



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-FIFTH PARLIAMENT, FIRST SESSION

NO. 9: 14 FEBRUARY – 23 FEBRUARY 2012

FEBRUARY 2012				
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13	14	15	16	17
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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

9.1 Business Paper

The Speaker made a statement in relation to changes in the format and layout of the Business Paper advising that General Notices will be printed in full the day after the notice is given in the House. Each subsequent day General Notices will have a truncated entry showing the subject, the name of the member who gave the notice and the date on which the notice was given. The Business paper will publish the full text of the first 20 General Notices listed for debate.

Votes and Proceedings: 14 February 2012, p. 503

Hansard: 14 February 2012, galley p. 1

Standing Order 31

9.2 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 the immediate rezoning of South Tralee or for the rezoning to be referred to Queanbeyan City Council." In accordance with the sessional order, no question was put at the conclusion of the discussion.

Votes and Proceedings: 16 February 2012, p. 546

Hansard: 16 February 2012, galley pp. 59-62

Standing Order 125A (adopted as a sessional order)

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 inclusion of a multi-storey car park in the redevelopment of Tamworth Base Hospital" In accordance with the sessional order, no question was put at the conclusion of the discussion.

Votes and Proceedings: 23 February 2012, p. 575

Hansard: 23 February 2012, galley pp. 62-4

Standing Order 125A (adopted as a sessional order)

9.3 *Take Note debate on committee reports*

During the take note debate on committee reports, the Chair of a committee made a number of comments at the end of the debate after having already spoken in the debate. The Assistant Speaker advised the House that the standing orders do not provide for members to speak in reply to take-note debates on committee reports.

Hansard: 16 February 2012, galley p. 32

Standing Order 306

9.4 *Suspension of standing and sessional orders*

Standing and sessional orders were suspended to permit consideration of both notices of motions to be accorded priority with truncated speaking times.

Votes and Proceedings: 21 February 2012, p. 550

Hansard: 21 February 2012, p. 28

Standing Order 365

9.5 *Inaugural Speech*

Motion agreed to: That the business before the House be interrupted at 6.00 pm to permit the presentation of an inaugural speech by the Member for Clarence. At 6.00 pm debate was interrupted for the inaugural speech with Mr Gulaptis obtaining an extension of time.

Votes and Proceedings: 21 February 2012, p. 550 & 551

Hansard: 21 February 2012, p. 32 & 55-8

Standing Order 63

9.6 *Community Recognition Notices*

Motion agreed to: That the House authorises the Speaker to:

- (1) Identify those general business notices of motions (general notices), currently on the Business Paper, which could be dealt with as a general business (community recognition notice).
- (2) Consult with members as to whether they want their identified notices of motions to be considered as a general business (community recognition notice).
- (3) Arrange, with the member's consent, for the notice of motion to be reclassified as a general business (community recognition notice) and listed in the Business Paper accordingly.

Votes and Proceedings: 21 February 2012, p. 551

Hansard: 21 February 2012, p. 33

Standing Order 105 (as amended by sessional order)

Standing Order 107 (as amended by sessional order)

Standing Order 133 (as amended by sessional order)

Standing Order 138 (as amended by sessional order)

Motion agreed to for certain motions to be formally agreed to as Community Recognition Notices.

Votes and Proceedings: 23 February 2012, pp. 562-7

Hansard: 23 February 2012, pp. 1-5

Standing Order 105 (as amended by sessional order)

Standing Order 107 (as amended by sessional order)

(NB: In accordance with the sessional orders, the question that the motions be agreed to was put in globo and the question is not able to be divided).

9.7 Placing or Disposal of Business

Motion agreed to for a General Business Order of the Day to be discharged and withdrawn.

Votes and Proceedings: 22 February 2012, pp. 555-6

Hansard: 22 February 2012, pp. 48-9

Standing Order 100

(NB: An Order of the day must be discharged by the House before it can be withdrawn as the matter is already before the House. In this case the debate on the General Business Motion had been interrupted. Whereas, a Member may withdraw a motion that is only on notice without the consent of the House).

9.8 Postponement of General Business

General Business notice of motion (general notice) no. 40 (Lupus), called on and postponed by the Member in whose name the notice stood.

