



PROCEDURAL DIGEST

Legislative Assembly

FIFTY-FIFTH PARLIAMENT, FIRST SESSION

NO. 10: 6 MARCH – 15 MARCH 2012

March 2012				
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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

10.1 *Standing Orders suspended to permit a member to resume speech*

During debate on a bill, the Acting Speaker directed a member to discontinue their speech for persisting in irrelevance. The Leader of the House then suspended standing and sessional orders to enable the member to resume and conclude their speech.

Votes and Proceedings: 7 March 2012, pp. 586-7

Hansard: 7 March 2012, galley p. 29

Standing Order 59

Standing Order 365

(NB: Standing and sessional orders were required to be suspended to enable the member to resume their speech as another member had already commenced their speech. If no member had started speaking after the ruling had been made a motion could have been moved in accordance with Standing Order 60 "That the Member for ... be further heard". This would have had the same effect as the suspension in allowing a member to resume their speech).

10.2 *Community Recognition Notices*

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

Votes and Proceedings: 8 March 2012, pp. 595-609 & 15 March 2012, pp. 629-41

Hansard: 8 March 2012, pp. 9-19 & 15 March 2012, pp. 1-9

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).

10.3 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: 8 March 2012, p. 611 & 15 March 2012, p. 644

Hansard: 8 March 2012, galley p. 36 & 15 March 2012, p. 36

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 session 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).

10.4 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 "requesting that all revenue raised from traffic enforcement cameras be spent on road safety initiatives." In accordance with the sessional order, no question was put at the conclusion of the discussion.

Votes and Proceedings: 8 March 2012, p. 613

Hansard: 8 March 2012, galley pp. 64-7

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 a moratorium on coal seam gas mining until a Royal Commission into its impacts is conducted and requesting a ban on hydraulic fracturing extraction." In accordance with the sessional order, no question was put at the conclusion of the discussion.

Votes and Proceedings: 15 March 2012, p. 646

Hansard: 15 March 2012, galley pp. 65-9

Standing Order 125A (adopted as a sessional order)

CHAMBER

10.5 Disorder in the public gallery

Following continued interruption by visitors in the gallery, the Speaker directed the attendants to clear the public gallery and left the Chair for a number of minutes while the gallery was being cleared.

Votes and Proceedings: 15 March 2012, p. 646

Hansard: 15 March 2012, p. 69

Standing Order 260

COMMITTEES

10.6 Notification of inquiry

The Chair of the Joint Standing Committee on Road Safety informed the House that the Committee had resolved to conduct an inquiry into driver and road users' distraction.

Votes and Proceedings: 6 March 2012, p. 579

Hansard: 6 March 2012, galley p. 28

Standing Order 299(1)

The Chair of the Legislative Assembly Committee on Community Services informed the House that the Committee had resolved to conduct an inquiry into outsourcing housing, disability and home care service delivery from the government to non-government sector.

Votes and Proceedings: 6 March 2012, p. 579

Hansard: 6 March 2012, galley p. 28

Standing Order 299(1)

The Chair of the State and Regional Development Committee informed the House that the Committee had resolved to conduct an inquiry into inter-regional public transport.

Votes and Proceedings: 7 March 2012, p. 587

Hansard: 7 March 2012, galley p. 46

Standing Order 299(1)

DIVISIONS

10.7 Five Members or Fewer

Without completing the division, the Assistant Speaker declared the question "That this bill be now agreed to in principle" (Centennial Park and Moore Park Trust Amendment Bill) passed as there were only four members in the minority who had challenged his decision.

Votes and Proceedings: 13 March 2012, p. 619

Hansard: 13 March 2012, galley p. 51

Standing Order 181

JOINT SITTING

10.8 *Vacancy in the Australian Senate*

The Speaker reported a message from the Governor transmitting a copy of a despatch dated 5 March 2012, received from the President of the Senate, notifying of a vacancy in the representation of the State of New South Wales in the Senate of the Commonwealth of Australia.

After the Speaker reported the message, a motion moved by the Attorney General was agreed to: That the House meet together with the Legislative Council for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of senator the Honourable Mark Arbib and for a message to be sent to the Legislative Council informing it of the resolution of the House and requesting the Council to fix a time and place for the joint sitting.

