



# PROCEDURAL HIGHLIGHTS

Legislative Assembly

FIFTY-FIFTH PARLIAMENT, FIRST SESSION

NO. 5: 23 AUGUST – 26 AUGUST 2011

AUGUST 2011

M	T	W	T	F
22	23	24	25	26

*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.*

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## BUSINESS

### 5.1 *Speaker's Ruling – Operation of Standing Order 91 (Matter of Privilege or Contempt Suddenly Arising)*

The Speaker made a considered statement in relation to the operation of standing order 91 noting that Members are expected to quickly establish to the satisfaction of the Chair whether there is a prima facie breach of privilege or contempt and that there is no requirement for the Chair to allow a Member to speak for the full 10 minutes provided under the standing order if it is clear there is a prima facie case or that one does not exist.

The Speaker advised members that it is not a breach of the standing orders, nor a matter of contempt nor privilege, if a member is dissatisfied with an answer provided during Question Time and that in the usual course of events consideration of matters of privilege or contempt raised during Question Time will be deferred until the conclusion of Question Time.

The Speaker also advised Members that under the standing order the Chair has the option of allowing the Member's motion to be moved immediately; or placing the Member's notice on the Business Paper with precedence; or reserving any decision for later in the sitting or at a subsequent sitting day.

*Votes and Proceedings: 23 August 2011, pp. 283-4*

*Hansard: 23 August 2011, galley pp. 11-12*

#### **Standing Order 91**

(NB: Standing Order 91 provides for Members to rise on a matter of contempt or a breach of privilege suddenly arising in relation to proceedings then before the House. In accordance with the Standing Orders a Member must satisfy the Speaker, in a statement limited to 10 minutes, that the matter is one suddenly arising, relates to a matter then before the House and should be dealt with at the earliest opportunity and that there is a prima facie case.)

## 5.2 *Motion Accorded Priority – Withdrawal of Notice*

The Leader of the Opposition withdrew his notice of a motion to be accorded priority when he was called on to give reasons why his motion should be accorded priority.

*Votes and Proceedings: 23 August 2011, p. 288*

*Hansard: 23 August 2011, galley p. 27*

**Standing Order 141**

## 5.3 *Adjournment of the debate on the Address in Reply by leave*

A Member who had previously spoken during the debate moved for the debate on the Address in Reply to the Governor's Opening Speech to be adjourned by leave.

*Votes and Proceedings: 23 August 2011, p. 289*

*Hansard: 23 August 2011, galley p. 64*

**Standing Order 82**

**Standing Order 96**

(NB: Leave of the House is required to do something contrary to the Standing Orders. On this occasion leave was required for the Member, who had previously spoken during the debate, to adjourn the debate.)

## 5.4 *Standing and Sessional Orders Suspended to restore speaking time*

Following a quorum call during a Member's contribution to the agreement in principle debate on a bill, standing and sessional orders were suspended to restore the speaking time that was lost during the quorum call of the Member.

*Votes and Proceedings: 24 August 2011, pp. 295-6*

*Hansard: 24 August 2011, galley pp. 61-3*

**Standing Order 79(3)**

**Standing Order 365**

(NB: When a quorum is called during the proceedings the clock is not stopped and the time taken to form a quorum is taken out of the time of the Member who is then speaking in the House.)

## 5.5 *Suspension of Standing and Sessional Orders to provide for the Introduction of the Appropriation and Cognate Bills*

A motion was agreed to by the House for standing and sessional orders to be suspended to provide for the House to sit at 12 noon on Tuesday 6 September for the introduction and agreement in principle speech on the Appropriation Bill and cognate bills.

*Votes and Proceedings: 25 August 2011, p. 297*

*Hansard: 25 August 2011, galley p. 1*

**Standing Order 365**

(NB: Standing and sessional orders are required to be suspended to enable the House to sit at a time earlier than that specified in the routine of business.)

## BILLS

### 5.6 *Legislative Council amendments disagreed to*

The House disagreed to the amendments made by the Legislative Council to the Graffiti Legislation Amendment Bill. In accordance with the Standing Orders a message was sent to the Legislative Council setting out the reasons for the disagreement with the amendments.

