



# PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SEVENTH PARLIAMENT, FIRST SESSION  
NO. 1/2022: 15 – 24 FEBRUARY 2022

February 2022				
M	T	W	T	F
14	15	16	17	18
21	22	23	24	25

*This document provides a summary of significant procedural events and precedents in the Legislative Assembly. It is produced at the end of each sitting period. Where applicable the relevant Standing Orders are noted.*

## CHAMBER

### **COVID safe arrangements**

The House met on 15 February 2022 for the first sitting period of the year. The House did not return to the hybrid model of the October and November 2021 sittings, however a number of COVID-safe measures remained in place.

On the first sitting day the Speaker outlined arrangements for the conduct of business. Arrangements included that Members needed to wear masks in the Chamber unless speaking, and that up to 80 Members could be temporarily in the Chamber at Question Time.

The House also agreed to the adoption of Sessional Order 249B (a previous version of which had lapsed at the end of 2021). Sessional Order 249B provides that the Speaker may direct a Member to leave the Chamber if they cannot demonstrate they have cleared temperature and symptom screening or where they exhibit symptoms of COVID-19.

*Votes and Proceedings: 15/02/2022, p. 1538.*

*Hansard: 15/02/2022, pp. 6867-8.*

SO 249B (Removal of a Member on grounds other than disorder).

## ELECTIONS

### **By-elections for the seats of Bega, Monaro, Strathfield and Willoughby**

On 15 February 2022, the Speaker advised the House of the resignations of the Members for Bega and Willoughby on 30 December 2021, and the resignations of the Members for Monaro and Strathfield on 31 December 2021.

The Speaker also informed the House that in accordance with section 76 of the *Electoral Act 2017*, he had issued writs for the election of members to serve in each of the four vacant seats, with the following particulars:

- Nomination day: Thursday 27 January 2022
- Polling day: Saturday 12 February 2022

- Return of writs: Tuesday 22 March 2022.

*Votes and Proceedings: 15/02/2022, p. 1541.*

## SPEAKER

### ***Resignation of Assistant Speaker, and appointment of new Assistant Speaker***

On 15 February 2022, the Speaker advised the House that on 2 February he had received a letter from the Hon. Mark Coure MP resigning from the office of Assistant Speaker, following Mr Coure's recent appointment as Minister for Multiculturalism and Minister for Seniors.

The Leader of the House, the Hon. Alister Henskens SC MP, then moved that Mr Greg Piper MP be appointed Assistant Speaker. Mr Alex Greenwich MP seconded the motion, and, as there were no further nominations, Mr Piper was appointed Assistant Speaker.

The Speaker later also informed the House that Mr David Layzell MP and Mr Alex Greenwich MP had been nominated as Temporary Speakers in place of Mr Gurmesh Singh MP and the Hon. Wendy Tuckerman MP, pursuant to standing order 20.

*Votes and Proceedings: 15/02/2022, p 1545; Hansard: 15/02/2022, p. 6881.*

SO 12 (When Deputy Speaker and Assistant Speaker elected), 13 (Procedure for election of Deputy Speaker), 20 (Revocation of nomination).

#### ***Procedural note:***

SO 12 provides that an Assistant Speaker shall be elected whenever the office becomes vacant. The procedure for the election of the Assistant Speaker is the same as for the Deputy Speaker, and is outlined in SO 13. The procedure involves a motion being moved and seconded without notice. The Speaker will ask for any further nominations, and if there are none, the Speaker, without motion put, declares the Member named in the motion as Assistant Speaker.

## BUSINESS

### ***Standing Order updates***

On 15 February 2022, the Speaker reported a communication from the Governor, dated 17 January 2022, approving the amended standing orders adopted by the House on 24 November 2021. The new standing orders are available on the Parliament's website [here](#).

*Votes and Proceedings: 15/02/2022, p. 1540*

### ***General Business on the Business Paper***

SO 105 provides that general business orders of the day and notices of motions (not being bills) will lapse if they are not commenced or completed within three months of the date given. A general business order (no. 1 - Tamworth Electorate - COVID-19 Vaccinations) and several notices (Nos. 2606 to 2872) lapsed during the summer break, and several more notices lapsed in February (Nos. 2873 to 2898, 2901 to 2997). The Speaker advised the House on 15, 16, 22, and 23 February of the lapsing of these items.

Also on 15 February, the Speaker advised the House that following the resignation of the Member for Strathfield, and in accordance with past practice, he had ordered the removal from the Business Paper of general business notices of motions (general notices) Nos. 2921, 2934 and 2953, which were standing in the Member's name.

On Wednesday 16 February, pursuant to SO 106, Mr Alex Greenwich MP moved a motion to re-order general business to give precedence on the next sitting day to the second reading debate on the *Companion Animals Amendment (Rehoming Animals) Bill 2021*. The question was put and passed on the voices.

