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Chapter 1: Introduction

Purpose of the short guide

This Guide provides a brief explanation and practical overview of the practices and procedures of the Legislative Assembly. It is not intended to be a comprehensive authority. Where appropriate, references to further information have been provided.

In addition to the resources mentioned, Members are able to contact the Clerks and staff from the Table Office for assistance with procedural queries.

Contact details

Clerk
Ronda Miller, 9230 2222

Deputy Clerk
Mark Swinson, 9230 2223

Clerk-Assistant, Table & Serjeant-at-Arms
Les Gönye, 9230 2224

Clerk-Assistant, Committees & Corporate
Helen Minnican, 9230 2225

Table Office
Level 8, 9230 2216

Procedural authorities and sources


- Standing Orders – the main rules by which the House operates, which regulate its conduct, procedures and modes of communication with the Legislative Council. There are 370 standing orders which have been agreed to by the Legislative Assembly and approved by the Governor. They are binding and of force. Standing Orders can be suspended to allow for something not provided in, or contrary to, the standing orders. Copies are available from the Table Office.

- Sessional Orders – temporary rules that vary the existing rules or introduce new procedures. Sessional orders are agreed to by the House but do not require the Governor’s approval. They are only valid for the session of Parliament for which they have been adopted.

- Precedents set by rulings from the Chair – during debates, the Chair makes rulings on the conduct of debate which assist in the interpretation of standing orders and are used as precedents for future rulings. The rulings of the Chair are contained in the publication Decisions from the Chair: Consolidated Rulings, which is updated on an annual basis and is available from the Clerk.

- New South Wales Legislative Assembly Practice, Procedure and Privilege.
• Precedents from other Parliaments — most commonly we refer to House of Representatives Practice and May's Parliamentary Practice relating to the United Kingdom House of Commons.

Parliamentary terminology

Parliament: the period between an election and the dissolution or expiration of the House.

Session: A Parliament can be divided into more than one session. A session begins when the Parliament meets in accordance with a proclamation issued by the Governor, and ends when the Parliament is prorogued by the Governor or when the Assembly is dissolved or expires by effluxion of time.

Sittings: a group of sitting weeks between recesses. There are usually two distinct sitting periods each year the Autumn or Budget sittings and the Spring Sittings with a winter recess.

Leave: the consent of the House to do something that is different to that provided for in the standing and sessional orders. The Chair asks “Is leave granted?” and if any Member objects, leave is automatically refused. Members must seek the leave of the Speaker to make a personal explanation, speak from the Member’s seat, or incorporate material in Hansard.

Notice of motion: a notice given by a Member of a motion that they intend to move on a future day.

Order of the day: an item of business not yet concluded which the House has ordered to be taken into consideration for a future day or in some cases for a later hour of the same day.
Chapter 2: Start of a new Parliament

Opening of Parliament

On the day that the Parliament has been summoned to meet, the House will meet at the designated time, after the bells have been rung.

The Members of the Legislative Assembly attend in the Legislative Council Chamber to hear the commission for the opening of Parliament read. Members will then return to the Legislative Assembly Chamber and certain Members, usually the Premier, the Deputy Premier and the next senior Minister are empowered to administer the Pledge of Loyalty to other Members.

Members are called in order of electorate (A-Z) and to take the Pledge of Loyalty and sign the roll.

The House then elects a Speaker, Deputy Speaker and an Assistant Speaker. Once they are elected the Premier will present the Law of Evidence Bill. This Bill is symbolic only and is introduced at the commencement of each session in order for the House to assert its right to meet and legislate.

At some stage of the proceedings, the sitting will be suspended for Members of the House to proceed to Government House to present the Speaker to the Governor. The Speaker will, in the name and on behalf of the House, lay claim to its undoubted rights and privileges.

Further information:
- Section 4.1 New South Wales Legislative Assembly Practice, Procedure and Privilege;
- Procedural Note No. 1 – Proceedings on the first day of a new Parliament;
- Standing Orders 2, 10, 11, 12, 13, 14.

Inaugural speech

A Member’s inaugural speech is the first speech a Member makes in the Legislative Assembly. The House can agree to a motion for the business of the House to be interrupted at a specified time to permit a Member to make an inaugural speech (SO 63).

