement of discussion of a Bill or other business.

Adjournment (of the House)

A temporary suspension of parliamentary proceedings.

Amendment

A proposed change to a bill or motion before the House.

Appropriation Bill

A bill which, when passed by Parliament, authorises government expenditure.

Assent

The signing of a bill by the Governor, which is the last step in making a bill into an Act of Parliament, or law.

Ayes

The collective vote of members in the House who support a proposal.

B

Backbencher

Those members of Parliament who are not ministers, shadow ministers or presiding officers.

Bar of the House

A barrier inside the main entrance to each chamber and across the space between benches leading to the floor of the Legislative Assembly. Members can speak to the House only from within the area defined by the bar, and no one who is not a member of the House may enter that area during a sitting except by invitation.

Bells

Electronic bells are rung throughout Parliament House to indicate that the day's proceedings are about to commence or resume, that a division (vote) has been called, or to notify members that more members are required in the chamber to form a quorum.

Bicameral

Having two Houses of Parliament.

Bill

A proposal for a new law which has been presented to Parliament.

Business Paper

The document issued each sitting day which lists all outstanding business before the Legislative Assembly (including orders of the day, notices of motion, petitions listed for discussion, petitions requiring a ministerial response, committee reports listed for debate and committee reports requiring a Government response).

Business with Precedence

Matters that must be dealt with by the House before other business (including no confidence and censure motions, dissents from Speakers' rulings, matters of privilege, expulsion of a member and disallowance of statutory rules).

By-election

A special election held to fill the vacant seat of a member of the Legislative Assembly.

C

Casting Vote

A vote exercised by the Speaker or committee chairs only when the votes for and against a proposal are equal.

Censure Motion

A motion moved which is very critical of, and which seeks to attach blame to, a member, or the Speaker.

Chair

The member presiding in the chamber or in a committee.

Chamber

The meeting room of a House of Parliament.

Clerk

The senior permanent official of a house of a Parliament who advises on procedure and records the decisions of the House, and is the administrative head of the Department of the Legislative Assembly.

Closure (the Gag)

A way of ending a debate and causing a vote to be taken straight away on the matter being discussed, even though some members may still wish to speak. It is effected by moving the motion "that the question be now put".

Community Recognition Statements

A 60 second statement in which members are able to recognise or congratulate achievements of particular groups or people in the community.

Conference of Managers

A meeting of representatives of both Houses of Parliament to discuss an issue on which the Houses do not agree.

Confidence

The support of more than half the members of the Legislative Assembly for the government, which may be shown by voting on a particular major issue.

Conscience Vote

A vote in Parliament in which members are free to vote according to their own judgment or belief, and not necessarily according to the guidelines, policies or decisions of their political party.

Consideration in Detail

The stage where amendments to bills may be proposed and considered. Other matters may also be referred by the House to be considered in detail.

Count-out

An adjournment for lack of a quorum.

Cross-the-floor

To vote on a question not supported by the party other of which a member was elected.

D**Daily program**

A program or agenda, less formal than the Business Paper, which shows the items of business with which the Legislative Assembly is expected to deal with on a particular day.

Deadlock

A situation where the Legislative Council fails for a second time, within a specified time-frame, to pass a bill as agreed to by the Legislative Assembly.

Debate

A formal discussion in the House on a bill or other topic in which different views are put to arrive at a decision.

Delegated Legislation

Law made by the executive government under an Act of Parliament, which does not require parliamentary enactment; examples are regulations, orders, determinations and rules. Delegated legislation may be disallowed by a House of Parliament.

Disallowance

The vetoing of delegated legislation by either House of the Parliament, which has the effect of repealing it.

Division (voting)

A vote in Parliament when the votes for and against a motion are precisely counted and recorded.

“Dorothy Dixer”

A prearranged question put to a Minister at Question Time.

E**Estimates**

The sums of money which the government proposes it will need to provide works and services during a financial year.

Estimates Committees

Committees established to consider the budget estimates.

Executive

1. The branch of government which carries out or administers the laws.
2. Ministers from the governing party who make policy and control government departments, and who are answerable to Parliament for the way they run the government.

Explanatory Notes

Notes attached to the front of each bill, which briefly and simply set out the provisions of the bill.

F

Filibuster

The use of long speeches or other tactics in Parliament to deliberately delay a vote or decision.

First Reading

The first stage in the progress through the House of a bill (also called the introduction).

