



## LEGISLATIVE ASSEMBLY

# Procedural Digest

## Fifty-seventh Parliament, First Session

No. 6/2022: 13 – 21 September 2022

*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.*

### September 2022

M	T	W	T	F
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23

## The death of Her Majesty Queen Elizabeth II

Her Majesty Queen Elizabeth II passed away on 8 September 2022 (9 September in Australia).

The death of Her Majesty triggered protocol and procedural events which had not been observed by the NSW Parliament since the death of Her Majesty's father, King George VI, in 1952. Following advice from the State Flag Officer, as a sign of mourning and respect, flags were flown at half-mast in Parliament's forecourt for the official mourning period of ten days.

## Proclamation of His Majesty King Charles III

On Sunday 11 September, the Governor, Her Excellency Margaret Beasley AC KC, met with Executive Council at Government House where the Premier, the Hon. Dominic Perrottet MP, joined by his Ministers, recommended that Her Excellency proclaim King Charles III as King of Australia. The Governor accepted the recommendation.

Later that day, flags were raised to full mast and the Governor travelled to the Parliament's forecourt and read the proclamation of King Charles III. The day following the proclamation ceremony, flags were again lowered to half-mast.

## Business of the House suspended on Tuesday 13 September 2022

The House met at midday on Tuesday 13 September, however, with the consent of Members, the business program was amended to consider only those matters that related to the death of the Queen and the reporting of messages.

## Message from the Governor

When the House first met the Speaker reported a message from the Governor advising the House of the death of Her Majesty Queen Elizabeth II and the proclamation of His Majesty King Charles III.



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### Addresses of condolence and congratulation

The Premier moved, with consent and without notice, that that the House adopt an address of condolence and an address of congratulation to his Majesty the King. These were seconded by the Leader of the Opposition, Mr Chris Minns MP. The Questions were agreed to unanimously with Members and officers standing in their places as a mark of respect.

The addresses of condolence and congratulation were duly signed and Mr Speaker, accompanied by the [Serjeant-at-Arms](#), travelled with the President of the Legislative Council and [Usher of the Black Rod](#) to Government House to deliver the addresses to Her Excellency the Governor for transmittal to His Majesty the King.

On 21 September, the Speaker reported letters from the Official Secretary to the Governor of NSW advising that the addresses of condolence and congratulation had been transmitted to His Majesty the King.

### Special adjournment until 20 September 2022

Once the addresses of condolence and congratulation were agreed to, the Premier moved that the House adjourn until Tuesday 20 September as a "mark of profound respect and deep affection for Her Late Majesty". Mr Minns seconded the motion, and the question was put and carried unanimously. Members and Officers stood in their places as a mark of respect. In total, the House sat for ten minutes on Tuesday 13 September.

*Votes and Proceedings (Proof)*: 13/9/2022, p. 1847; pp. 1849-50.

Standing Orders 247 (Speaker to report) and 356 (Address to the Sovereign).

### Tuesday 20 September 2022 and Wednesday 21 September 2022

Following the special adjournment, the House and the usual daily program returned on 20 September.

### Take-note debate

As part of the program, the Leader of the House, the Hon. Alister Henskens MP, moved that Standing and Sessional Orders be suspended to provide for the Premier to move a take-note debate on the addresses of condolence and congratulation to His Majesty King Charles III. The House agreed to the motion and the take-note debate was conducted across the next two sitting days, with Members allowed a speaking time of ten minutes each.

On 21 September, following contributions from a considerable number of Members, the question on the take-note debate was put and carried, with Members and officers standing as a mark of respect.

### Special adjournment for the National Day of Mourning

On 20 September, the House also resolved on the voices that, on its rising on Wednesday 21 September, it would adjourn until Tuesday 11 October 2022. The consequence of this resolution was that the House would not sit on Thursday 22 September in order to observe the National Day of Mourning public holiday.

*Votes and Proceedings (Proof)*: 20/9/2022, pp. 1851-2; p. 1860; 21/9/2022, pp 1872-3; p. 1875; p. 1878.

Standing Order: 365 (Suspension of Standing Orders).



### Procedural note

As a mark of respect and sign of mourning the Parliament observed several protocol arrangements. The arrangements were decided in conjunction with the Office of the Governor and the Department of Premier and Cabinet and included:

- Flags were flown at half-mast from the day of Her Late Majesty's death for 10 days, only rising on the day of the Governor-General's and Governor's readings of the Proclamation of King Charles the Third.
- Black pall ribbons were hung on portraits of her Late Majesty, as well as the flags in the Chamber.
- A condolence book was provided in the Fountain Court for Members and the public to pay tribute.