It is the custom of the House that Members provide a measure of courtesy to Members making their inaugural or first speech and refrain from making interjections and other interruptions.

Members may speak for 15 minutes when making an inaugural speech with a 5 minute extension.

Members are not precluded from making a private Members’ statement or asking a question prior to making an inaugural speech.

Further information:
- Section 11.3 New South Wales Legislative Assembly Practice, Procedure and Privilege;
- Procedural Note No. 2 – Inaugural Speeches;
- Standing Order 63.
Chapter 3: In the Chamber

Seating arrangements

The seating in the Legislative Assembly is in a horse-shoe arrangement. Members from the Government sit on the Speaker's right and Opposition and Independent Members on the left. The front benches are reserved for Ministers and Shadow Ministers respectively. There are no allocated seats for other Members and it is a matter for the party whips as to where Members should be seated.

Speaking from the Table

Members come to the Table to speak in debate at one of the lecterns, except at Question Time where a Member asking a question may do so from their seat.

Decorum in the Chamber

The rules of decorum and custom in the House require that Members:

- Set their mobile phones and other devices to silent mode before they enter the Chamber.
- Stand when the Speaker enters the Chamber and remain standing until the Prayer and Acknowledgement of Country are read;
- Remain seated during debate unless moving in or out of the Chamber (SO 54);
- Not pass between the Chair and the Table whilst the Chair is occupied or between the Chair and the Member speaking (SO 53);
- Not leave when the Speaker is standing or putting a question, when a quorum is called for or after the doors are locked for a division (SO 51);
- Address their remarks to the Chair and not directly to another Member;
- Refer to other Members by their title of office or electorate (the Minister for …; the Member for …) (SO 75);
- Sit and be silent whenever the Chair rises during a debate (SO 50);
- Not leave the Chamber immediately when finished a speech during a debate;
- Not converse or make any noise or disturbance (SO 52) – A level of interjection by other Members while a Member is speaking is tolerated. Such interjection must be kept within limits and not prevent the Member being heard;
- Not read books or newspapers unconnected with the business before the House;
- Not clap;
- Refer to the Legislative Council as "another place" or "the other place";
- Not converse with persons in the Galleries or the floor of the Chamber.

Disorder

The Speaker is responsible for keeping order in the House. If a Member considers that another Member’s conduct is offensive or disorderly, they may call the Speaker’s attention to a point of order. The Speaker will then rule on the point of order. The Speaker’s decision is final unless the House agrees to a motion to dissent from a ruling or decision of the Speaker.

If a Member’s conduct is grossly disorderly, the Speaker will call the Member to order. If a Member receives more than three calls during any one sitting, the Speaker may direct the Serjeant-at-Arms to remove the Member from the Chamber. A Member who is removed from the House is not allowed to
remain within the Parliamentary precincts for the remainder of the sitting and cannot take part in any proceedings of the House or its committees (S.O. 249).

In accordance with Standing Order 249A, which has been adopted as a sessional order for the current session, the Speaker can direct a Member to leave the Chamber for up to three hours for gross disorder. The Speaker does not need to place the Member on a call to order before directing them to leave. The Speaker may direct a Member to leave for a set period of time (i.e. one hour) or until the conclusion of certain business (i.e. for the remainder of Question Time).

Naming a Member
In certain cases the Speaker may name a Member for:

- Persistently and wilfully obstructing the business of the House;
- Being guilty of disorderly conduct;
- Using offensive words and refusing to withdraw them;
- Persistently and wilfully refusing to conform to any standing order;
- Persistently and wilfully disregarding the authority of the Chair (SO 250).

When a Member is named, the Speaker will forthwith propose the question “That the Member for ... be suspended from the service of the House.” The Member may make a 5-minute explanation and, if the motion is carried, is suspended for between 2 to 8 days, depending on whether the Member has been previously suspended during the same session. A suspended Member is not allowed to remain within the precincts of Parliament House for the duration of the suspension and cannot participate in any proceedings of the House or its committees (SO 251).

Quorum
A quorum is 20 Members, excluding the Member Presiding. A Member may draw the Chair’s attention to the lack of a quorum by calling the attention of the Chair to the "state of the House". The Chair will order the bells to be rung for up to 4 minutes and debate will continue when a quorum has been formed.