Frontbencher

Those members of Parliament who are ministers or shadow ministers.

G

General Business

Business before the Legislative Assembly which is put forward by members who are not ministers.

Government Business

Business of the House which is introduced by a minister.

Governor

The representative of the Queen in New South Wales.

Guillotine

A procedure used by the government to ensure that proceedings on a bill or other motion are completed by a certain time at the next or a subsequent sitting.

H

Hansard

The official transcript of the debates in Parliament.

Hearing (of a committee)

A meeting of a parliamentary committee for the purpose of taking oral evidence.

I

In Camera Evidence

Evidence taken by a parliamentary committee in private.

Inquiry (parliamentary)

An investigation by a parliamentary committee.

J**Joint Committee**

A parliamentary committee made up of members of both Houses of Parliament.

Joint Sitting (of the two Houses)

A meeting of both Houses of Parliament together to make a decision on a proposed law which the two Houses, sitting separately, have been unable to agree on. The Houses may also meet together to elect a new member of the Legislative Council or the Senate and at the commencement of a new Parliament or session.

L**Leader of the House**

The minister who arranges and manages government business in the Legislative Assembly.

Leader of the Opposition

The leader of the party or coalition of parties which is the next largest after the government party in the Legislative Assembly, and which is made up of members who do not support the government.

Leave

The permission of all members present in the chamber at the time to do something which otherwise could not be done at that time or in that way.

Legislation Committee

A committee established for the consideration of a specific bill after the House has agreed to the second reading of the bill.

Long Bell

Practice where the Speaker leaves the Chair rather than adjourning the House until the ringing of one long bell, which may be a few hours, or spread over several days, before continuing with business.

Long Title (of a bill)

The full title of a bill which sets out briefly the purpose or scope of the bill (see also short title).

M**Mace**

Once a weapon of war shaped like a club, and the symbol of royal authority, but now the symbol of authority of a lower house of Parliament and its Speaker.

Manager of Opposition Business

The opposition member who represents the interests of the opposition in negotiations with the government concerning the business of the Legislative Assembly.

Matter of Public Importance

A subject for discussion, with limited speakers, which is suggested to the House by a member, and which must be agreed to by the Speaker before discussion proceeds.

Message

The most common form of official communication between the Houses and between the House and the Governor.

Minister

A member of Parliament who is a member of the executive government, and who is usually in charge of a government department.

Ministerial Statement

A statement made by a minister to a house of Parliament, often used to announce the government's policies and decisions.

Money Bill

A bill setting a tax or proposing the spending of money for a particular purpose.

Motion

A formal proposal for action or, expressing an opinion, put forward in the Legislative Assembly, for consideration, debate and decision.

Motions Accorded Priority

A motion that is accorded priority by the House over other business. Debate, with limited speakers, takes place on the same sitting day that the notice is given.

N

Name (a member)

To formally identify a member for disorderly behaviour during a sitting of the House, by which action the Speaker sets in train disciplinary proceedings which may result in the suspension of the member from the House.

No Confidence (motion of)

A means by which the House expresses dissatisfaction with the performance of a government, a minister or the Speaker; a successful no confidence motion in the Government in the Legislative Assembly can result in a change of Premier or an election being called.

Noes

The collective vote of members in the House who oppose a proposal by voting no.

Notice of Motion

An announcement of intention to put forward a motion or bill for consideration.

O

Oath or affirmation of allegiance

A declaration of loyalty to the Queen which the NSW Constitution Act requires each member of Parliament to make before taking a seat in Parliament. A member can choose to take a pledge of loyalty to Australia and to the people of New South Wales instead of the oath or affirmation of allegiance.

Order of the Day

An item of business not yet concluded which the House has ordered to be taken into consideration for a future day or in some cases for a later hour of the same day.

Ordinary Annual Services of Government

Those services which are necessary for the continuing and settled operation of government; under the NSW Constitution Act if the Legislative Council fails to pass such bills they can be sent by the Assembly to the Governor for assent.

P**Pair**

An arrangement between parties whereby two members from opposing sides of the House do not vote on a particular occasion, so that one or both can be absent without affecting the result of the vote.

Paper

A report or document presented to a House of Parliament.

Parliamentary Committee

A small group of members of Parliament, usually drawn from all parties in one or both of the Houses, which examines, reports on, and makes recommendations about a particular subject to the House(s).