## Business

### Suspension of Standing and Sessional Orders – Extension of Lapsing Dates for General Business

The changes to the Routine of Business, and in particular the cancellation of two sitting Thursdays on 15 and 22 September, had implications for some private members' bills which were set to lapse after the September sitting period. Thursdays are the day when the House considers general business.

On 21 September, after Question Time, the Member for Newtown, Ms Jenny Leong MP, moved by leave to suspend Standing and Sessional Orders to extend the lapsing dates for the following two bills to 21 October 2022:

- Residential Tenancies Amendment (Tenant Protections and Flood Response) Bill (Ms Jenny Leong MP)
- Environment Planning and Assessment Amendment (Climate Change Response) Bill (Mr Jamie Parker MP)

The bills were otherwise set to lapse on 23 September and were listed as items 1 and 3 on the Business Paper, respectively. In her speech, Ms Leong noted the following:

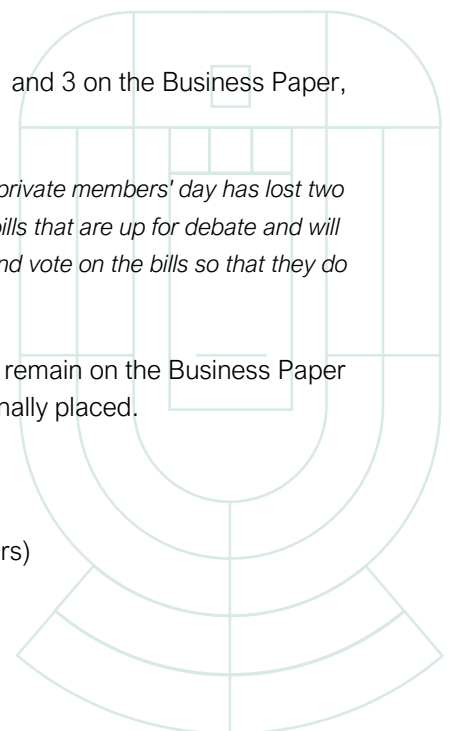
*The suspension of Parliament last week and the public holiday tomorrow means that private members' day has lost two days. The member for Balmain, on whose behalf I move this suspension, and I have bills that are up for debate and will lapse in that time. We are seeking the consent of the House to continue the debate and vote on the bills so that they do not expire as a result of the unforeseen circumstances that face the Chamber.*

The motion was passed on the voices, and as a consequence, both bills will now remain on the Business Paper for the duration of the October sitting weeks in the order in which they were originally placed.

*Votes and Proceedings (Proof): 21/09/2022, pp. 1875-1976*

*Hansard (Proof): 21/09/2022, p. 49*

Standing Orders 105 (General Business) and 365 (Suspension of Standing Orders)





### Procedural note

Unlike Government Business, which does not lapse, SO 105 sets out how long General Business can remain on the business paper before lapsing. General Business Notices of Motions (for bills) and Orders of the Day (for bills) not commenced or completed within six months will lapse. All other General Business will lapse after three months.

Pursuant to SO 365, any Member can move a motion to suspend Standing and Sessional Orders between 10am and 1.15pm. If the motion is moved outside of those times, as was the case with Ms Leong's motion of 21 September, leave must first be granted by the House. Ministers are able to move a suspension motion at any time without leave.

## Committees

### Joint Modern Slavery Committee

On 21 September the House received a message from the Legislative Council advising that it had agreed to establish the Modern Slavery Committee, a joint committee under section 21 of the *Modern Slavery Act 2018* ('the Act').

On the same day, the House agreed to appoint the following Members of the Legislative Assembly to the Committee: the Hon. Leslie Williams MP, Mr Ray Williams MP, Dr Marjorie O'Neill MP, and Dr Joe McGirr MP, and to send a message to the Council.

*Votes and Proceedings*: 21/09/2022, pp. 1871 and 1874.

### Procedural note

The Modern Slavery Act 2018, which commenced on 1 January 2022, sets out the functions and procedures related to the establishment of the Modern Slavery Committee. It includes a requirement that the Chair of the Committee must not be a member of the Government, and also prescribes that the Clerk of the Parliaments is to call the first meeting of the Committee.

The functions of the Committee, as set out under Section 22 of the Act, are:

- (a) to inquire into and report on matters relating to modern slavery, and
- (b) to report to both Houses of parliament of matters relating to modern slavery.