Dress standard
There is no prescribed minimum dress standard for Members of the Legislative Assembly. However, Members are expected to be dressed in appropriate business attire whilst in the Chamber.
Chapter 4: What happens on a typical sitting day?

Routine of business

The daily operations of the House are set down in the standing orders, as amended by sessional orders. The House commences sitting at 12.00 noon on Tuesday and at 10.00 am on Wednesday and Thursday. The routine of business, as set out in the sessional orders, is:

**Tuesday**
1. At 12.00 noon the Speaker takes the Chair
2. Giving of General Business Notices of Motions (General Notices)
3. Private Members’ Statements
4. At 1.30 pm the Speaker leaves the Chair
5. At 2.15 pm the Speaker resumes the Chair
6. Ministerial Statements
7. Giving of Notices of Motions (Government Business, Bills, Business with Precedence)
8. Giving of Notices of Motions to be Accorded Priority
9. Question Time
10. Ministerial Statements
11. Papers
12. Committees – Tabling of reports and notification of inquiries
13. Petitions
14. Announcement of Matter of Public Importance
15. Placing or Disposal of Business
16. Motion Accorded Priority
17. Business with Precedence
18. At 4.00 pm Business before the House is interrupted for Government Business. Any interrupted business lapses except when the House is considering Business with Precedence which will stand as an order of the day for tomorrow.
19. At 7.00 pm Business before the House is interrupted for Private Members’ Statements. Any interrupted item of Government Business shall stand as an order of the day for tomorrow. If at the time of interruption a division is in progress, that division shall be completed.
20. Matter of Public Importance
21. Adjournment at 7.45 pm or at the conclusion of the Matter of Public Importance, if concluded before 7.45 pm

**Wednesday**
1. At 10.00 am the Speaker takes the Chair
2. Giving of General Business Notices of Motions (General Notices)
3. Government Business concluding at 1.15 pm. Any interrupted item of Government Business shall stand as an order of the day for a later hour of the day. If at the time of interruption a division is in progress, that division shall be completed.
4. Community Recognition Statements concluding at 1.30 pm
5. At 2.15 pm the Speaker resumes the Chair
6. Ministerial Statements
7. Giving of Notices of Motions (Government Business, Bills, Business with Precedence, and notices to be the subject of a motion to re-order later in the sitting)
8. Giving of Notices of Motions to be Accorded Priority
9. Question Time
10. Ministerial Statements
11. Papers
12. Committees – Tabling of reports and notification of inquiries
13. Petitions
14. Announcement of Matter of Public Importance
15. Re-ordering of General Business Orders of the Day (for Bills) and General Business (Notices of Motions)
16. Placing or Disposal of Business
17. Motion Acceded Priority
18. Business with Precedence
19. At 4.00 pm Business before the House is interrupted for Government Business. Any interrupted business lapses except when the House is considering Business with Precedence which will stand as an order of the day for tomorrow.
20. At 6.30 pm the Speaker leaves the Chair. Any interrupted item of Government Business shall stand as an order of the day for a later time. If at the time of interruption a division is in progress, that division shall be completed.
21. At 7.00 pm the Speaker resumes the Chair.
22. Private Members’ Statements
23. Government Business concluding at 9.45 pm. Any interrupted item of Government Business shall stand as an order of the day for tomorrow. If at the time of interruption a division is in progress, that division shall be completed.
24. Matter of Public Importance
25. Adjournment at 10.00 pm or at the conclusion of the Matter of Public Importance, if concluded before 10.00 pm.