Votes and Proceedings: 6 March 2012, pp. 576-7

Hansard: 6 March 2012, galley p. 15

Standing Order 248

Standing Order 336

The Speaker reported a message from the Legislative Council agreeing to the Assembly's request for a joint sitting to elect a person to the vacant seat in the Australian Senate and advising that the Joint Sitting would be held that day at 5.15 pm.

At the time for the Joint Sitting the House proceeded to the Legislative Council Chamber and upon return the Speaker reported that the Honourable Robert John Carr had been elected to fill the vacancy and the Speaker tabled the minutes of the proceedings of the Joint Sitting.

Votes and Proceedings: 6 March 2012, pp. 578-9; & pp. 582-3

Hansard: 6 March 2012, galley pp. 27-8; & p. 48

Standing Order 339

(NB: Section 15 of the Australian Constitution provides that if the place of a senator becomes vacant before the expiration of their term of service, the Houses of Parliament of the State for which they were chosen, sitting and voting together shall choose a person to hold the place until the expiration of the term. Provision is made for the Governor to appoint a person to hold the casual vacancy when the House is "not in session", which effectively means the Governor can only make an appointment to the Senate during periods when the Parliament is prorogued.)

QUESTION TIME

10.9 *Request for additional information*

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: 6 March 2012, p. 578

Hansard: 6 March 2012, galley p. 20

Standing Order 131(3)

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: 6 March 2012, p. 578

Hansard: 6 March 2012, galley p. 23

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: 6 March 2012, p. 578

Hansard: 6 March 2012, galley p. 25

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: 7 March 2012, p. 587

Hansard: 7 March 2012, galley p. 40

Standing Order 131(3)

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

Votes and Proceedings: 7 March 2012, p. 587

Hansard: 7 March 2012, galley p. 45

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: 8 March 2012, p. 612

Hansard: 8 March 2012, galley p. 45

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: 8 March 2012, p. 612

Hansard: 8 March 2012, galley p. 47

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: 8 March 2012, p. 612

Hansard: 8 March 2012, galley p. 50

Standing Order 131(3)

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: 13 March 2012, p. 615 & 15 March 2012, p. 645

Hansard: 13 March 2012, galley p. 19 & 15 March 2012, p. 44

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: 14 March 2012, p. 622

Hansard: 14 March 2012, galley p. 37

Standing Order 131(3)

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

Votes and Proceedings: 15 March 2012, p. 645

Hansard: 15 March 2012, galley p. 48

Standing Order 131(3)

10.10 Question ruled out of order

The Speaker ruled a question out of order for seeking confirmation of media reports.

Hansard: 6 March 2012, galley p. 21 & 8 March 2012, galley p. 41

Standing Order 128(3)(d)

(NB: Standing Order 128(3)(d) provides that questions should not ask for confirmation of rumour or media reports.)

The Speaker ruled a question out of order for containing an imputation of improper motive.

Hansard: 6 March 2012, galley p. 24

Standing Order 128(2)(d)

(NB: Standing Order 128(2)(d) provides that questions should not contain imputation.)

10.11 Supplementary Question

A supplementary question was allowed as it arose from the Minister's answer to the original question.

Hansard: 8 March 2012, p. 48 & 14 March 2012, p. 36

Standing Order 131(6)

(NB: Standing Order 131(6) provides that one supplementary question per Question Time may be asked immediately by the Member asking the original question. Speakers' rulings have indicated that a supplementary question must arise from the Minister's answer to the original question and be related to the original question.)

10.12 Supplementary Answer

The Attorney General gave a supplementary answer to a question asked of him the previous sitting week.

Votes and Proceedings: 7 March 2012, p. 587

Hansard: 7 March 2012, galley p. 46

Standing Order 131(8)

(NB: Supplementary answers may be given for questions asked at that sitting or at any previous sitting at the conclusion of Question Time.)

10.13 Premier answers a question on behalf of another Minister

The Premier answered a question addressed to the Minister for Tourism, Major Events, Hospitality and Racing.

Hansard: 13 March 2012, galley p. 20

(NB: This is not covered by any standing order. However, the practice of the House has been that the Premier is able to answer any questions about Ministers and whole of Government matters.)