Votes and Proceedings: 23 February 2012, p. 570

Hansard: 23 February 2012, p. 25

Standing Order 101(3)

COMMITTEES

9.9 Announcement of Chairs and Deputy Chairs of Committees

The Acting Speaker advised the House that on 25 November 2011, Andrew Robert Gee was elected Chair of the State and Regional Development Committee.

Votes and Proceedings: 14 February 2012, p. 508

Hansard: 14 February 2012, galley p. 25

Standing Orders 282

9.10 Notification of inquiry

The Chair of the Legislative Assembly Committee Legal Affairs Committee informed the House that the Committee had resolved to conduct an inquiry into law reform issues regarding the prohibition of synthetic drugs that have the same effect as prohibited drugs.

Votes and Proceedings: 16 February 2012, p. 543

Hansard: 16 February 2012, galley p. 45

Standing Order 299(1)

9.11 Notification of inquiry

The Chair of the Public Accounts Committee informed the House that the Committee had resolved to conduct an inquiry into follow up of the Auditor-General's Performance Audits from September 2010 to February 2011.

Votes and Proceedings: 16 February 2012, p. 543

Hansard: 16 February 2012, galley p. 46

Standing Order 299(1)

9.12 Report agreed to without debate

Question "That the House take note of the Report" of the Standing Orders and Procedure Committee on the adoption of new sessional orders, was put, by leave, without debate.

Votes and Proceedings: 23 February 2012, pp. 571

Hansard: 23 February 2012, p. 33

(NB: The Acting Speaker sought the leave of the House to put the question forthwith as the contents of the report was debated during the adoption of new sessional orders. However, if any member objected the debate on the report would have proceeded in accordance with Standing Order 306.)

9.13 Appointment of a Member

Motion agreed to: That Gareth Ward be appointed to serve on the Legislation Review Committee in place of Garry Edwards, who was discharged.

Votes and Proceedings: 23 February 2012, p. 573

Hansard: 23 February 2012, galley p. 47

Standing Order 274

DIVISIONS

9.14 Deferred divisions

A motion was moved for the debate on a private members' bill to be adjourned and a division was called for. However, as it was before 10.30 am the division was deferred in accordance with Standing Order 187. At 10.30 a.m. the business before the House was interrupted and the division was held and the motion was agreed to.

Votes and Proceedings: 23 February 2012, pp. 561 & 567-8

Hansard: 23 February 2012, galley pp. 1 & 8-9

Standing Order 187

(NB: A motion to adjourn the House is not open to amendment or debate and accordingly, the question on the motion must be put forthwith. As there is a restriction on divisions before 10.30 a.m. the matter is automatically deferred. While it is the division that is deferred as opposed to the motion to adjourn the debate, the effect of the standing order is that the debate is also deferred until a decision is made on the motion to adjourn the debate. In this case it was a fait accompli that the motion would be agreed to on division as the Government had moved the motion. However, there are some obvious difficulties in the procedure.

It should be noted, that the routine of business is set to minimise the likelihood of a division being called. For example, on Thursday mornings between 10.00 am and 10.30 am the routine provides for

introduction of private members' bills. However, in the absence of any bills being introduced the House proceeds to the next item of business, which in this case was the debate on a private members' bill already introduced and hence a division was called prior to 10.30 a.m.)

QUESTION TIME

9.15 *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 five minutes for answering the original question had expired. The Speaker permitted additional information to be provided.

Votes and Proceedings: 14 February 2012, p. 505

Hansard: 14 February 2012, galley p. 15

Standing Order 131(3)

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

Votes and Proceedings: 15 February 2012, p. 531

Hansard: 15 February 2012, galley p. 36

Standing Order 131(3)

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

Votes and Proceedings: 21 February 2012, p. 548

Hansard: 21 February 2012, galley p. 26

Standing Order 131(3)

A Member in accordance with Standing Order 131(3) requested additional information from the Minister for Local Government, and Minister for the North Coast after the five minutes for answering the original question had expired. The Speaker permitted additional information to be provided.

Votes and Proceedings: 23 February 2012, p. 572

Hansard: 21 February 2012, galley p. 42

Standing Order 131(3)

9.16 *Supplementary Answer*

The Minister for Education gave a supplementary answer to a question asked of him during Question Time that day. The Minister, by leave, tabled a copy of a letter regarding the Assisted School Travel Program.