Thursday
1. At 10.00 am the Speaker takes the Chair
2. Giving of General Business Notices of Motions (General Notices)
3. General Business Notices of Motions for Bills (concluding not later than 10.30 am). Any interrupted item of business shall be set down as an order of the day for tomorrow with precedence of other General Business Notices of Motions for Bills.
4. General Business Orders of the Day for Bills (concluding not later than 11.30 am or after the expiry of 60 minutes from the commencement of General Business Orders of the Day for Bills if commenced earlier than 1030 am). Any interrupted item of business shall stand as an order of the day for tomorrow. If at the time of interruption, a division is in progress, that division shall be completed.
5. General Business Notices of Motions or Orders of the Day (not being Bills) concluding at 1.00 pm. Any interrupted business shall stand as an order of the day for tomorrow with precedence of other general Business (not being Bills). If at the time of interruption a division is in progress that division and any other division(s) to determine the matter shall be completed.
6. At 1.00 pm consideration of committee reports presented concluding at 1.30 pm. Any interrupted item of business shall stand as an Order of the Day for tomorrow.
7. At 2.15 pm the Speaker resumes the Chair
8. Ministerial Statements
9. Giving of Notices of Motions (Government Business, Bills, Business with Precedence)
10. Question Time
11. Ministerial Statements
12. Papers
13. Committees – Tabling of reports and notification of inquiries
14. Petitions
15. Placing or Disposal of Business
16. Business with Precedence
17. Government Business
18. At 4.30 pm business before the House is interrupted for Business of the House – Petitions. Any interrupted item of Business with Precedence or Government Business shall stand as an order of the day for tomorrow. If at the time of interruption a division is in progress, that division shall be completed.
19. Community Recognition Statements
20. Private Members' Statements after which the House shall adjourn without motion until the next sitting day.

Further information
• Chapter 12 New South Wales Legislative Assembly Practice, Procedure and Privilege.
Chapter 5: Business of the House

Government Business
Government Business is those notices of motions and orders of the day in the charge of Ministers. Government Business takes up the largest proportion of time in the House. Ministers can arrange Government Business in any order.

Further information
• Standing Order 102.

General Business
General Business is also referred to as private Members’ business as it is those notices of motions and orders in the charge of private Members. It is conducted on Thursday:

• After the giving of General Business (General Notices) until 10.30 am - introduction of private Members’ public bills;
• From 10.30 am to 11.30 am (or at the conclusion of 60 minutes from the commencement of debate it commenced earlier) - debate on private Members’ public bills; and
• From 11.30 am until 1.00 pm - debate on general motions.

Establishing the program for general business
The program for general business days is established on Wednesday. Members advise the Clerk in writing prior to 12.00 pm on Wednesday which general business standing in their name on the Business Paper is to be postponed. A Party Whip may also advise the Clerk on behalf of Members of their party.

The first ten notices on the business paper not advised to be postponed are deemed to be proceeding. If a Member has been granted leave of absence it is accepted practice that the business standing in their name is postponed. Members can withdraw or postpone any notice of motion or withdraw and, on motion, discharge an order of the day when it is called on.

When the House proceeds to consider items of general business Members must be present and take some action when the item of general business standing in their name is called on or else the item lapses.

Re-ordering general business
On Wednesday Members are afforded an opportunity to reorder general business orders of the day for the resumption of debate on a private Member’s bill, standing in their name, and any notice of motion (general notices) listed on the business paper or given that day standing in their name (SO 106).

Members seeking to reorder their item of business may make a statement of up to three minutes in support of the reordering. Only one item under each category (i.e. one order of the day (for bills) and one notice of motion (general notices)) may be reordered each week.

Further information
• Sections 12.3.1 and 12.3.2 New South Wales Legislative Assembly Practice, Procedure and Privilege;
• Standing Orders 101, 105, 106 and 107 (as amended by sessional orders).
Private Members' Statements

Each sitting day time is provided for Members to make a 5 minute statement on a matter of particular concern to their electorate or of local import. Members may also touch on issues other than local ones so long as the matter raised affects constituents directly.

Further information
- Section 12.10 New South Wales Legislative Assembly Practice, Procedure and Privilege;
- Procedural Note No. 3 – Raising a Matter for Debate;
- Standing Order 108 (as amended by sessional order).

Community Recognition Statements

On Wednesday and Thursday Members are provided with an opportunity to make 60 second statements of a congratulatory nature or acknowledging achievements of people and groups in the community.

The scope of Community Recognition Statements includes:
- Those that are congratulatory in nature and predominantly of a local or private nature and uncontroversial (e.g. congratulating a particular person or group of people for an achievement);
- Those that recognise charity work, retirements or honour awards (e.g. sporting achievements, school awards etc); and
- Words of thanks or condolence.

