



LEGISLATIVE ASSEMBLY

STANDING ORDERS AND PROCEDURE COMMITTEE

AMENDMENTS TO STANDING AND SESSIONAL ORDERS

REPORT 2/55 – APRIL 2012



LEGISLATIVE ASSEMBLY

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Membership

CHAIR	The Hon. Shelley Hancock, Speaker
MEMBERS	The Hon. Richard Amery Mr Stuart Ayres Mr Michael Daley Mr Andrew Fraser The Hon. Thomas George The Hon. Brad Hazzard The Hon. Paul Lynch Mr Daryl Maguire The Hon. Richard Torbay
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Terms of Reference

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

Speaker's Foreword

At a meeting of the Standing Orders and Procedure Committee held on 3 April 2012, the Committee considered a number of proposed amendments to the Standing Orders.

In particular, the Committee reviewed the Standing Orders regarding the passage of legislation. In 2007 the procedures for the passage of legislation through the Legislative Assembly were streamlined to reform the "Committee of the Whole" process and the terminology was modernised to refer to "agreement in principle" and the "passing of the bill".

The replacement of the reporting mechanisms from the Committee of the Whole, with a consideration in detail stage, is considered to have worked well, and this process will be retained. Nevertheless, reverting to the traditional language of "first, second and third readings" of a bill would bring about consistency between the Legislative Assembly and Legislative Council standing orders, as well as the necessary administrative support and database information across the Parliament.

The Committee also took the opportunity to confirm the Speaker's power to temporarily remove a Member on grounds of gross disorder for up to three hours. The proposed sessional order extends the range of exclusionary measures available to the Speaker and her panel of Temporary Speakers so that any response can be proportionate to the degree of disorder needed to be addressed.

The final amendment recommended in this report is a fine-tuning of the new sessional order adopted in February 2012 which introduced community recognition notices. While the new congratulatory procedure has been welcomed by members, it is felt that there needs to be a maximum number able to be lodged by individual members, in common with current limits on questions on notice, and general business notices of motion.

Accordingly the Committee is pleased to recommend to the House:

That the amendments to the standing and sessional orders adopted by the Standing Orders and Procedure Committee on 3 April 2012 be approved by the House and adopted as sessional orders for the current session.

Shelley Hancock
Speaker

Proposed Amendments to the Standing and Sessional Orders

Reply

That, during the current session, unless otherwise ordered, standing order 66 shall read as follows:

66. A Member may speak in reply if the Member has moved:

- (1) a substantive motion or
- (2) a motion "**That this bill be now read a second time**" or
- (3) a motion "**That this bill be now read a third time**".

Matters not open to date or amendment

That, during the current session, unless otherwise ordered, standing order 80 shall read as follows:

80. The following matters are not open to debate or amendment:

- (1) Adjournment of debate.
- (2) Adjournment of the House.
- (3) Extension of time.
- (4) Leave of the House.
- (5) Motion that a Member be suspended.
- (6) Motion that a Message be sent to the Legislative Council.
- (7) Motion that leave of absence be granted.
- (8) To withdraw or postpone an order of the day.
- (9) Personal explanation.
- (10) "That inspection of the paper be restricted to members only and that no copies or extracts thereof be permitted".
- (11) "That visitors be ordered to withdraw".
- (12) "That the bill be declared urgent".
- (13) "That this bill be read at a later time".
- (14) "That the Order of the Day be discharged and the bill be withdrawn".
- (15) "That the Committee report be printed".
- (16) "That the Member for ... be further heard".
- (17) "That the Member for ... be not further heard".
- (18) "That the Member for ... be now heard".
- (19) "That the petition be received".

- (20)"That the question be put as separate questions".
- (21)"That the question be now put".
- (22)"That the question be not now put".
- (23)"That the Member's speaking time be extended".