Parliamentary Precincts

The area in which Parliament House is situated and over which the Parliament has certain regulatory powers in accordance with the Parliamentary Precincts Act 1997.

Parliamentary Privilege

The law protecting members of Parliament and Parliament itself, to safeguard and encourage plain speaking and the operation of the Houses. The most important parliamentary privilege is freedom of speech.

Parliamentary Procedure

Rules for and methods of carrying out the business of a House of Parliament.

Parliamentary Secretaries

Members appointed by the Premier under Part 4A of the Constitution Act 1902 to perform such functions as the Premier determines. They can act on behalf of Ministers in the House in certain situations such as introducing legislation and tabling papers.

Personal Explanation

A short statement made in Parliament by a member concerning a matter with which he or she is personally connected, or by a member who feels he or she has been misrepresented and who wishes to state the correct facts or situation.

Petition

A document presented to a House of Parliament by a person or group of people asking for action on a matter.

Placing or Disposal of Business

A procedure providing members with an opportunity to withdraw or postpone any notice of motion standing in their name or to postpone or move a motion to discharge and withdraw any order of business in their name.

Pledge of Loyalty

A declaration of loyalty to Australia and to the people of New South Wales which the NSW Constitution Act requires each member of Parliament to make before taking a seat in Parliament. A member can choose to take an oath or affirmation of allegiance to the Queen instead of taking a pledge of loyalty.

Point of Order

A question to the Chair as to whether proceedings are in accord with the rules or in the correct form.

Presiding Officer

A member of Parliament elected to preside over, or be in charge of, the business, proceedings and administration of a House of Parliament; in the Legislative Assembly, the Speaker is the Presiding Officer.

Private Members' Statements

A statement of up to 5 minutes in which members may raise matters of general concern pertaining to their electorate or local matters of concern to a constituent.

Proclamation

An official public announcement, published in the New South Wales Government Gazette. The commencement dates for an Act of Parliament are often announced by way of a proclamation.

Prorogation

The formal closure of a session of Parliament when another session will follow without an election being held. The Houses are generally prorogued in advance of the Assembly being dissolved or expiring prior to a General Election. Prorogation brings all business before the House to an end.

Q

Question

1. A matter stated in the House by the Chair, such as a motion or stage of a bill, to be debated and voted on.
2. A request for information from a minister, either in the House during Question Time or in writing to appear on the Questions and Answers Paper.

Questions and Answers Paper

The document issued each sitting day which lists all written questions submitted by members to ministers. Ministers are required to provide an answer to each question within 35 calendar days from the question being asked.

Question Time

A daily period of time in the House in which ministers are asked questions by other members without notice concerning their responsibilities by other members.

Quorum

The minimum number of members, specified in the NSW Constitution Act, who should be in the Legislative Assembly chamber for it to transact business (20 members of the Legislative Assembly exclusive of the Member presiding).

R

Reconsideration

To order the House to reconsider a bill in detail so that all or part of the bill can be looked at again.

Resolution

A motion which has been agreed to by the House and expresses the will or opinion of the House.

Routine of Business

The order in which business is considered by the House on each sitting day.

S**Second Reading**

The stage of the passage of a bill through a House at which time wide-ranging discussion takes place on the principle or purpose of the bill.

Select Committee

A parliamentary committee established by either House or both Houses to inquire into and report on a particular subject; a select committee ceases to exist when it has made its final report to the House or Houses.

Serjeant-at-Arms

An officer of the Department of the Legislative Assembly (and carrier of the Mace) who carries out the orders of the House and who assists to keep order in Parliament House. In the Legislative Assembly the Serjeant-at-Arms is also a Clerk-at-the-Table and accordingly the Deputy Serjeant carries out many of the duties of the Serjeant-at-Arms in the House.

Session

A Parliament can be divided into more than one session. A session begins when the Parliament meets in accordance with a proclamation issued by the Governor, and ends when the Parliament is prorogued by the Governor or when the Assembly is dissolved or expires by effluxion of time.

Sessional Order

A temporary rule governing the conduct of business in the House, which applies only for the session in which it is made (see also Standing Orders).

Short Title (of a bill)

The name of a bill by which it is commonly known, as distinct from its long title which describes its scope and purpose.

Sittings

A group of sitting weeks between recesses. There are usually two distinct sitting periods each year the Autumn or Budget Sittings and the Spring Sittings with a winter recess.