The sessional orders specify that Community Recognition Statements should not contain:
- Matters of policy;
- Requests for the Government or the House, or another body to take some form of action or inaction; or
- Criticisms or negative reflections on any person, including Members, Office Holders, the Government, the Opposition or a third party.

Members are not able to make consecutive statements.

Further information
- Procedural Note No. 3 – Raising a Matter for Debate;
- Standing Order 108A (as adopted by sessional order).

Motions Accorded Priority

Up to two Members may give the House notice that a motion should be accorded priority over other business of the House on Tuesday and Wednesday. If more than one such notice is received then Members are given three minutes to say why their motion should be considered. The motion the House chooses is then debated and voted on. These motions may be amended.

Further information
- Section 12.9 New South Wales Legislative Assembly Practice, Procedure and Privilege;
- Standing Order 109 (as amended by sessional order).
Matters of Public Importance

The Matter of Public Importance (MPI) procedure provides Members with a vehicle to discuss a matter but not have the House make a final judgement by way of resolution. Topics are provided to the Speaker prior to 12.00 noon on Tuesday and Wednesday, and the Speaker will determine whether the matter is of sufficient public importance to take up the time of the House. The Speaker’s decision in this matter cannot be challenged. It is the usual practice of the Speaker to alternate between matters raised by the Government and non-Government Members.

Further information
- Section 12.6 New South Wales Legislative Assembly Practice, Procedure and Privilege;
- Standing Order 110 (as amended by sessional order).

'Take Note' debate on committee reports

On Thursday there is an opportunity for Members to speak on parliamentary committee reports tabled during the current session. The Chair of a committee may speak for up to 6 minutes and up to 4 other Members can speak up to 4 minutes on each report.

Further information
- Section 26.8.3.4 New South Wales Legislative Assembly Practice, Procedure and Privilege;
- Standing Order 306 (as amended by sessional order).

Business with precedence

Certain matters are accorded precedence of all other business. Such business includes: no confidence motions in the Government, a Minister or the Speaker; censure of a Member or the Speaker; dissents from a Speaker’s ruling; matters of privilege or contempt; expulsion of a Member; arrangement of business of the House; days and hours of sitting; disallowance of statutory rules; votes of thanks or condolence; printing of papers; or other business accorded precedence by the House.

Further information
- Section 12.5 New South Wales Legislative Assembly Practice, Procedure and Privilege;
- Standing Order 118.

Tabling of documents

Many Acts require documents to be tabled. Tabling papers is an important method of making information available to the House and the public. Tabled documents include annual reports, reviews of legislation, reports of the Auditor-General and other statutory officers and other documents such as statements of corporate intent for State owned corporations.

Further information
- Chapter 25 New South Wales Legislative Assembly Practice, Procedure and Privilege;
- Standing Orders 264, 265, 266, 267, 268, 269 and 270.
Chapter 6: Legislation

Obtaining copies

All bills, Acts and regulations are available online; select the 'legislation' link from the intranet home page to access bills and the link to the NSW legislation website to access all Acts and regulations www.legislation.nsw.gov.au

Bills become publicly available at the time the Minister hands up copies of the bill (introduces it) and commences to make the second reading speech; copies are also available in the Chamber and also from the Table Office on Level 8.

Stages in the passage of legislation

With the exception of money bills, which must originate in the Legislative Assembly, bills can be introduced into either House of Parliament. The stages of bills introduced into the Legislative Assembly are:

Notice of motion

Intention to introduce legislation must be given by notice. When the Speaker calls for notices of motions for Government Business or Bills, the Member/Minister in charge of the bill will rise and say, "Mr Speaker, I give notice of motion to introduce the ...[short title]...Bill". The Member hands three copies of the notice to the Clerk and its full text is printed in the Business Paper (SO 134).

Introduction and passage through the House

At the same or a subsequent sitting, the Member who gave notice of the motion (the mover) will rise and say, "Mr Speaker, I move, That a bill be introduced for an Act ...[long title of the bill]". The Speaker puts the question "That this bill be now introduced." The mover then says, "Mr Speaker, I bring up the bill", and hands three copies to the Clerk. This constitutes the first reading and there is no debate at this stage.