Maximum Time Limits for Debates and Speeches

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

Bills (SO 188-239)

Second Reading:

(i) Introduced by a Minister

Mover	- unspecified
Leader of the Opposition or one Member deputed, next speaking	- unspecified
Any other Member	- 10 minutes†
Reply	- unspecified

(ii) Appropriation Bill

Mover	- unspecified
Party Leaders	- unspecified
Any other Member	- 15 minutes†
Reply	- unspecified

(iii) Introduced by a Private Member

Mover	- unspecified
Premier or one Minister deputed	- unspecified
Leader of the Opposition or one Member deputed	- unspecified
Any other Member	- 10 minutes†
Reply	- unspecified

Bill be now read a third time (SO 218)

All Members - 10 minutes†

Omit reference to time limits for debate for Proceedings after Consideration in detail.

† A Member may request and the Speaker shall put, without debate or amendment, a question that the Member be allowed to continue that speech for a further period of up to 5 minutes.

Allocation of time for debate (Guillotine)

That, during the current session, unless otherwise ordered, standing order 90 shall read as follows:

90. The Premier, or a Minister acting on the Premier's behalf, may at any time state in the House the intention of the Government to deal with any business to a certain stage at a specified time at the next or a subsequent sitting.

Written notification must subsequently be given to the Speaker and the Party Leaders and the notice shall be published in the Business Paper.

To give effect to the notification a Member shall move at the specified time on the date given or at a later time at the same sitting the motion "That the question be now put".

The carrying of this question is an instruction to the Speaker to put to the vote every question necessary to give effect to the notification. No further debate, amendment or reply is permitted.

After the carrying of the closure, the Speaker shall put to the vote any amendments proposed by a Minister provided that the amendments were lodged with the Clerk and printed and circulated by the Clerk at least 2 hours before the specified time.

The closure may not be moved on any question contained in a notification of allocation of time under this standing order.

If the closure under this standing order is agreed to during the second reading stage and there have been no Minister's amendments circulated, the Speaker shall forthwith put to the vote the third reading of the Bill.

Introduction of Bills

That, during the current session, unless otherwise ordered, standing order 188 shall read as follows:

188. The procedure for the introduction and the passage of a bill up to the mover's second reading speech is as follows:

- (1) The title of a bill must agree with the notice of intention to present it, and every clause must come within the title. It shall not be necessary to specify in the long title every Act which it is proposed to amend.
- (2) A notice of motion shall be given: "**I give notice of motion to introduce the [short title of the bill]**". It is sufficient for the mover to read the short title.
- (3) The motion to introduce the bill may be moved on the same day notice is given and shall include the long title.
- (4) The question "**That this bill be now introduced**" shall be put without debate or amendment and the bill shall be taken as read a first time without question put.
- (5) The bill as introduced shall correspond with the notice of motion.
- (6) Three copies of the bill shall be handed to the Clerk.
- (7) The bill shall be printed, with an explanatory note if applicable, without motion put.
- (8) The motion "**That this bill be now read a second time**" may be moved forthwith or set down for a later time.
- (9) Immediately following the mover's second reading speech the debate shall be adjourned.
- (10) The mover shall ask the Speaker to fix the resumption of the debate as an Order of the Day for a future day which shall be at least five clear days ahead.
- (11) On the reading of the Order of the Day a motion may be moved "**That this bill be now read a second time**", or "**That the order be postponed**" or, on a motion without notice, "**That the order be discharged and the bill be withdrawn**".

Procedure for Urgent Bills

That, during the current session, unless otherwise ordered, standing order 189 shall read as follows:

189. The procedure for the consideration of a bill as an urgent bill is as follows:

- (1) Sufficient copies being available to Members, the Member in charge of the bill, after making a second reading speech, may declare a bill to be an urgent bill.
- (2) The question "**That the bill be considered an urgent bill**" is put forthwith, no debate or amendment being allowed.
- (3) If agreed to, the second reading debate and other stages may be proceeded with forthwith or at any time during that or any future sitting of the House.

Procedure for Cognate Bills

That, during the current session, unless otherwise ordered, standing order 193 shall read as follows:

193. The procedure for two or more bills to be dealt with as cognate bills is as follows:

- (1) The notice of motion for the bills shall state that the bills are cognate.
- (2) One motion may be moved and one question put in regard to, respectively, the introduction, the second reading, the consideration in detail stage and the third reading of the bills together.
- (3) The bills may be considered together in detail.

