



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-SIXTH PARLIAMENT, FIRST SESSION

NO. 9/2016: 11 – 20 OCTOBER 2016

October 2016				
M	T	W	T	F
10	11	12	13	14
17	18	19	20	21

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.

BILLS

Deferred division on proposed amendments to the Child Protection (Working with Children) and Other Child Protection Legislation Amendment Bill 2016

On 18 October 2016 the House agreed to a motion moved by the Leader of the House to suspend Standing and Sessional Orders to:

- Permit the House to sit past 10.00 pm;
- Provide that no motions for the adjournment of the debate on the *Child Protection (Working With Children) and Other Child Protection Legislation Amendment Bill 2016* or the *Waste Avoidance and Resource Recovery Amendment (Container Deposit Scheme) Bill 2016* be entertained for the remainder of the sitting;
- Provide that from the commencement of Government Business until rising of the House, no divisions be conducted or quorums be called; and
- Provide that any division called be postponed and conducted tomorrow.

Later, during the Consideration in Detail of the *Child Protection (Working with Children) and Other Child Protection Legislation Amendment Bill 2016*, amendments were moved to the bill and a division was called. In accordance with the earlier resolution, the conduct of the division was deferred until the next day.

At approximately 10.30 am the next day the division on the proposed amendments was conducted with the House voting not to agree to them. After that, the bill was passed by the House and forwarded to the Legislative Council for concurrence.

Votes and Proceedings: 18/10/2016, pp. 938-9, pp. 944-5.

Standing Orders 41, 97, 173, 187, 203, 365.

BUSINESS

Days of meeting for 2017

On 12 October 2016 the Legislative Assembly agreed to a motion that, unless otherwise ordered, it would meet during the 2017 autumn and spring sittings on the following dates:

Autumn sittings:

February 14, 15, 16, 21, 22 and 23;
March 7, 8, 9, 28, 29 and 30;
April 4, 5 and 6;
May 2, 3, 4, 9, 10, 11, 23, 24, 25, 30 and 31;
June 1, 20, 21 and 22.

Spring sittings:

August 1, 2, 3, 8, 9 and 10;
September 12, 13, 14, 19, 20 and 21;
October 10, 11, 12, 17, 18 and 19;
November 14, 15, 16, 21, 22 and 23, and November 28, 29 and 30 as a potential reserve week.

Votes and Proceedings: 12/10/2016, p. 924.

Standing Order 34.

Re-ordering of General Business – Two General Business Notices of Motion given precedence the following sitting day

On sitting Wednesdays, after Question Time, any two Members may move a motion to re-order a General Business Notice of Motion or an Order of the Day for a Bill that they are in charge of, the effect being to give it precedence the following sitting day over other General Business.

If the re-ordering motion from the first Member who the gets the call is passed by the House, the second Member seeking to re-order a General Business item is not permitted to move a subsequent motion. However, the second Member may state the case for their motion or bill being given precedence when speaking to the first motion.

The ultimate effect of this is that only one General Business Notice of Motion and/or Order of the Day for a Bill may be given precedence each sitting week.

On 19 October 2016, however, a motion that two General Business Notices of Motion (on Western Sydney Projects and the potential charging of an individual, respectively) be given precedence the following day was proposed from the Chair, by leave, and passed by the House.

Votes and Proceedings: 19/10/2016, pp. 951-2.

Standing Orders 96 and 106.

(Procedural note: “Leave” refers to the permission of all Members present in the Chamber at the time to do something that otherwise could not be done under Standing and Sessional Orders at that time or in that way.

A request for leave has to be agreed to unanimously by all Members present in the Chamber. If any one Member objects to a request for leave it cannot be granted, and if leave is granted, it can be withdrawn at any time on the request of any Member.)

SPEAKER

Deputy Speaker opens the sitting

On 20 October 2016 the Deputy Speaker opened the sitting in place of the Speaker, who was absent from the Legislative Assembly on that day.