The Member usually then moves immediately "That the bill be now read a second time" and gives their speech. Debate is then adjourned for five clear days unless standing orders have been suspended.

The second reading stage allows for a wide-ranging debate on the principles of the bill. After the lead speakers, each Member may speak for a maximum of 10 minutes plus a 5 minute extension; if requested and agreed to by the House. At the conclusion of the debate, the Member who moved the motion has a right of reply. The Speaker then puts the question "That this bill be now read a second time".

If the question is agreed to, the Speaker shall call on the Member with carriage of the bill to move the third reading forthwith unless a Member requests consideration of the bill in detail; or the Member in charge of the bill moves for consideration of the bill pro forma or requests the Speaker to set down consideration of the bill in detail as an order of the day for a later time (SO 203). When the House agrees to the third reading the bill has passed the House.

Where a Member wishes to move an amendment to a bill or would like to ask specific questions about the bill's provisions, the House considers the bill in detail in accordance with the Member's request. The bill is examined clause by clause, and schedule by schedule, or in groups of clauses and schedules. Amendments may also be moved.
Once the House has concluded the consideration in detail stage the motion is moved “That this bill be now read a third time” and the bill is transmitted to the Legislative Council with a message requesting its concurrence. The bill passes through similar stages as for the Legislative Assembly and, if agreed to without further amendment, is sent to the Governor for assent.

Disagreement between the Houses
If the Legislative Council amends the bill, it is returned to the Legislative Assembly for consideration of the amendment. If the Assembly agrees to the amendment, the bill is sent to the Governor for assent. If however, the Assembly disagrees with the amendment, the bill is returned to the Legislative Council with a message explaining the reasons for the disagreement. If the Legislative Council insists on its amendments, the bill continues to pass between the Houses until either agreement is reached, the bill is laid aside or a conference of managers (representatives of both Houses) is held in order to reach a compromise. If there is no agreement at this stage, the Government can, under section 5B of the Constitution Act 1902 have the matter determined by the people at a referendum in respect of a bill initiated in the Legislative Assembly.

In the case of a disagreement between the Houses in respect of an appropriation (money) bill for the ordinary annual services of the Government, section 5A of the Constitution Act 1902 provides that the bill may be sent directly by the Legislative Assembly to the Governor for assent, with or without the amendments, which are the subject of the disagreement.

Further information
• Chapter 20 New South Wales Legislative Assembly Practice, Procedure and Privilege;
• Standing Orders 188-203.

Amendments to bills
Amendments are made to bills during the consideration in detail stage. Amendments must be drafted by the Parliamentary Counsel’s Office. That Office prepares a draft for the Member’s approval. Members are required to advise the Clerks of their intention to move an amendment and must provide a confidential copy to the Clerks in advance in order for the amendment to be checked for procedural admissibility.

When the bill is considered in detail, the clauses and schedules are usually dealt with in groups by leave of the House. Only when it is intended that an amendment be moved or debate is to occur are clauses or schedules proposed separately. When the relevant clause or schedule is proposed, the Chair will call the Member to move the amendment(s). Following debate the question will be put on the amendment.

Further information
• Chapter 21 New South Wales Legislative Assembly Practice, Procedure and Privilege;
• Legislative Assembly Fact Sheet No. 9 – Consideration in detail: amending bills
• Standing Orders 204-217.

Private Members' Bills
Any bill introduced by a Member who is not a Minister, which deals with a matter or matters of general public interest (the public interest) are called private Members' bills. Such bills are introduced and considered during the time set aside for general business.
Private Bills

This is a bill that deals with matters for the particular interest or benefit of a person or body of persons. For example, the last private bill to be passed by the House related to matters concerning a specific tourist information centre. As private bills do not deal with public policy they are sponsored by a private Member and must be initiated by petition.

Further information
- Section 20.3 New South Wales Legislative Assembly Practice, Procedure and Privilege;
- Standing Orders 358-363.

Delegated legislation

Delegated or subordinate legislation or “statutory rules” are regulations, by-laws or ordinances made, approved or confirmed by the Governor or a rule of court.

