



PROCEDURAL HIGHLIGHTS

Legislative Assembly

FIFTY-FIFTH PARLIAMENT, FIRST SESSION

NO. 3: 14 JUNE – 23 JUNE 2011

JUNE 2011				
M	T	W	T	F
13	14	15	16	17
20	21	22	23	24

This document provides a summary of significant procedures and precedents in the Legislative Assembly. It is produced at the end of each sitting period. Where applicable the relevant standing orders are noted.

BUSINESS

3.1 Extension of sitting

Standing and sessional orders were suspended to provide for the House to sit past the adjournment time of 7.30 pm in order to consider Government Business. The suspension included provision to enable the House to adjourn without motion moved at the conclusion of Government Business.

Votes and Proceedings: 15 June 2011, p. 160

Hansard: 15 June 2011, galley p. 29

Votes and Proceedings: 16 June 2011, p. 170

Hansard: 16 June 2011, galley p. 39

Standing Order 365

3.2 Placing or Disposal of Business

The House agreed to the motion moved by the Member for Balmain 'That general business order of the day (general order) no. 1 (Protecting Journalists' Sources) be discharged.'

Votes and Proceedings: 16 June 2011, p. 172

Hansard: 16 June 2011, galley p. 53

Standing Order 100

3.3 Discussion of petition signed by 10,000 or more persons

Discussion proceeded on the subject matter of the petition signed by 10,000 or more persons that had been received by the House from certain citizens "opposing the proposed Industrial Relations Amendment (Public Sector Conditions of Employment) Bill 2011 and requesting that public sector workers have access to pay rises relative to cost of living increases, the Industrial Relations Commission and good faith bargaining." In accordance with the sessional order, no question was put at the conclusion of the discussion.

Votes and Proceedings: 16 June 2011, p. 173

Hansard: 16 June 2011, galley pp. 77-81

Standing Order 125A (adopted as a sessional order)

(NB: This is a new procedure adopted as a sessional order for the current Parliament. This is the third occasion the procedure was used. Discussion of the petition occurred after this particularly controversial legislation on wages and conditions had been passed by the House earlier that day).

3.4 *Personal explanation – leave withdrawn*

A Minister, by leave, commenced a personal explanation in relation to comments made by another member of the House. The Speaker withdrew leave when the Minister used the procedure to continue debate.

Votes and Proceedings: 21 June 2011, p. 189

Hansard: 21 June 2011, galley p. 47

Standing Order 62

3.5 *Discussion of petition signed by 10,000 or more persons*

Discussion proceeded on the subject matter of the petition signed by 10,000 or more persons that had been received by the House from certain citizens "requesting the funding and construction of a new Wagga Wagga Base Hospital within four years." In accordance with the sessional order, no question was put at the conclusion of the discussion.

Votes and Proceedings: 22 June 2011, p. 215

Hansard: 22 June 2011, galley pp. 80-85

Standing Order 125A (adopted as a sessional order)

(NB: This is a new procedure adopted as a sessional order for the current Parliament. This is the fourth occasion the procedure was used).

3.6 *General Business – motion lapsed*

A general business notice of motion (general notice) was called on and lapsed as the member who gave the notice was not present.

Votes and Proceedings: 23 June 2011, p. 222

Hansard: 23 June 2011, galley p. 18

Standing Order 99

(NB: The practice has been for any motion called on and not moved or postponed to lapse. This is because no action has been taken on the item of business. A Member who will not be in the Chamber to move or postpone their motion can advise their Whip or another Member, who is able with the written authority of the Member, to postpone a motion standing in their name in accordance with Standing Order 100. A Member can also advise the Speaker if they are unable to move their motion).

3.7 *General Business – motion postponed*

A general business notice of motion (general notice) was called on and postponed by the member who gave the notice.

Votes and Proceedings: 23 June 2011, p. 222

Hansard: 23 June 2011, galley p. 18

Standing Order 101

3.8 Bills – Legislative Council amendments considered outside the routine of business

By leave, the House considered Legislative Council amendments to the Statute Law (Miscellaneous Provisions) Bill outside the time for Government Business in the routine of Business.