*Votes and Proceedings: 26 August 2011, p. 307*

*Hansard: 26 August 2011, galley p. 17*

#### **Standing Order 224**

## DEBATE

### 5.7 *Member directed to cease speaking after continued irrelevance*

During debate on a bill a number of points of order were upheld by the Deputy Speaker in relation to the Member speaking making comments outside the leave of a bill. Following numerous warnings by the Chair to return to the leave of the bill, the Deputy-Speaker ordered the Member to cease speaking and resume their seat.

*Hansard: 25 August 2011, galley pp. 58-61*

#### **Standing Order 59**

(NB: Under Standing Order 59, the Chair is empowered to direct a Member to discontinue a speech if the Member persists with irrelevance or tedious repetition. The House is able to reverse the decision of the Chair if it agrees to a motion "That the Member be further heard". On this occasion no such motion was moved.)

### 5.8 *Allocation of time for debate on Legislative Council amendments to the Graffiti Legislation Amendment Bill*

Standing and sessional orders were suspended to allow for business before the House to be interrupted at 11.30 am for the consideration of Legislative Council amendments to the Graffiti Legislation Amendment Bill and for all questions before the House in relation to the amendments to be put on or before 12.15 pm, with each speaker limited to 10 minutes each. At 12.15 pm the question before the House "That the Legislative Council amendments be disagreed to" was put and passed in accordance with the resolution of the House.

*Votes and proceedings: 26 August 2011, pp. 306-7*

*Hansard: 26 August 2011, galley pp. 8-10 & 24*

#### **Standing Order 365**

(NB: Standing and sessional orders were required to be suspended to: allow Government Business to be considered at an earlier time on the last sitting day of the week than provided for in the routine of business; permit the debate to be closed at 12.15 pm and any questions before the House put; and to vary the speaking time provided to Members during the consideration of Legislative Council amendments.)

## DIVISIONS

### 5.9 *Division deferred*

When the question was put to adjourn the debate on a general business general notice, the division was deferred in accordance with standing and sessional orders because it was before 10.30 am. Business was subsequently interrupted at 10.30 am to allow for the deferred division.

*Votes and Proceedings: 26 August 2011, pp. 305-6*

*Hansard: 26 August 2011, galley pp. 1 & 7-8*

**Standing Order 187 (as amended by sessional order)**

(NB: Standing Order 187 provides for any division called prior to 10.30 am to be deferred and conducted at 10.30 am and for any business then before the House to be interrupted and recommenced after the division.)

## JOINT SITTING

### 5.10 *Vacancy in the Australian Senate*

The Speaker reported a message from the Governor transmitting a copy of a despatch dated 23 August 2011, received from the President of the Senate, notifying of a vacancy in the representation of the State of New South Wales in the Senate of the Commonwealth of Australia.

After the Speaker reported the message, a motion moved by the Leader of the House was agreed to, that the House meet together with the Legislative Council for the purpose of voting to choose a person to fill the vacancy in the Senate and for a message to be sent to the Legislative Council informing it of the resolution of the House and requesting the Council to fix a time and place for the joint sitting.

*Votes and Proceedings: 24 August 2011, p. 293*

*Hansard: 24 August 2011, galley p. 37*

**Standing Order 248**

**Standing Order 336**

(NB: Section 15 of the Australian Constitution provides that if the place of a senator becomes vacant before the expiration of their term of service, the House of Parliament of the State for which they were chosen, sitting and voting together shall choose a person to hold the place until the expiration of the term. Provision is made for the Governor to appoint a person to hold the casual vacancy when the House is "not in session", which effectively means the Governor can only make an appointment to the Senate during periods when the Parliament is prorogued.)

## MEMBERS

### 5.11 *Removal of members*

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

*Votes and Proceedings: 23 August 2011, p. 286*

*Hansard: 23 August 2011, galley p. 17*

**Standing Order 249**

## QUESTION TIME

### 5.12 *Request for additional information*

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

*Votes and Proceedings: 23 August 2011, p. 286; 26 August 2011, p. 309 (2 occasions)*

*Hansard: 23 August 2011, galley p. 17; 26 August 2011, pp. 38 & 46*

#### **Standing Order 131(3)**

### 5.13 *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: 24 August 2011, p. 293*

*Hansard: 24 August 2011, galley p. 46*

#### **Standing Order 131(3)**

### 5.14 *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: 25 August 2011, p. 299*

*Hansard: 25 August 2011, galley p. 41*

#### **Standing Order 131(3)**

### 5.15 *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: 26 August 2011, p. 309*

*Hansard: 25 August 2011, galley p. 42*

#### **Standing Order 131(3)**