



# PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SEVENTH PARLIAMENT, FIRST SESSION  
NO. 5/2020: 2 JUNE 2020 – 18 JUNE 2020

June 2020				
M	T	W	T	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19

*This document provides a summary of significant procedural events and precedents in the Legislative Assembly. It is produced at the end of each sitting period. Where applicable the relevant Standing Orders are noted.*

## SITTINGS

On Tuesday 2 June 2020 the House returned for its first full sitting period since February 2020.

Special arrangements remained in place for the operation of the Chamber. Sessional Orders agreed to earlier in the year to facilitate the special arrangements continued and additional Sessional Orders were adopted to further provide for the safe conduct of business in the House and the parliamentary precincts.

*Votes and Proceedings: 2/6/2020, p. 635.*

**Sessional Order 47A.**

## BUSINESS

### ***New Sessional Orders***

On Tuesday 2 June 2020 the Leader of the House, the Hon. Mark Speakman MP, moved that six Sessional Orders be adopted, some of which were to provide for the safe conduct of business in the context of the COVID-19 Pandemic. The motion was agreed to on the voices.

The Sessional Orders were as follows:

1. **Community Recognition Statements.** Sessional Order 108A was amended to permit Members to submit two written Community Recognition Statements each sitting day (rather than one) until 31 December 2020.
2. **Notices of Motion.** Sessional Order 133 was amended to put a 30 second limit on the giving of a General Business Notice of Motion (General Notice).
3. **Copies of Notices of Motions.** Standing Order 134 was amended to provide for the electronic receipt of Notices of Motions (rather than paper copies being handed to the Clerks-at-the-Table).

4. **Removal of Members.** New Sessional Order 249B provides that the Speaker may direct a Member to leave the Chamber if they exhibit symptoms of COVID-19 or cannot demonstrate they have cleared temperature and symptom screening that day.
5. **Written questions.** Sessional Order 132 was amended to provide that written questions be lodged only in the Table Office (previously Members also had the option of handing paper copies of questions to the Clerks-at-the-Table).
6. **Tabling of papers.** Sessional Order 266 was amended to provide that Ministers can table papers either electronically, or in hard copy in the House.

*Votes and Proceedings: 2/6/2020, pp. 635-7.*

**Standing Orders 108A, 132, 133, 134, 249B, 266 and 364.**

### ***Question Time***

On Tuesday 2 June 2020 the Leader of the House, the Hon. Mark Speakman MP, moved that Standing and Sessional Orders be suspended to provide that, for the June sitting weeks, Question Time would comprise five questions only. The motion was agreed to on the voices.

Later, the Leader of the House made a statement about the attendance of Ministers at Question Time. Mr Speakman advised that not all Ministers would be in the Chamber for each Question Time due to physical distancing restrictions, and that there would be a roster of Ministers for each Question Time. By midday each sitting day the Opposition and Cross-bench would be informed of which of the twelve Ministers would be present for Question Time, and Ministers would not answer questions on behalf of other Ministers.

For the June sitting weeks the practice was for the Opposition to ask four of the five questions, and for the Cross-bench to ask the remaining question, with the rotation of the fifth question being arranged by agreement between Cross-bench Members.

*Votes and Proceedings: 2/6/2020, p. 638 and p. 639.*

*Hansard (Proof): 2/6/2020, p. 11.*

**Standing Order 131.**

### ***Disallowance of a statutory rule***

The Industrial Relations (Public Sector Conditions of Employment) Amendment (Temporary Wages Policy) Regulation 2020 was published in the Government Gazette for the week beginning 25 May 2020 and tabled by the Minister for Better Regulation and Innovation, the Hon. Kevin Anderson MP, on 2 June 2020. The regulation provided that public sector employees would not receive an annual pay increase on 1 July 2020, due to the impact of the COVID-19 Pandemic.