Votes and Proceedings: 23 June 2011, p. 224

Hansard: 23 June 2011, galley p.

Standing Order 96

(NB: This was the last sitting day before a 5 week break and leave was required as there was no provision for Government Business to be considered after Question Time on the last sitting day of the week).

3.9 Ministerial Statement – Given outside the routine of business

By leave, the Premier made a statement in relation to a review by the Department of Fair Trading into solar installations in western Sydney at the conclusion of private members statements. No response was given by a Member of the Opposition.

Votes and Proceedings: 23 June 2011, p. 224

Hansard: 23 June 2011, galley p. 57

Standing Order 103 & 104

COMMITTEES

3.10 Establishment of Parliamentary Committees

The House agreed to a number of motions moved by the Leader of the House without notice, by leave, for the establishment of Parliamentary committees, and the appointment of members. The following statutory committees were established:

- Public Accounts Committee;
- Legislation Review Committee;
- Committee on the Independent Commission Against Corruption;
- Committee on the Office of the Ombudsman and the Police Integrity Commission;
- Committee on the Health Care Complaints Commission; and
- Committee on Children and Young People.

The following standing committees were established:

- Joint Standing Committee on Electoral Matters;
- Joint Standing Committee on Road safety;
- Joint Standing Committee on the Office of the Valuer-General; and
- Standing Committee on Parliamentary Privilege and Ethics.

In addition, two new types of standing committees were established: specialist standing committees and portfolio standing committees. Three specialist standing committees have been appointed to inquire into a report on any proposal, matter or thing concerned with the subject matter of the committee. The three committees are:

- Legal Affairs Committee;
- Social Policy Committee;
- State and Regional Development Committee.

The resolutions establishing the specialist standing committees provide that the committees may be referred inquiries by the House or in writing from a Minister, or they may initiate an inquiry on their

own motion. The terms of reference for the committees provides that the committees should not duplicate any inquiry under examination by a portfolio committee or another standing committee of the House.

Five portfolio standing committees have been appointed to examine, inquire into and report on the following matters concerning their portfolio areas:

- (a) Any matter referred to it by the House;
- (b) Any relevant policy, bill or subordinate legislation;
- (c) Any relevant financial matter; and
- (d) Any relevant portfolio issue, including any annual or other report, and any public work or any relevant petition.

The portfolio standing committees may be referred an inquiry by resolution of the House or in writing from a Minister. In addition, a committee may initiate an inquiry on its own motion, except in the case of bills which must be specifically referred to the House in accordance with Standing Order 323 (Legislation Committees).

The resolutions agreed to by the House provide for the specialist standing committees and portfolio standing committees to be able to appoint sub-committees, consisting of 3 members, and to refer to a sub-committee any of the matters which the committee is empowered to consider. These sub-committees may be responsible for conducting hearings, briefings, visits of inspections and other activities but cannot make decisions concerning the conduct of an inquiry, such as the selection of witnesses, and the committee's reports.

It should also be noted that the resolutions appointing the standing committees, including the specialist and portfolio standing committees, provide for the committees to sit and transact business during the sittings or any adjournment of either House, and despite any prorogation of the Houses of Parliament. This provision is in line with similar provisions in the legislation establishing the statutory committees.

Votes and Proceedings: 22 June 2011, pp. 196-212

Hansard: 22 June 2011, galley pp. 29-40

Standing Orders 142, 273 & 277

(NB: The new types of specialist standing and portfolio committees establish a committee system that reflects the areas of responsibility of the State Government and provides the capacity to specialise in policy areas. The new committees also mirror those established in the Legislative Council. It is relevant to note that provision is made within the existing Standing Orders for Legislation and Estimates Committees (standing orders 323 and 246 respectively). There is no specific provision for the new portfolio committees to examine Budget Estimates and any consideration of a bill must be by way of a referral from the House, in accordance with standing order 323.)

3.11 Appointment of Standing Orders and Procedure Committee

The House agreed to a motion for the appointment of the Standing Orders and Procedure Committee. The motion was moved without notice, by leave, and included the names of those members appointed to serve on the Committee.