A regulation is made pursuant to an Act of Parliament, and provides the detail (administrative arrangements) to the broad outline given by the respective Act. To avoid having Parliament consider every minor change to the administration of a particular scheme set up by an Act of Parliament, each Act usually contains a provision enabling regulations to be made under that Act so that the fine detail can be formulated.

Statutory instruments are tabled in each House and, Members then have 15 sitting days in which to lodge a motion to disallow either all or part of that instrument (S.O. 116). If no disallowance motion is lodged, the statutory instrument comes into force with effect from the date of publication in the Gazette or on the Parliamentary Counsel’s Legislation Website.

A Statutory Instruments Paper is published by both Houses each sitting week or, if the House is in recess, on the first week of each month. The document provides the title of the statutory instrument, the date it was published on the NSW Legislation Website, and information on the tabling date and last date for lodgement of a disallowance motion.

Further information
- Section 12.12 New South Wales Legislative Assembly Practice, Procedure and Privilege;
- Standing Orders 32, 116.
Chapter 7: Rules of debate

Speaking

A Member may only speak: on a matter being debated; when moving a motion; when moving an amendment; when making a point of order or raising a matter of privilege suddenly arising; to make a personal explanation; or to explain what they have said when misunderstood or misquoted (SO 61).

In addition, a Member may speak only once on each question (SO 64). However, there are a number of exceptions to this rule: the Member in charge of the order of the day is entitled to pre-audience when the matter is brought on for debate; a Member may speak in explanation or in reply; and a Member may speak more than once during consideration in detail of any matter.

Further information
  • Section 11.1.1 New South Wales Legislative Assembly Practice, Procedure and Privilege;

Seeking the call

A Member wishing to speak will not be recognised by the Chair unless the Member rises and seeks the call. To do this a Member calls “Mr Speaker or “Madam Speaker” as soon as the preceding speaker in the debate concludes their speech. After being recognised the Member may then speak at the Table, or from their seat if they are ill or disabled (S.O. 55 and 56).

If a Member does not seek the call they will not be entitled to speak, even if there is an item of business standing in their name.

The Speaker exercises discretion over which Member shall be given the call. However, the convention has been for the Chair to alternate between government and non-government Members during debate.

Further information
  • Standing Order 55 and 56.

Time limits

Time limits for debates and speeches are set out in standing order 85. Many debates have specific time limits, although there are a number that allow certain Members to speak for an unlimited time.

The time limits that apply to a Member’s speech include any time taken up by interruptions such as points of order, quorum calls and divisions.

Further information
  • Section 11.9 New South Wales Legislative Assembly Practice, Procedure and Privilege;
  • Standing Order 85 (as amended by sessional order).

Content of speeches

The content of speeches is regulated by the standing orders. Members are not permitted to quarrel; anticipate discussion of a matter on the Business Paper; reflect on a previous decision; use the name of
the Governor or Sovereign disrespectfuly or to influence the House; or use offensive words against the
judiciary or a statute.

Relevancy
Members’ comments in the House must be relevant to the subject matter of the debate (S.O. 76). When a
bill is being considered in detail discussion must be confined to the clause or clauses under consideration.
However, reference is usually permitted to other clauses or the explanatory notes attached to the bill
when this is necessary to elucidate the meaning of the speaker.

Offensive words/ unparliamentary language
Members cannot use offensive words against either House or its Members, a Member of the judiciary or a
statute, unless moving for its repeal (S.O. 72). If Members wish to criticise other Members (in either
House) they must do so by way of a specific and distinct substantive motion (S.O. 73).

Objections that any particular words or language used are offensive must be taken immediately and the
standing orders require the Speaker to intervene (S.O. 74). If a Member takes exception to a remark on
the ground that it is personally offensive, the Chair will ask the Member if the Member will withdraw the
remark. Members may be required to apologise if the words used are extremely distasteful, and if a
Member refuses to withdraw certain words when ordered by the Chair to do so, the Speaker may name
the Member.

Tedious repetition
Members may be directed to cease speaking if they persist with tedious repetition in their speech (S.O.
59). Tedious repetition has not been precisely defined but Speakers’ rulings have taken it to mean
repeating something within the same debate.