Second and third reading of cognate bills

That, during the current session, unless otherwise ordered, standing order 194 shall read as follows:

194. An amendment may be moved to a question on the second or third reading of cognate bills to leave out one or more of the bills from the question.

Separate questions

That, during the current session, unless otherwise ordered, standing order 195 shall read as follows:

195. In respect of cognate bills, a Member may move a motion for the question to be put on the second or third reading of cognate bills as separate questions.

Second Reading

Amendment – referral to committee

That, during the current session, unless otherwise ordered, standing order 198 shall read as follows:

198. Amendments may be moved to the question "**That this bill be now read a second time**" to leave out all words after the word "That" and adding words to refer the bill to a committee (as specified).

Disposal of bill

That, during the current session, unless otherwise ordered, standing order 199 shall read as follows:

199. An amendment may be moved to the question "**That this bill be now read a second time**" to leave out all words after "That" and adding "this bill be disposed of". No amendment may be moved to this amendment.

Amendment – deferral of question

That, during the current session, unless otherwise ordered, standing order 200 shall read as follows:

200. An amendment may be moved to the question "**That this bill be now read a second time**" to leave out the word "now" and adding a later time.

Discharge of order and introduction of second bill

That, during the current session, unless otherwise ordered, standing order 202 shall read as follows:

202. An Order of the Day for the second reading (or any subsequent stage of a bill) having been discharged and the bill withdrawn, the House may direct on motion for another bill to be brought in.

Proceedings after the second reading

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

203. After the second reading, the Member in charge of the bill shall move forthwith "**That the bill be read a third time**" unless:

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

Pro forma consideration in detail

That, during the current session, unless otherwise ordered, standing order 204 shall read as follows:

204. The procedure for dealing with a pro forma consideration in detail is as follows:

- (1) After the second reading, the Member in charge of the bill shall move "**That the House consider the bill in detail pro forma**". The question shall be put without amendment or debate.
- (2) The proposed amendments, which have been previously printed, shall be put in one question, without amendment or debate, "**That the amendments as printed be inserted in the bill**".
- (3) If the motion is agreed to the bill shall be reprinted in its amended form, set down for reconsideration and, on reconsideration, be dealt with as if considered for the first time.

- (4) If the question for the pro forma consideration, or for the inclusion of the amendments is negatived, the bill shall be proceeded with in consideration in detail in the usual manner.

Reconsideration in whole or part

That, during the current session, unless otherwise ordered, standing order 217 shall read as follows:

217. After consideration in detail a bill may be reconsidered in whole or in part by amendment to the motion "**That this bill be now read a third time**".

Bill passes

That, during the current session, unless otherwise ordered, standing order 218 shall read as follows:

218. After the third reading no further question shall be put, and the bill shall have passed the House.

Clerk's certificate

That, during the current session, unless otherwise ordered, standing order 220 shall read as follows:

220. A bill having been read a third time, the Clerk shall certify, at the top of the first page "That this public [or private] bill, originated in the Legislative Assembly and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence."

Consideration of Legislative Council bills

That, during the current session, unless otherwise ordered, standing order 229 shall read as follows:

229.

- (1) When the message from the Council forwarding a bill for concurrence is reported, the bill shall be introduced and read a first time without motion put.
- (2) A message forwarding a private member's public bill or a private bill from the Council cannot be reported until the Speaker is advised which Member of the Assembly will have carriage of the bill. Once reported the bill will be set down as an Order of the Day.
- (3) A motion "**That this bill be now read a second time**" may be moved forthwith or made an Order of the Day for a later time. Except in the case of a private member's bill which can only be moved when it is called on in accordance with the routine of business.
- (4) A truncated second reading speech may be given if the bill is received in the same form as introduced into the Council.
- (5) Immediately following the mover's second reading speech, the debate may be adjourned or proceeded with forthwith.
- (6) If adjourned, the resumption of the debate shall be set down as an Order of the Day for a later time.
- (7) The bill shall then be proceeded with in the same manner as a bill originating in the Assembly.

Proceedings after consideration in detail

That, during the current session, unless otherwise ordered, standing order 238 shall read as follows:

238. After consideration in detail, the Member in charge of the bill may:

- (1) Request the Speaker to set down the motion "**That this bill be now read a third time**" as an order of the day for a later time; or
- (2) Move the motion "**That this bill be now read a third time**" forthwith.