Votes and Proceedings: 22 June 2011, p. 214

Hansard: 22 June 2011, galley pp. 54-5

Standing Orders 142, 273 & 277

3.12 *Appointment of Joint Select Committee on the Parliamentary Budget Office*

The House agreed to a motion for the appointment of a Joint Select Committee on the Parliamentary Budget Office to inquire into and report on the Parliamentary Budget Office, established under the Parliamentary Budget Officer Act 2010. The motion was moved without notice, by leave, and included the names of those members appointed to serve on the Committee.

Votes and Proceedings: 23 June 2011, pp. 222-3

Hansard: 23 June 2011, galley pp. 21-2

Standing Orders 142, 273 & 277

3.13 *Announcement of Chairs and Deputy Chairs of Committees*

The Acting Speaker advised the House of the election of Chairs and Deputy Chairs for those committees that had been appointed by the House.

Votes and Proceedings: 23 June 2011, p. 226

Hansard: 23 June 2011, galley pp. 63-4

Standing Orders 282

JOINT SITTING

3.14 *Vacancy in the Legislative Council*

The Speaker reported a message from the Governor convening a joint sitting of the Members of the Legislative Council and the Legislative Assembly for the purpose of the election of a person to fill a vacancy in the Legislative Council.

When the Order of the Day for the Joint Sitting was read the House proceeded to the Legislative Council Chamber to elect a person to fill the vacant seat. Upon return the Speaker resumed the Chair and reported that Steven James Robert Whan had been elected to fill the vacancy. The Speaker also tabled the "Minutes of the Proceedings of the Joint Sitting of the Houses" and ordered they be printed.

Votes and Proceedings: 20 June, pp. 181-2 & 184

Hansard: 20 June 2011, galley p. 12-13 & 27-8

JUDICIARY

NB: While no proceedings in the Legislative Assembly occurred during this period of sittings in relation to the reports of a Conduct Division of the Judicial Commission in relation to Magistrate Betts, and Magistrate Maloney for completeness of entries publish in *Procedural Highlights No. 2* the following information is provided:

3.15 *Attendance of Magistrate Betts at the Bar of the Legislative Council*

In accordance with the resolution of the Legislative Council of 2 June 2011, Magistrate Jennifer Betts attended at the Bar of the Legislative Council and addressed the House.

Legislative Council Minutes: 15 June 2011, pp. 204-5

Motion moved by the Leader of the Government in the Legislative Council that an Address be adopted and presented to Her Excellency the Governor seeking the removal from office of Magistrate Jennifer Betts. The question was put and negatived.

Legislative Council Minutes: 16 June 2011, p. 210

(NB: While the motion moved included a clause for the Legislative Assembly to adopt an Address to the Governor in similar terms, no message was sent to the Legislative Assembly as the motion was negatived).

3.16 Attendance of Magistrate Maloney at the Bar of the Legislative Council

Motion agreed to calling for the attendance of Magistrate Maloney to attend the Bar of the House on 23 June 2011.

Legislative Council Minutes: 17 June 2011, pp. 214-5

Correspondence received from legal representatives of Magistrate Maloney advising that Magistrate Maloney would appear before the bar of the House on 21 June.

Legislative Council Minutes: 20 June 2011, pp. 222-3

In accordance with the resolution of the Legislative Council of 17 June 2011 and subsequent correspondence, Magistrate Brian Maloney attended at the Bar of the Legislative Council and addressed the House.

Legislative Council Minutes: 21 June 2011, p. 237

Motion moved by the Leader of the Government in the Legislative Council that an Address be adopted and presented to Her Excellency the Governor seeking the removal from office of Magistrate Brian Maloney. The debate was adjourned until 2 August 2011 in order that Magistrate Maloney has an opportunity to address new matters, including two complaints of which the Judicial Commission notified the Council, after Magistrate Maloney had addressed the House. He may respond to the House in writing or in person.

Legislative Council Minutes: 22 June 2011, pp. 254-5

Legislative Council Hansard: 22 June 2011, galley p. 21

MEMBERS

3.17 Removal of members

The Speaker ordered the removal of the Member for Canterbury for disorderly behaviour after having been called to order three times.