Speaker

The member who is elected by the Legislative Assembly as its presiding officer. In accordance with section 31 of the Constitution Act 1902 the Speaker is recognised as the Assembly's independent and impartial representative.

Speeches in Explanation

After having given a speech, a member may briefly speak again to explain a part of their speech which has been misquoted or misunderstood. In doing so, the member may not debate that matter nor introduce any new matters.

Standing Committee

A parliamentary committee appointed by either House or both Houses to inquire into and report on certain matters; a standing committee usually continues to exist for the life of a Parliament.

Standing Orders

A collection of permanent rules agreed to by the House which govern the way it conducts its business (see also sessional orders).

Statutory Committee

A parliamentary committee established under statute with members appointed by either House or both Houses. The terms of reference for the committee, including its functions and powers are set out in the statute.

Submission (to a committee)

Suggestions or arguments usually made in writing to a committee.

Suspension of Standing Orders

If members wish to do something not provided for in, or contrary to, the Standing or Sessional Orders, they may suspend the Orders. Ministers are able to do this at any time. Other members must first seek the leave of the House to move a motion to suspend the Standing Orders.

T

Table

1. To present a document or other item to the House.
2. The table in front of the Speaker's Chair.

Tacking

The attachment of proposed legislation of some other category, particularly to 'Money Bills'. The Long Title of a bill which sets out the scope of the bill prevents tacking in the NSW Parliament as amendments must be relevant to the scope of the bill.

Teller

A member, usually a whip, chosen to count the members voting either for the ayes or the noes in a division.

Terms of reference (of a committee)

The scope for activity and investigation defined for a committee by the House when a matter is referred to it for inquiry. Some committees have broad terms of reference and are able to determine their own terms of reference.

Third Reading

The final stage in the passage of a bill through the House.

U

Unparliamentary Language

Words used in the House which the Chair judges to be offensive or disorderly, and which may be requested to be withdrawn.

V

Voices, on the

A decision reached by members saying 'aye' if they support a motion proposed to the House, or 'no' if they do not. The Chair states which side appears to be in the majority and if there is no objection the decision has been made on the voices. If, however, one member disagrees, a division may be called.

Votes and Proceedings

The official minutes or record of the proceedings in the Legislative Assembly.

W

Westminster system

A system of government originating in Britain, the main features of which are a head of state who is not the head of government, and an executive which is drawn from and directly responsible to the Parliament.

Whip

A party manager in Parliament who is responsible for organising members of his or her party to take part in debates and votes, and who assists in arranging the business of the House.

Witness (before a committee)

