



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-FIFTH PARLIAMENT, FIRST SESSION

NO. 11: 27 MARCH – 4 APRIL 2012

March-April 2012				
M	T	W	T	F
26	27	28	29	30
2	3	4	5	6

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

11.1 *Standing Orders suspended to alter the days for the routine of business*

Motion agreed to, That:

- (1) On Monday 2 April 2012, the routine of business is to be set out in the sessional order for Tuesdays;
- (2) On Tuesday 3 April 2012, the routine of business is to be set out in the sessional order for Wednesdays; and
- (3) On Wednesday 4 April 2012, the routine of business is to be as set out in the sessional order for Thursdays.

Votes and Proceedings: 27 March 2012, pp. 650-1

Hansard: 27 March 2012, galley p. 28

Standing Order 97 (as amended by sessional order)

Standing Order 365

(NB: The days for the routine of business were altered as it was the week leading up to Easter and changing the sitting days would enable country Members to return home to their electorates for the Easter weekend).

11.2 *Community Recognition Notices*

The Speaker informed the House that in accordance with the resolution of 21 February 2012, a number of general business notices of motion (general notices) had been reclassified as general business (community recognition notices). With the leave of the House the notices were formally agreed to by the House.

Votes and Proceedings: 27 March 2012, pp. 653-7

Hansard: 27 March 2012, pp. 30-3

With the leave of the House an amended general business notice of motion (general notice) was reclassified as a general business (community recognition notice) and was formally agreed to.

Votes and Proceedings: 27 March 2012, p. 658

Hansard: 27 March 2012, galley p. 39

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

Votes and Proceedings: 29 March 2012, pp. 672-89 & 4 April 2012, pp. 711-36

Hansard: 29 March 2012, galley pp. 6-18 & 4 April 2012, pp. 1-18

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).

Sessional order amended to place a limit on the number of Community Recognition Notices that can be lodged by one Member each sitting week of nine per week.

Votes and Proceedings: 4 April 2012, p. 742

Hansard: 4 April 2012, galley p. 66

Standing Order 133 (as amended by sessional order)

11.3 Leave of the House obtained to permit conclusion of debate

The leave of the House was obtained to permit the conclusion of the debate on a general business motion prior to the commencement of the take note debate on committee reports.

Votes and Proceedings: 29 March 2012, p. 691

Hansard: 29 March 2012, galley p.

Standing Order 96

Standing Order 97 (as amended by sessional order)

(NB: Leave of the House was required as the routine of business (SO 97 as amended by sessional order) provides for the debate on General Business motions to be interrupted at 1.00 pm on Thursdays for the Take Note debate on committee reports).

11.4 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 "opposing the relocation of Gosford Public School onto the grounds of Henry Kendall High School and requesting a suitable alternate site." In accordance with the sessional order, no question was put at the conclusion of the discussion.

Votes and Proceedings: 29 March 2012, p. 694

Hansard: 29 March 2012, galley pp. 72-6

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 "opposing the commencement of an industrial and commercial waste recycling and dump project located in rural/residential zoning in the Mulgoa electorate and requesting an appeal to be lodged against any finding by the Land and Environment Court that approves the project." In accordance with the sessional order, no question was put at the conclusion of the discussion.

Votes and Proceedings: 4 April 2012, p. 750

Hansard: 4 April 2012, galley pp. 83-6

Standing Order 125A (adopted as a sessional order)

11.5 *Censure of the Premier*

Standing and sessional orders were suspended to allow for consideration of the following censure motion, given by the Leader of the Opposition, forthwith with truncated speaking times:

"That this House censures the Premier, and Minister for Western Sydney for misleading the Parliament and the people of New South Wales about his knowledge of, and involvement in The Star Casino affair."

Following the Leader of the Opposition's contribution to the debate a motion was moved "That the Member be further heard", which was negatived on division. The censure motion was negatived on division.

Votes and Proceedings: 3 April 2012, pp 704-6

Hansard: 3 April 2012, galley pp. 49-59

Standing Order 60

Standing Order 114

Standing Order 365

CHAMBER

11.6 *Speaker's Statement regarding the use of mobile phones and social media*

The Speaker made the following statement in relation to the use of mobile phones in the Chamber by Members:

"It has been the long standing practice of the House that Members are only permitted to use mobile phones and other devices in silent mode so their use does not interfere with proceedings in the House.

