



PROCEDURAL HIGHLIGHTS

Legislative Assembly

FIFTY-FIFTH PARLIAMENT, FIRST SESSION

NO. 4: 2 AUGUST – 11 AUGUST 2011

AUGUST 2011				
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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

4.1 General Business

Standing and sessional orders were suspended to provide for general business to take precedence of the Address in Reply for the remainder of the Spring sittings.

Votes and Proceedings: 3 August 2011, pp. 242-3

Hansard: 3 August 2011, galley pp. 43-4

Standing Order 5

Standing Order 365

(NB: Standing Order 5 provides that the debate on the Address in Reply takes precedence of general business. Suspending the standing and sessional orders to provide general business with precedence over the debate on the Address in Reply for the remainder of the Spring sittings removes the need for a suspension to be moved each sitting week, as has been the case in the first six sitting weeks of the new Parliament).

4.2 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 that a community health centre be built in Yamba during this parliamentary term." In accordance with the sessional order, no question was put at the conclusion of the discussion.

Votes and Proceedings: 4 August 2011, p. 249

Hansard: 4 August 2011, galley pp. 67-71

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 fifth occasion the procedure was used.)

4.3 *Leave to sit beyond the time of adjournment*

A parliamentary Secretary obtained the leave of the House to sit beyond the adjournment time of 4.30 p.m. of the last sitting day of the week to permit the taking of up to six additional private members' statements.

Votes and Proceedings: 5 August 2011, p. 256

Standing Order 96

Standing Order 187

(NB: Leave is required to do something that is contrary to or not covered by the standing orders. On this occasion leave was required as the sessional order regarding the routine of business provides for the House to adjourn at 4.30 pm on the last sitting day of the week. It should also be noted that in accordance with standing order 187 no divisions may be called during private members' statements and accordingly a suspension of standing orders to permit additional members cannot be entertained rather additional speakers must be granted by leave or with concurrence.)

4.4 *Additional private members' statement given by concurrence*

A member, by concurrence, made a private members' statement prior to the House adjourning.

Votes and Proceedings: 5 August 2011, p. 256

Hansard: 5 August 2011, p. 59

Standing Order 187

(NB: Concurrence of the House is usually given when a member wishes to do something that, while not provided for in the standing orders or resolution of the House, is uncontroversial and generally related to the proceeding then under consideration. In this instance concurrence was given for a member to give a private member's statement after the House had already granted leave for six additional private members' statements past the time for adjournment. It should also be noted that in accordance with standing order 187 no divisions may be called during private members' statements and accordingly a suspension of standing orders to permit additional members cannot be entertained rather additional speakers must be granted by leave or with concurrence.)

4.5 *Business Program*

The Leader of the House, by concurrence, made a statement in relation to the revised structure of the Legislative Assembly Business Program noting that it would be more indicative of the true order of activity of the House.

Votes and Proceedings: 9 August 2011, p. 261

Hansard: 9 August 2011, galley p.

Standing Order 102

(NB: Standing Order 102 provides for Ministers to arrange Government Business in any order and the practice has been for the program to list Government Bills that may be considered at each sitting in the same order they are listed on the Business Paper as opposed to the order in which the House will consider them. By concurrence means that the House permitted the Leader of the House to make a statement even though no provision for such a statement is provided for under the standing orders. It is an alternative to the House allowing things to be done by leave.)

4.6 *Motion 'That the Member be not Further Heard'*

During a Minister's answer to a question asked in the House, a motion was moved 'That the Minister be not further heard'. The motion was negated on division.

Votes and Proceedings: 9 August 2011, p. 263

Hansard: 9 August 2011, galley p. 46

(NB: The motion is the only procedure that can be used during question time to stop a Member speaking as no question is before the House and accordingly the closure cannot be moved. In this case the motion was used as a means to use up the time allowed for the Minister to answer the question (i.e. five minutes). However, in this case after the motion had been defeated the Government suspended standing and sessional orders to provide the Minister with a further five minutes to answer the question).

4.7 *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 increased funding for Northern Sydney Palliative Care Community Services and for palliative care community services in all areas of NSW." A fifth member spoke in the discussion with the leave of the House. In accordance with the sessional order, no question was put at the conclusion of the discussion.