Prior to the regulation being tabled that day, the Leader of the Opposition, Ms Jodi McKay MP, gave notice of a motion to disallow it. After Question Time the Manager of Opposition Business, Mr Ryan Park MP, sought leave to suspend Standing and Sessional Orders to permit the immediate consideration of the Notice of Motion given earlier by Ms McKay. Leave was not granted.

The next day, the notice was withdrawn by Mr Park, on behalf of Ms McKay. The reason for this was that a motion to disallow the regulation had been considered and passed by the Legislative Council the previous day.

*Votes and Proceedings: 2/6/2020, p. 638, p. 643; 3/6/2020, p. 664.*

**Standing Orders 96, 116, 118, 133 and 141.**

(Procedural note: Statutory rules, such as regulations, are tabled in the Parliament and may be disallowed by a resolution of either House. Standing Order 116 sets out the procedure for disallowance, in which a Notice of Motion to disallow a statutory rule is considered as Business with Precedence the next sitting day.)

### **Ministerial Statement – COVID-19 Pandemic Government Economic Response**

On Tuesday 16 June 2020 the Treasurer, the Hon. Dominic Perrottet MP, made a Ministerial Statement in relation to the current economic situation for NSW and the Government's economic response to the COVID-19 Pandemic. The Opposition Leader, Ms Jodi McKay MP, addressed the House in reply to the Treasurer's Statement.

*Votes and Proceedings: 16/6/2020, p. 680.*

*Hansard (Proof): 16/6/2020, pp. 15-20.*

#### **Standing Orders 103 and 104.**

(Procedural note: Owing to the impact of the COVID-19 Pandemic, the Treasurer [announced in March](#) that delivery of the 2020-21 NSW Budget would be deferred until late 2020. The Treasurer gave his Ministerial Statement on 16 June 2020, the date originally scheduled for the delivery of the Budget.

Annual appropriation bills (the Budget bills) are passed each financial year to appropriate money from the Consolidated Fund for Government expenditure. In May, the *COVID-19 Legislation Amendment (Emergency Measures—Treasurer) Act 2020* was passed by both Houses. This Act allowed for:

- 1) the deferral of the 2020-21 Budget from June until later in 2020;
- 2) an extended time for the Treasurer to authorise payments from the Consolidated Fund on the lapse of appropriations made by the 2019-20 Budget; and,
- 3) with the Governor's approval, to authorise payments out of the Consolidated Fund for emergencies resulting from the COVID-19 Pandemic until the 2020-21 Budget is enacted.

Standing Orders 103 and 104 provide that Ministerial Statements can be made at certain times in the Routine of Business, or at any other time by leave of the House. Ministerial Statements are of unlimited duration and the Leader of the Opposition, or another Member nominated by the Leader of the Opposition, may respond for the same amount of time.)

### **Motion of censure of a Member**

On Wednesday 17 June 2020 the Minister for Counter Terrorism and Corrections, the Hon. Anthony Roberts MP, gave notice of a censure motion against the Leader of the Opposition, Ms Jodi McKay MP. The terms of the motion were that "the House censure the Leader of the Opposition for her three-month failure to address publicly or to act on serious allegations of systemic falsifying of records of NSW citizens in NSW Labor Party branch stacking operations."

The motion was debated and passed on division the same day.

*Votes and Proceedings: 17/6/2020, p. 694.*

#### **Standing Orders 114 and 118.**

(Procedural note: Motions of censure are those motions that seek to admonish the Government, a Minister or a Member. A resolution censuring a Member does not have a legal or parliamentary consequence for the Member named in the censure motion, but rather is an expression of opinion of the House.

Standing Order 114 sets out the process for a motion of censure. A notice of a Member's intention to move a motion of censure must be given prior to Question Time when the Speaker calls for notices of motions for Business with Precedence. The Member will then be called on to move their motion of censure on the same sitting day that the notice was given.)