Votes and Proceedings: 16 February 2012, p. 543

Hansard: 16 February 2012, galley p. 45

Standing Order 131(8)

Standing Order 266(1)

(NB: The Minister required the leave of the House to table the correspondence as it was outside the time provided by the routine of business for Ministers to table papers).

9.17 *Question ruled out of order*

The Speaker ruled a question out of order for containing too much factual material.

Hansard: 21 February 2012, galley p. 20

Standing Order 131(2)(a)

(NB: Standing Order 128(2)(a) provides that questions should not contain statements of facts or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated).

SESSIONAL ORDERS

9.18 *Adoption of sessional orders*

Sessional Orders were adopted by the House in relation to: the routine of business; bells; restrictions on quorum calls; adjournment of the House; maximum time limits for debate and speeches; matters of privilege or contempt suddenly arising; placing or disposal of business; program for general business days; general business; re-ordering of general business; debate on general business notice of motions; private members' statements; motions accorded priority; matters of public importance; discussion on petitions signed by 10,000 or more persons; written questions; notices of motions; giving more than one notice; restrictions on divisions; introduction of bills; and committee reports – tabling in the House and debate.

Votes and Proceedings: 14 February 2012, pp. 514-24

Hansard: 14 February 2012, galley pp. 27-38

Standing Order 364

(NB: The sessional orders were adopted to move from a 4 day to a 3 day sitting week, following a recommendation and report from the Standing Orders and Procedure Committee.)

9.19 *Community Recognition Notices*

The Speaker made a statement in relation to the new sessional orders regarding Community Recognition Notices:

"The purpose of the new procedures is to enable Members to have notices of an uncontroversial nature formally agreed to by the House. It is envisaged that Community Recognition Notices will include:

- Notices of a congratulatory nature, that are predominantly of a local or private nature such as congratulating a particular person or group of people for an achievement;
- Notices that recognise charity work, retirements or some form of award such as fundraising events or sporting awards; and
- Notices of thanks or condolence, concerning people in the community.

The sessional orders specifically state that a Community Recognition Notice must not contain:

- Matters of policy;
- Requests for the Government, the House, or any other body to act or not act; nor

- Criticisms or negative reflections on any person, including Members, Office Holders, the Government, the Opposition or a third party.

The Speaker has discretion to rule out any notices that do not conform with the standing orders, and I advise all Members that I will not be accepting any lodged Community Recognition Notices that contain matters of a controversial nature. Members will still retain the option of giving General Notices orally in the House."

Votes and Proceedings: 15 February 2012, pp. 529-30

Hansard: 15 February 2012, galley p. 1

Standing Order 105 (as amended by sessional order)

Standing Order 107 (as amended by sessional order)

Standing Order 133 (as amended by sessional order)

Standing Order 138 (as amended by sessional order)

Standing Order 364

9.20 *Motions Accorded Priority*

The Speaker made a statement in relation to the sessional order amending Standing Order 109 regarding Motions Accorded Priority:

"Under standing and sessional orders two members have the opportunity to make a statement outlining why their motion should be accorded priority. The sessional order adopted yesterday provides in paragraph (4) (a) that "No points of order regarding the scope or substance of the notice will be entertained during the 3 minutes provided for the statement".

Over recent years Speakers have allowed Members to make some reference to the substance or subject matter of their notice when establishing priority. Indeed, in order to establish priority, a Member must refer to the substance of the motion. The new sessional order reflects a desire to prevent the raising of spurious and time wasting points of order which allege that a member is "debating the substance of their motion", rather than "establishing priority". The time for statements is limited, and best utilised by orderly debate on the question to be determined.

The new sessional order does not give a Member free rein to comprehensively debate their motion in the course of their 3 minute statement. While brief reference to the substance of a motion will be permitted, the Chair will draw a Member back if the content of his or her statement exceeds the scope necessary to determine priority of one motion over another.

Points of order will also be entertained if debate strays into attacks on other Members, offensive words or other such overt, serious disorder."

Votes and Proceedings: 15 February 2012, pp. 532-3

Hansard: 15 February 2012, galley p. 44

Standing Order 109 (as amended by sessional order)

Standing Order 364

(NB: The new sessional orders reduced the time provided for members to establish priority – a reduction from 5 minutes down to 3 minutes.)