Votes and Proceedings: 10 August 2011, p. 275

Hansard: 10 August 2011, galley pp. 74-80

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 sixth occasion the procedure was used. Leave was required for the fifth member to speak in the discussion as the sessional order only provides for four speakers.)

4.8 *Matter of contempt 'suddenly arising'*

The Leader of the Opposition raised, as a matter of contempt under standing order 91, alleged misleading comments made by the Premier, and Minister for Western Sydney during Question Time. The Speaker ruled that a prima facie case had not been established.

Votes and Proceedings: 11 August 2011, p. 280.

Hansard: 11 August 2011, galley pp. 37-40

Standing Order 91

(NB: In accordance with Standing Order 91 Members can only raise a matter of contempt or a breach of privilege suddenly arising relating to the proceedings then before the House. The Member raising the matter is permitted to make a statement in support of the alleged contempt or privilege matter in order for the Speaker to determine whether a prima facie case exists. If the Speaker considers a prima facie case exists the Member must have a prepared notice of motion to be moved forthwith or with precedence for the next sitting day).

CHAMBER

4.9 *Visitors in public gallery*

The Speaker advised visitors in the public gallery that it is disorderly to cheer, clap or make any noise in response to the contributions of Members.

Hansard: 9 August 2011, galley p. 36

(NB: While clapping is not specifically prohibited by any standing order visitors in the gallery are by tradition required to be silent and refrain from conversing with Members, interjecting, conversing or giving applause.)

COMMITTEES

4.10 *Announcement of Chairs and Deputy Chairs of Committees*

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

Votes and Proceedings: 2 August 2011, p. 232

Hansard: 2 August 2011, galley p. 23

Standing Orders 282(2)

DIVISIONS

4.11 *Members to remain seated once the doors are ordered to be locked*

Following a point of order, the Speaker reminded all members that they are to remain seated after the doors have been ordered to be locked for a division.

Hansard: 4 August 2011, galley p. 48

ELECTIONS

4.12 *Election petition*

The Speaker informed the House that the Clerk had received from the Supreme Court copies of two orders of the Court of Disputed Returns, pursuant to the *Parliamentary Electorates and Elections Act 1912*, relating to the petition against the election of Noreen Hay as the Member of the Legislative Assembly for the electoral district of Wollongong dismissing the petition and awarding costs.

Votes and Proceedings: 2 August 2011, p. 231

Hansard: 2 August 2011, galley p. 22

JUDICIARY

4.13 *Judicial Commission Conduct Division*

The Attorney-General, by leave, moved pursuant to clause 4 of Schedule 2A of the *Judicial Officers Act 1986* for the House to nominate Ken Moroney AO APM and Rosemary Sinclair AO as community representatives for the appointment to a panel of the Conduct Division of the Judicial Commission of New South Wales and that a message be sent requesting the Legislative Council's concurrence in the nominations.

Votes and Proceedings: 2 August 2011, p. 237

Hansard: 2 August 2011, galley pp. 31-2

The Acting Speaker reported a message from the Legislative Council concurring with the nominations for community representatives for appointment to a panel of the Conduct Division of the Judicial Commission.

Votes and Proceedings: 5 August, p. 256

Hansard: 5 August 2011, p. 45

(NB: Clause 4 of Schedule 2A of the *Judicial Officers Act 1986* provides for the Legislative Assembly by resolution to nominate a community representative and if the Legislative Council concurs the person is duly nominated as a community representative. Provision is also made in the Act to enable the Legislative Council to reject a nomination and nominate another person).

MEMBERS

4.14 *Removal of members*

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

Votes and Proceedings: 5 August 2011, p. 255

Hansard: 5 August 2011, galley p. 36

Standing Order 249

QUESTION TIME

4.15 *Request for additional information*

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

Votes and Proceedings: 4 August 2011, p. 246

Hansard: 4 August 2011, galley p. 36

Standing Order 131(3)

4.16 *Request for additional information*

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

Votes and Proceedings: 4 August 2011, p. 246

Hansard: 4 August 2011, galley p. 39

Standing Order 131(3)

4.17 Request for additional information

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

Votes and Proceedings: 4 August 2011, p. 246

Hansard: 4 August 2011, galley p. 41

Standing Order 131(3)

4.18 Request for additional information

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

Votes and Proceedings: 11 August 2011, p. 280

Hansard: 11 August 2011, galley p. 41

Standing Order 131(3)