A trend has developed where Members are speaking on their mobile phones when entering the Chamber or in the area behind the Speaker's Chair. I warn Members and officers that this is unacceptable behaviour and that any conversations should be brought to an end well before the Members enter the Chamber.

I also take this opportunity to remind Members that tweeting about proceedings, either while the House or its committees are in session is out of order."

Following concerns raised by Members in relation to the Speaker's statement regarding the use of social media, the Speaker advised the House:

"As noted in the more traditional press yesterday, the question of the contribution of social media to democratic debate, and whether that should extend to a two-way conversation in chamber proceedings, has not been settled, despite the deliberations of a number of parliamentary committees both in Australia and overseas.

Members who choose to participate in such social engagement are reminded that tweets are not proceedings of parliament. As such they do not attract parliamentary privilege and would be subject to the normal laws of defamation. There is potential for certain use of social media to possibly give rise to the types of statements that would traditionally be considered to be in breach of standing orders on contempt, or involve reflections on members or the Chair, that would be considered disorderly. While tweeting might be at the cutting edge of public engagement, the standing orders are framed around traditional verbal debate between elected Members, in public, and I would ask all Members to not tweet comments that would be disorderly if uttered verbally in the House."

Votes and Proceedings: 3 April 2012, pp. 702-3 & 4 April 2012, p. 741

Hansard: 3 April 2012, galley p. 37 & 4 April 2012, galley p. 62

COMMITTEES

11.7 *Extension of reporting time for the Joint Standing Committee on Electoral Matters*

Motion agreed to, That:

- (1) Clause (3) of the resolution of 22 June 2011 appointing the Joint Standing Committee on Electoral Matters be amended to extend the reporting date on the 26 March 2011 State Election from 12 to 18 months.
- (2) A message be sent acquainting the Legislative Council of the resolution and requesting the Legislative Council to pass a similar resolution.

Votes and Proceedings: 27 March 2012, p. 651

Hansard: 27 March 2012, galley p. 28-9

11.8 *Motion to establish a select committee*

Motion moved by an Independent Member (Ms Clover Moore MP), That:

- (1) A select committee be appointed to inquire into companion animal welfare with the view to improving their welfare.
- (2) That the committee consider the following matters:
 - (a) The number and cause of companion animals arriving in NSW shelters and pounds each year and their outcome, such as whether they get re-homed, re-united or euthanized;
 - (b) The breeding of companion animals;
 - (c) The practices associated with the sale of companion animals including from pet shops, markets, pounds, shelters, on-line, classifieds, or to the overseas market;
 - (d) Mandatory desexing, including prior to sale;
 - (e) The effectiveness and enforcement of the Department of Primary Industries' companion animal policies, standards and guidelines;
 - (f) The effectiveness of the Companion Animals Act and its application by local government;
 - (g) The effectiveness of micro-chipping;
 - (h) The treatment of companion animals travelling by airplane;
 - (i) The impact of pet bans in accommodation including apartments, strata, retirement villages, and rental properties;
 - (j) The impact of pet bans on public transport;
 - (k) The existence and effectiveness of education programs on responsible pet ownership, including the importance of desexing;
 - (l) Data collection by government and non-government agencies to inform and monitor companion animal welfare; and

- (m) Any other matter relevant to improving companion animal welfare.
- (3) That the committee consist of six members as follows:
- (a) Ms Clover Moore, who shall be Chair of the committee;
 - (b) Three Government members; and
 - (c) Two non-Government members.
- (4) That the members be nominated in writing to the Clerk of the Legislative Assembly by the relevant party leaders within seven calendar days of the passing of this resolution.
- (5) That at any meeting of the committee four members shall constitute a quorum.

Motion negatived on division.

Votes and Proceedings: 4 April 2012, p. 736-7

Hansard: 4 April 2012, galley pp. 19-25

11.9 Notification of inquiry

Mr Andrew Fraser, on behalf of the Chair of the Joint Standing Committee on Electoral Matters informed the House that the Committee had received a referral from the Premier, and Minister for Western Sydney to conduct an inquiry into the review of the Parliamentary Electorates and Elections Act 1912 and the Election Funding, Expenditure and Disclosures Act 1981.