### ***Motion of dissent from a Temporary Speaker's ruling***

On Thursday 18 June 2020 the Manager of Opposition Business, Mr Ryan Park MP, gave notice of a motion of dissent from a Temporary Speaker's ruling. The terms of the motion were that "the House dissents in the ruling of the Temporary Speaker on the question of whether the Building Amendment (Mechanical Services and Medical Gas Work) Bill 2020 be read a second time, whereby the question was declared in the affirmative yet the member proceeded to call a division from the Chair without a division being called from the floor."

Later, after Question Time, Standing and Sessional Orders were suspended to permit the notice to be considered forthwith, after which Mr Park moved the motion, debate ensued and the motion was negatived on division.

*Votes and Proceedings: 18/6/2020, pp. 706-8.*

**Standing Orders 95, 118 and 365.**

(Procedural note: Any ruling of the Speaker may be challenged through a motion of dissent. The procedure for a motion of dissent against a Speaker's ruling is set out in Standing Order 95. Motions of dissent must be given within three sitting days of the ruling being dissented against being given, and are accorded precedence in the Routine of Business. The capacity for any Member to move a motion of dissent from a ruling of the Speaker and for the House to consider and vote on that motion is in keeping with the principle that, ultimately, the House itself is the final arbiter on all questions of order.)

## COMMITTEES

### ***Committee on the Independent Commission Against Corruption***

On Wednesday 3 June 2020 Mrs Tanya Davies MP informed the House that the Committee on the Independent Commission Against Corruption had resolved to conduct an inquiry into the reputational impact on an individual being adversely named in the ICAC's investigations. Full details of the inquiry can be found on the Committee's [web page](#).

*Votes and Proceedings: 3/6/2020, p. 664.*

**Standing Order 299.**

### ***Public Accounts Committee***

On Tuesday 16 June 2020 Mr Greg Piper MP informed the Public Accounts Committee had resolved to conduct an inquiry into an Examination of the Auditor-General's Performance Audit Reports for August 2018 to January 2019. Full details of the inquiry can be found on the Committee's [web page](#).

*Votes and Proceedings: 16/6/2020, p. 680.*

**Standing Order 299.**

### ***Joint Select Committee on the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020***

On Thursday 18 June 2020 the House resolved to appoint a joint select committee to inquire into and report on the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020. A message was sent to the Legislative Council requesting concurrence. Later that day a message was received from the Legislative Council agreeing to the establishment of the Committee and nominating six Council members for membership of the Committee.

The Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020 was introduced in the Legislative Council by Mr Mark Latham MLC on 13 May 2020. In his second reading speech, Mr Latham stated that the purpose of the bill was "to extend protections against discrimination beyond existing categories of citizenship and identity in New South Wales to people of religious faith and non-faith." Further details about the Joint Select Committee's inquiry can be found on its [web page](#).

*Votes and Proceedings: 18/6/2020, pp. 704-5 and p. 708.*

#### **Standing Order 315**

(Procedural note: Committees may be established jointly by the Legislative Assembly and the Legislative Council. By convention, joint committees are subject to the Standing Orders of the originating House. Select committees are appointed to investigate and report on a specific matter. Select committees cease to exist when they have concluded their reports, or at the time specified by the House.)

#### ***Standing Orders and Procedure Committee***

On Thursday 18 June 2020 the Speaker tabled the interim report of the Standing Orders and Procedure Committee entitled 'Modernisation and reform of practices and procedures: ePetitions sessional orders'.

The report follows on from an earlier [report](#) of the Standing Orders and Procedure Committee, tabled in October 2019, that recommended the introduction of ePetitions, which will allow NSW residents to create and 'sign' a petition through the Legislative Assembly's website.

The report recommends changes to the Sessional Orders to facilitate the receipt of both existing paper petitions and ePetitions by the Legislative Assembly.

A full copy of the report can be found on the Committee's [web page](#).

*Votes and Proceedings: 18/6/2020, p. 705.*

#### **Standing Order 303.**

## **MEMBERS**

### ***Government announcements***

On Tuesday 2 June 2020 the Hon. Mark Speakman MP informed the House of his appointment, from 8 May, as Leader of the House.

*Votes and Proceedings: 2/6/2020, p. 639.*