Estimates Committees

That, during the current session, unless otherwise ordered, standing order 246 shall read as follows:

246.

- (1) On a motion of a Minister, during the second reading debate on the Appropriation Bill, the House may appoint Estimates Committees.
- (2) The Estimates Committees shall examine and report on proposed expenditures from the Consolidated Fund for each organisational unit for each Minister listed in the Tabled Estimates, and the corresponding clauses and schedules in the Appropriation Bill and the Parliamentary Appropriation Bill which shall stand referred to the appropriate committee.
- (3) The report of each Estimates Committee shall state whether the votes of each organisational unit in the Estimates and the corresponding clauses and schedules in the Appropriation Bill are recommended or otherwise.
The failure of an Estimates Committee to report on any part of the votes shall be deemed to be a report recommending the proposed expenditure.
- (4) The Chair of each Committee or a Member deputed by the Chair shall, after the committee has concluded its deliberations and after the question on the second reading of the Appropriation Bill and the Parliamentary Appropriation Bill has been agreed to, present the Committee's report to the Speaker in the House.
The Speaker shall set down consideration of the reports in detail with the Appropriation Bill and the Parliamentary Appropriation Bill respectively as an Order of the Day.
- (5) Consideration of a report in detail shall be deemed to be consideration of those clauses and schedules of the Appropriation Bill and the Parliamentary Appropriation Bill referred to that Estimates Committee.
- (6) When considering a report in detail:
 - (a) The Speaker shall put the question in respect of each Committee report, "That the report of the (name of the Committee) be adopted".
 - (b) A Member may speak for a maximum of 5 minutes and the Minister in reply may speak for a maximum of 15 minutes on each of the questions.
 - (c) Those clauses and schedules of the Appropriation Bill and the Parliamentary Appropriation Bill not referred to an Estimates Committee shall be considered as one question, "That the remaining clauses and schedules of the Bill be agreed to".

Legislation Committees

That, during the current session, unless otherwise ordered, standing order 323 shall read as follows:

323.

- (1) Immediately after a motion for a bill to be read a second time has been agreed to, any Member may move without notice "**That the (name of the bill) be referred to a legislation committee for consideration and report**".
- (2) A legislation committee shall consider and report to the House on amendments to the clauses and schedules of the bill which it considers could be proposed for consideration in detail, together with a schedule of amendments which should be proposed.
- (3) A committee shall have a maximum of six Members – three shall be Members representing the Government and three shall be non-Government Members.
- (4) The Chair and Deputy Chair shall be elected by the committee and shall be Government Members.
- (5) A quorum shall be four Members.
- (6) The Chair shall exercise a deliberative vote, and in the event of an equality of votes, a casting vote.
- (7) A committee may meet during the sittings or any adjournment of the House and shall have power to take evidence and call for persons, papers, exhibits and things and to report from time to time.
- (8) In all other respects a committee shall be conducted in accordance with the general provisions relating to committees.
- (9) A committee shall not travel.
- (10) The Minister having portfolio responsibility for the bill shall provide the committee with such drafting and support services as requested by the committee.
- (11) A committee shall table its final report no later than 6 months from the date of the committee's establishment.
- (12) When the Chair tables the final report of a committee the Speaker shall set down its consideration in detail as an Order of the Day with the bill.
- (13) If the House is not sitting at the time of report the Chair shall forward such report to the Clerk for report at the next sitting of the House.