Votes and Proceedings: 4 April 2012, p. 740

Hansard: 4 April 2012, galley p. 61

Standing Order 299(1)

(NB: Mr Fraser advised the House of the referral as both the Chair and Deputy Chair of the Committee are Members of the Legislative Council).

DISORDER

11.10 Removal of a Member

During Question Time, the Member for Toongabbie, was removed from the Chamber for continuing to interrupt after being called three times to order.

Votes and Proceedings: 28 March 2012, p. 663

Hansard: 28 March 2012, galley p. 34

Standing Order 249

During Question Time, the Member for Maroubra, was removed from the Chamber for continuing to interrupt after being called three times to order.

Votes and Proceedings: 29 March 2012, p. 692

Hansard: 29 March 2012, galley p. 54

Standing Order 249

11.11 New 'sin bin' procedure introduced

The House adopted the following sessional order to enable the Speaker to temporarily remove a Member from the House:

"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.

Votes and Proceedings: 4 April 2012, p. 742

Hansard: 4 April 2012, galley p. 66

Standing Order 249A (adopted as a sessional order)

QUESTION TIME

11.12 Request for additional information

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

Votes and Proceedings: 27 March, p. 650 & 3 April 2012, p. 703

Hansard: 27 March 2012, galley p. 24 & 3 April 2012, galley p.

Standing Order 131(3)

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

Votes and Proceedings: 28 March 2012, p. 663 & 3 April 2012, p. 703

Hansard: 28 March 2012, galley p. 36 & 3 April 2012, galley p. 46

Standing Order 131(3)

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

Votes and Proceedings: 28 March 2012, p. 663 & 2 April 2012, p. 696

Hansard: 28 March 2012, galley p. 38 & 2 April 2012, p. 23

Standing Order 131(3)

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

Votes and Proceedings: 28 March 2012, p. 663 & 29 March 2012, p. 692

Hansard: 28 March 2012, galley p. & 29 March 2012, galley p. 55

Standing Order 131(3)

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

Votes and Proceedings: 28 March 2012, p. 663

Hansard: 28 March 2012, galley p. 41

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: 2 April 2012, p. 696

Hansard: 2 April 2012, galley p. 26

Standing Order 131(3)

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

Votes and Proceedings: 3 April 2012, p. 703

Hansard: 3 April 2012, galley p. 42

Standing Order 131(3)

A Member in accordance with Standing Order 131(3) requested additional information from the Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services after the five minutes for answering the original question had expired. The Speaker permitted additional information to be provided.

Votes and Proceedings: 4 April 2012, p. 740

Hansard: 4 April 2012, galley p. 54

Standing Order 131(3)

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

Votes and Proceedings: 4 April 2012, p. 740

Hansard: 4 April 2012, galley p. 57

Standing Order 131(3)

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

Votes and Proceedings: 4 April 2012, p. 740

Hansard: 4 April 2012, galley p. 59

Standing Order 131(3)

SESSIONAL ORDERS

11.13 Adoption of amended and new sessional orders

Following a report from the Standing Orders and Procedure Committee recommending a number of amendments to standing and sessional orders, the Leader of the House moved:

"That this House:

- (1) Agrees to the amendments to the sessional order on notices of motions adopted on 14 February 2012 and to the new sessional order on Disorder – Member removed from the Chamber, to apply forthwith; and
- (2) Agrees to amendments to the sessional orders adopted on 14 February and to new sessional orders, to apply from 1 May 2012.

Motion carried on the voices.

Votes and Proceedings: 4 April 2012, pp. 741-9

Hansard: 4 April, galley p. 66-77

Standing Order 364

(NB: The sessional orders that will take effect from 1 May 2012 relate to the passage of legislation and related matters. The sessional orders provide for the reintroduction of the first, second and third reading stages for the passage of legislation replacing the introduction, agreement in principle and passing stages that came into effect as Standing Orders in 2007. The Consideration in Detail stage will be retained).