On Wednesday 23 February, Mr Chris Minns MP moved a motion to re-order general business to give precedence on the next sitting day to the second reading debate on the *Fiscal Responsibility Amendment (Privatisation Restrictions) Bill 2021*. Debate ensued, and when the question was put, a division was called. The numbers of the division being equal, the Speaker gave his casting vote with the 'Noes', and the motion was negatived.

*Votes and Proceedings: 15/2/2022, p. 1557; 16/2/2022, p. 1563; 22/2/2022, p. 1575, 23/2/2022, pp. 1582 - 1583.*

SO 101 (Program for General Business Days), 105 (Precedence and lapsing of General Business), 106 (Re-ordering General Business Orders of the Day (for Bills), 184 (Member presiding – casting vote).

**Procedural note:**

It is the practice of the Legislative Assembly that notices of motions of former members on the Business Paper are removed by the direction of the Speaker. This is because the notices of motion cannot be moved by the former member, and the House is not yet in possession of the motions as they have not been moved.

Any member desiring to give a fresh notice of motion in the same terms as a removed notice can do so at the appropriate time.

SO 106 allows up to two Members to move to reorder a private member's bill standing in their name on the Business Paper so that it will have precedence over other general business orders of the day (for bills) on the next sitting day. The carrying of one motion for re-ordering prevents any other Member from moving a subsequent motion.

## COMMITTEES

### **Parliamentary Committees Membership**

On Thursday 24 February, the Leader of the House, the Hon. Alister Henskens SC MP, moved a motion to appoint new members to serve on several parliamentary committees. The seven affected committees were:

1. The Committee on Children and Young People
2. The Committee on the Health Care Complaints Commission
3. The Committee on the Independent Commission Against Corruption
4. The Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission
5. The Legislation Review Committee
6. The Public Accounts Committee, and
7. The Standing Orders and Procedure Committee.

The Leader of the House moved the motion following Question Time, when there was no question before the Chair, pursuant to Standing Order 274. The question was resolved in the affirmative, on the voices.

Later the same day, the Assembly received a message from the Council advising of changes which the Council had agreed in respect of Council membership of joint committees. The message related to five committees:

1. The Committee on Children and Young People

2. The Committee on the Health Care Complaints Commission
3. The Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission
4. The Committee on the Independent Commission Against Corruption, and
5. The Joint Standing Committee on Electoral Matters.

*Votes and Proceedings: 24/02/2022, pp. 1591-2.*

SO 274 (Appointment or discharge of committee members), 338 (Receipt of messages) and 339 (Report of messages).

***Procedural note:***

The changes to committee membership came about largely as a result of new appointments to the Ministry and of Parliamentary Secretaries. Six of the seven committees affected by the motion of the Leader of the House were statutory committees, that is, committees created by an Act of Parliament. Each of the Acts creating these committees contain a provision to the effect that Members who are appointed Ministers or Parliamentary Secretaries automatically cease to be Members of the committee, thereby creating vacancies. The exception was the Standing Orders and Procedure Committee, which is not a statutory committee but a standing committee created by a resolution of the House.

To effect committee membership changes, each of the Acts creating the statutory committees contains a provision stipulating that the House may appoint one of its Members to fill a vacancy on the committee; and SO 274 provides that 'Motions appointing and discharging members from committees may be moved without notice when there is no question before the Chair'.

It is also relevant to note that five of committees referred to in the motion of the Leader of the House are joint committees, with Members from both Houses. For this reason, as part of the motion that was passed by the House, the Leader of the House had also moved that a message be sent to the Council informing it of the membership changes that had been made to joint committees.

The message received from the Council on 24 February contained the Council's advice to the Assembly about changes to Council membership of joint committees due to recent appointments of Council members as a Minister, as Parliamentary Secretaries, and due to a Council member's resignation.

## MEMBERS

### ***Appointment of new Ministry***

On 15 February 2022, the Leader of the House, the Hon. Alister Henskens SC MP, on behalf of the Premier, informed the House that on 21 December 2021, with a view to reconstructing the ministry, the Hon. Dominic Perrottet MP submitted his resignation as Premier and as a member of the Executive Council to the Governor, an action which involved the resignation of all ministers.

Mr Henskens informed the House that Her Excellency then commissioned Mr Perrottet to form a new ministry, and Mr Perrottet was sworn as a member of the Executive Council and as Premier, and 25 other members were appointed as members of the Executive Council and to various Ministries.

Mr Henskens also informed the House of the appointment of Parliamentary Secretaries on 22 December 2021, his appointment as Leader of the House on 21 December 2021, the election of Mr Nathaniel Smith MP as Government Whip on 15 February 2022, and the election of Mr Gurmish Singh as The Nationals Whip on 10 February 2022.

*Votes and Proceedings: 15/02/2022, p. 1543-1544.*