The Deputy Speaker also presided over Question Time on the day, which is another task that is ordinarily undertaken by the Speaker.

Votes and Proceedings: 20/10/2016, p. 955.

Hansard (Proof): 20/10/2016, p. 1, pp. 30-41.

Standing Order 15.

(Procedural note: In instances where the Speaker is absent from the Legislative Assembly, but not necessarily absent from the State, [Standing Order 15](#) provides for the Deputy Speaker to perform the duties of the Speaker when the House is sitting.

Section 31A of the [Constitution Act 1902](#) provides for the Deputy Speaker to act as the Speaker while the Speaker is absent from the State. It states:

- (1) During the absence from New South Wales of the Speaker the Deputy Speaker of the Legislative Assembly shall act in his place, and for all purposes, whether of this Act or otherwise, shall have and may exercise and perform all the powers, authorities, duties and functions of the Speaker.
- (2) Without prejudice to the generality of subsection (1) the Deputy Speaker of the Legislative Assembly, while acting in the place of the Speaker under that subsection, shall be deemed to be the Speaker for the purposes of section 71 of the [Parliamentary Electorates and Elections Act 1912](#).

ELECTIONS

By-elections for three electorates

On 11 October 2016 the Speaker informed the House that, on 23 September 2016, she had issued writs for by-elections for the electoral districts of Canterbury, Orange and Wollongong, with the following details:

Nomination day – Thursday 27 October 2016

Polling day – Saturday 12 November 2016

Return of writs – Friday 25 November 2016

The by-elections were necessitated by the resignations of Ms Linda Burney, Mr Andrew Gee and Ms Noreen Hay from the Legislative Assembly.

Votes and Proceedings: 11/10/2016, p. 903.

(Procedural note: Section 70 of the *Parliamentary Electorates and Elections Act 1912* states that the Speaker issues writs to fill vacancies occurring as a result of the resignation, death or expulsion of Members.

The dates of by-elections are determined by the Speaker, in consultation with the Electoral Commissioner, the Premier and the Leader of the Opposition.

Once the outcome of a by-election is determined, the poll is declared by the returning officer in the electorate and the writ is forwarded to the Electoral Commissioner, who then returns it to the Speaker.)

VACANCIES

Joint sitting to elect a Member of the Legislative Council

On 12 October 2016 Members of the Legislative Assembly attended the Legislative Council Chamber for a joint sitting to elect a person to fill the seat in the Legislative Council vacated by Ms Sophie Cotsis. Ms Cotsis resigned as a Member of the Legislative Council in order to contest the upcoming by-election for the electoral district of Canterbury.

At the conclusion of the election the Legislative Assembly Members returned to the Assembly Chamber, the sitting resumed at the ringing of one long bell, and a Temporary Speaker reported that Mr John Graham had been elected to fill the Council vacancy.

Votes and Proceedings: 12/10/2016, p. 922.

(Procedural note: In NSW casual vacancies in the Legislative Council are filled by a person elected at a joint sitting of both Houses called by the Governor. If the vacant seat was previously filled by a member of a political party, only another member of that party may be elected to fill the vacancy. This is specified by Section 22D of the *Constitution Act 1902*.

On this occasion the Legislative Assembly attended the Legislative Council in procession led by the Speaker and accompanied by the Mace. The Mace was placed on rests in the Members' Lounge adjacent to the Legislative Council Chamber for the duration of the joint sitting.

During joint sittings of the Houses the Speaker is seated on the dais with the President of the Legislative Council, the Assembly Members sit with their Council colleagues, and the Clerks from both Houses are seated at the Table.)

STAFF

Appointment of the Acting Clerk of the Legislative Assembly and Acting Deputy Clerk

On 11 October 2016 the Speaker advised the House of the appointment, on 26 September 2016, of Ms Helen Minnican as Acting Clerk of the Legislative Assembly and Mr Leslie Gonye as Acting Deputy Clerk.

Votes and Proceedings: 11/10/2016, p. 904.