Votes and Proceedings: 16 June 2011, p. 171

Hansard: 16 June 2011, galley p. 52

Standing Order 249

3.18 Parliamentary Contributory Superannuation Fund Trustees

In accordance with section 14(1)(b) of the Parliamentary Contributory Superannuation Act 1971, the House appointed the following members as trustees: Richard Sanderson Amery; Gregory John Aplin; Daryl William Maguire; George Souris; and Anna Watson.

Votes and Proceedings: 17 June 2011, p. 176

Hansard: 17 June 2011, galley p. 10

PAPERS

3.19 *Papers tabled during Agreement in Principle Speech*

The Minister for Planning, by leave, tabled the following papers during the agreement in principle speech: Policy Statement on the Environmental Planning and Assessment Amendment (Part 3A Repeal) Bill entitled "Ministerial 'call in' for State significant development", dated June 2011; Policy Statement on the Environmental Planning and Assessment Amendment (Part 3A Repeal) Bill entitled "Proposed State significant development and infrastructure classes", dated June 2011; and Policy Statement on the Environmental Planning and Assessment Amendment (Part 3A Repeal) Bill entitled "State significant development – procedures", dated June 2011.

Votes and Proceedings: 16 June 2011, p. 174

Hansard: 16 June 2011, galley pp. 94, 95 & 97

Standing Orders 264 & 266

(NB: Papers may be tabled by Ministers during the time provided in the routine of business (Standing Order 266) and at other times by leave).

QUESTION TIME

3.20 *Request for additional information*

A Member in accordance with Standing Order 131(3) requested additional information from the Minister for Transport after the 5 minutes for answering the original question had expired. The Speaker permitted additional information to be provided.

Votes and Proceedings: 17 June 2011, p. 178

Hansard: 17 June 2011, p. 39

Standing Order 131(3)

3.21 *Question ruled out of order*

The Speaker ruled a question out of order in accordance with Standing Order 128 as it contained imputations and inference.

Hansard: 21 June 2011, pp. 41-2

Standing Order 128

3.22 *Request for additional information*

A Member in accordance with Standing Order 131(3) requested additional information from the Minister for Citizenship and Communities, and Minister for Aboriginal Affairs after the 5 minutes for answering the original question had expired. The Speaker permitted additional information to be provided.

Votes and Proceedings: 22 June 2011, p. 213

Hansard: 22 June 2011, p. 50

Standing Order 131(3)

3.23 *Request for additional information*

A Member in accordance with Standing Order 131(3) requested additional information from the Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast after the 5 minutes for answering the original question had expired. The Speaker permitted additional information to be provided.

Votes and Proceedings: 23 June 2011, p. 224

Hansard: 23 June 2011, p. 45

Standing Order 131(3)

SESSIONAL ORDER

3.24 *Substitute Committee Members*

A new sessional order was adopted to provide for substitute committee members on Portfolio and Specialist Standing Committees:

"That during the current session, unless otherwise ordered, the following sessional order be adopted:

- (1) Where a member of a Portfolio or a Specialist Standing Committee find they are unable to continue to sit on the Committee temporarily they may stand down for a period of time, or for a particular inquiry, and a member may be appointed by the House as their substitute for the period concerned.
- (2) If the House is not sitting, the member unable to attend a meeting of the Committee may, in writing to the Chair of the Committee, nominate a member to act as a substitute member at that meeting.
- (3) If the member is incapacitated or unavailable, a letter to the Chair of the Committee nominating a member to act as a substitute member of the Committee may be signed on behalf of the member by the office holders responsible for nominating members to the Committee.
- (4) The substitute member has all the rights of a Committee member, including to participate in all Committee proceedings and to vote on any question before the Committee."

Votes and Proceedings: 22 June 2011, p. 212

Hansard: 22 June 2011, p. 40

Standing Order 364

(NB: The Assembly has not previously provided for a process by which committee members may request a substitute to temporarily fill their place on the committee. This is distinct from standing orders in other jurisdictions that provide for 'participating' members on committees).