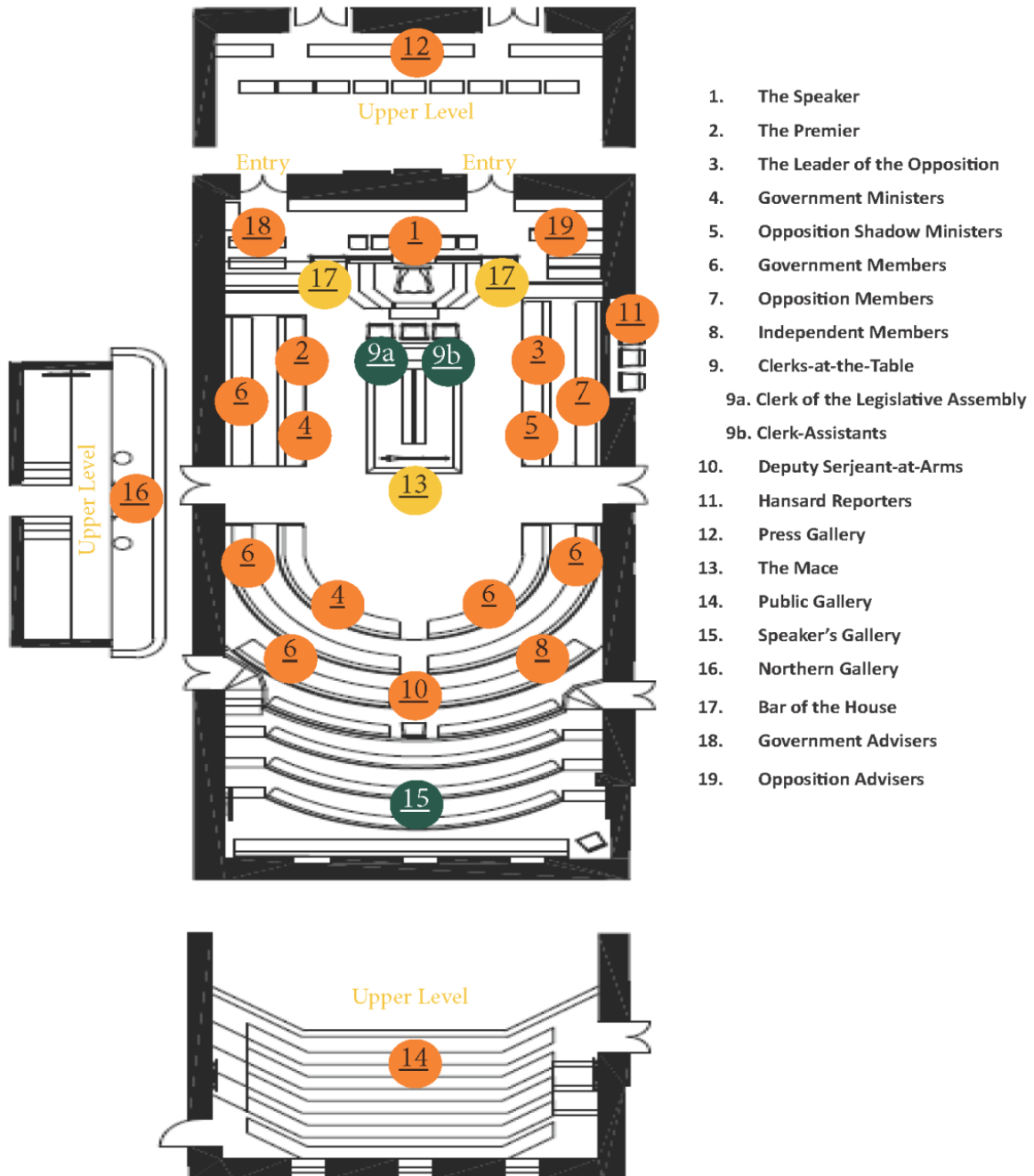
A person who gives oral evidence to a parliamentary committee. Witnesses are sworn in and their evidence is protected by parliamentary privilege.

Writs (for an election)

Formal orders, issued by the Governor requiring a general election to be held. The Speaker issues the formal order calling a by-election when a vacancy occurs in the Legislative Assembly during a term of Parliament.

The Legislative Assembly Chamber

The diagram below provides an overview of the Legislative Assembly Chamber and key positions in the chamber.



LEGISLATIVE ASSEMBLY SITTING DAY SCHEDULE FOR 2017

	TUESDAY	10.00 a.m.	WEDNESDAY	10.00 a.m.	THURSDAY
	Meeting of House		Meeting of House		Meeting of House
	Notices of Motions (General Business)		Notices of Motions (General Business)		Notices of Motions (General Business)
12.00 noon	Private Members' Statements		Government Business		Government Business
					General Business Notices of Motions for Bills
					General Business Orders of the Day for Bills
					General Business Notices of Motions or Orders of the Day (not being Bills)
		1.15 p.m.	Community Recognition Statements (up to 20 mins)		
1.30 p.m.	Lunch	1.35 p.m.	Lunch	1.30 p.m.	Lunch
2.15 p.m.	Routine of Business and Question Time	2.15 p.m.	Routine of Business and Question Time (Re-ordering of General Business – Bills and General Notices)	2.15 p.m.	Routine of Business and Question Time
	Motion Accorded Priority and Business with Precedence (if any)		Motion Accorded Priority and Business with Precedence (if any)		Business with Precedence (if any)
	Government Business		Government Business		Committee Reports (Take Note Debate)
					Matter of Public Importance
					Community Recognition Statements (up to 30 mins)
				At 4.30 p.m.	Discussion on petitions signed by 10,000 or more persons
					Community Recognition Statements (if not completed)
					Private Members' Statements
			Private Members' Statements		Adjournment at the conclusion of Private Members' Statements
	Private Members' Statements		Matter of Public Importance		
At 10.00 p.m.	Adjournment at 10.00 p.m. or at the conclusion of Private Members' Statements	At 10.00 p.m.	Adjournment at 10.00 p.m. or at the conclusion of the Matter of Public Importance		

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