Private Bills

Procedure

That, during the current session, unless otherwise ordered, standing order 358 shall read as follows:

358. The procedure for the passage of a private bill on petition is as follows:

- (1) At least 3 months prior to the presentation of the petition, a notice of intention to introduce a bill containing a true statement of the general objects of the bill shall be published once a week for 4 consecutive weeks in the Government Gazette, in at least one major newspaper published in Sydney and in the district affected by the bill.
- (2) The petition, with a printed copy of the proposed bill attached and signed by one or more of the parties applying for the bill shall be presented and received by the House.
- (3) The petition must contain:
 - (a) proof of the publication of the notice in the Government Gazette and the newspapers.
 - (b) a true statement of the general objects of the bill.
 - (c) a request to introduce the bill.
- (4) When the petition has been received, notice of motion for the introduction of the bill shall be given, and such bill shall be brought in within 30 days.
- (5) The motion for the introduction of the bill cannot be objected to and the motion cannot be amended or debated.
- (6) Before being introduced and read a first time, the bill shall be printed and sufficient copies shall be delivered to the Clerk.
- (7) Before being introduced and read a first time, and from time to time thereafter, the Clerk shall be entitled to claim such expenses from the promoters of the bill as the Clerk deems reasonable.
- (8) After the first reading, the bill by motion on notice shall be referred to a select committee.

Special rules

That, during the current session, unless otherwise ordered, standing order 360 shall read as follows:

360. In the select committee:

- (1) The committee shall require proof of the allegations contained in the preamble.
- (2) The Chair shall have a deliberative and a casting vote.
- (3) Every petition in reference to the bill shall be deemed to be referred to the committee.
- (4) After taking evidence a question shall be put from the Chair – **"That the preamble be agreed to"**.
 - (a) If the question passes in the negative, the committee shall not proceed further with the bill and report accordingly.
 - (b) If the question is resolved in the affirmative the committee shall consider the clauses of the bill and any amendments may be proposed.
- (5) The committee having reported in favour of the bill, it shall be proceeded with as in the case of public bills, and a later time set down for the second reading.

Disorder – Member removed from the Chamber

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

249A. The Speaker may direct a Member who is grossly disorderly to leave the Chamber for up to three hours. The direction shall not be open to debate or dissent.

Notices of Motions

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

133.

- (1) A notice of motion for:
 - (a) A bill;
 - (b) Government Business;
 - (c) No confidence in the Government, Minister or Speaker, or censure of Member or Speaker;
 - (d) Business with Precedence, (SO 118) with the exception of motions of condolence and the printing of papers; and
 - (e) A General Notice to be the subject of a motion for re-ordering must be given verbally at the time prescribed in the routine of business.
- (2) General Business Notices of Motions (General Notices):
 - (a) May only be given when called for at the time prescribed in the routine of business each day;
 - (b) The period for giving General Business Notices of Motions (General Notices) is limited to a maximum of 10 minutes. The Speaker has discretion to allow the giving of notices to exceed this 10 minute period.
- (3) (a) Up to nine General Business (Community Recognition Notices) may be lodged electronically with the Table Office each sitting week. Such notices must not contain:
 - (i) Matters of policy;
 - (ii) Requests for the Government or the House, or another body to take some form of action or not; or
 - (iii) Criticisms or negative reflections on any person, including Members, Office Holders, the Government, the Opposition or a third party.A General Business (Community Recognition Notice) not conforming with this sessional order may be ordered not to be printed by the Speaker, or removed from the Business Paper.
 - (b) General Business (community Recognition Notices) must be lodged by 12.00 noon each sitting day.

Appendix One - Extracts from Minutes

Tuesday 4 April 2012 at 9.30 am

Members Present:

The Hon Shelley Hancock (Chair)

The Hon Richard Amery

Mr Stuart Ayres

Mr Andrew Fraser

The Hon Brad Hazzard

Mr Daryl Maguire

The Hon Richard Torbay

Apologies:

The Hon. Michael Daley

The Hon. Thomas George

The Hon. Paul Lynch

Attendance of staff of the Leader of the House at the deliberative meeting

Motion moved by Mr Hazzard, seconded by Mr Fraser, that staff of the Leader of the House be permitted to attend the deliberative meeting in order to take notes.

Consideration of proposed amendments to standing and sessional orders

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

Motion moved by Mr Hazzard, seconded by Mr Fraser that the proposed amendments to the standing and sessional orders be agreed to.

Question put and passed.

Motion moved by Mr Hazzard, that the amendments to the standing and sessional orders be adopted by the Standing Orders and Procedure Committee on 3 April 2012 be adopted by the House as sessional orders.

Question put and passed.

Adjournment

The Committee adjourned at 10.00 am *sine dine*.

.....

(Speaker)