Sub judice convention
The general rule is that matters still under adjudication by the courts should not be debated in such a way
as to prejudice court proceedings. The rule only applies to debate and as such notices of motions cannot
be ruled out of order on the basis of the sub judice convention.

Whether discussion on a matter purportedly sub judice is allowed is at the discretion of the Chair. The
convention is much stricter in relation to criminal matters than civil cases.

Further information
- Chapter 11 of New South Wales Legislative Assembly Practice, Procedure and Privilege;
- Standing Orders – Chapter 7: Rules of debate and privilege.

Points of order
A Member has the right at any time to raise a point of order relating to a breach of the standing orders or
the practice of the House (S.O. 93). The point of order must be clearly stated to the Chair who may make a
decision immediately or hear argument on the point of order and then make a ruling. Until the point is
determined all other proceedings are suspended. Only one point of order may be raised and considered at
one time, and unless taken immediately on an alleged breach, will not be considered later by the Chair.

Members cannot take a point of order claiming that a Member’s statement is inaccurate or misleading as
such alleged offences do not necessarily constitute breaches of the standing orders. It is an abuse of the
forms of the House to take spurious points of order and Members may be placed on calls to order when
such points are raised as a means for interrupting debate.
Interrupting a Member

There are a number of circumstances in which a Member is able to interrupt another Member speaking (S.O. 79). They are to:

- Raise a matter of privilege or contempt suddenly arising;
- Call attention to a point of order;
- Call attention to the want of a quorum;
- Call attention to the presence of visitors (i.e. non Members or authorised staff on the floor of the House);
- Move a closure motion;
- Move “That the Member for ... be now heard”; and
- Move “That the Member for ... be not further heard”.

Reading of speeches

The convention of the House is that Members are not allowed to read speeches. This is due to the fact that a speech may be prepared by someone other than the Member and as such would provide a voice for someone who is not entitled to speak in the Parliament.

The Chair has shown leniency when Members are referring to complex matters such as economic figures, statistics or other complicated conceptual matters so as to ensure accuracy or when time limits for speeches are heavily restricted. It has also become accepted practice for Ministers and the Leader of the Opposition (or other Member leading in debate for the Opposition) to read prepared speeches at the second reading stage of a bill and for inaugural speeches to be read.

Members are able to refer to copious notes but are discouraged from reading lengthy quotes.

Further information
- Section 11.1.3 New South Wales Legislative Assembly Practice, Procedure and Privilege.

Quoting of documents

Members may read extracts from debates of the current session or newspaper reports of such debate or proceeding provided the reference or quotation is brief and relevant to the matter under discussion or the subject of a personal explanation (S.O. 70).

Members may also read extracts from documents other than newspapers or Hansard during a speech provided that the quote is brief and the source of the document is properly identified before the Member quotes from it. For example, Members are able to read from letters so long as they identify the person who wrote the letter.

Further information
- Section 11.1.3 New South Wales Legislative Assembly Practice, Procedure and Privilege;
- Standing Order 70.
Personal explanation

A Member may make a personal explanation to the House with the leave of the Speaker (S.O. 62). A Member is not entitled to seek the call to make an explanation if there is a question before the Chair. A personal explanation cannot be debated.

Rulings of the Speaker provide that a personal explanation allows a Member to briefly explain any matter which reflects upon the honour, character or integrity of that Member, or reflects upon the Member in a personal way including the refuting of accusations made against them by other Members in the House.

In practice, a Member should confine remarks to “this is what was said; these are the facts.” The Speaker may withdraw leave at any time if the Member strays too far from the rules regarding a personal explanation.

Further information

- Section 11.4 New South Wales Legislative Assembly Practice, Procedure and Privilege;
- Standing Order 62.

Speech in explanation

A Member, who has already spoken to a question, may briefly explain some material part of their speech that has been misunderstood or misinterpreted (S.O. 65).

In making an explanation the Member cannot interrupt another Member already speaking, introduce new material into the debate, debate the matter or invoke this right after the question before the Chair has been determined. Leave is not required to make a speech in explanation unless a different question is before the Chair, in which case the leave of the House is required.

Further information

- Section 11.5 New South Wales Legislative Assembly Practice, Procedure and Privilege;
- Standing Order 65.
Chapter 8: Voting on questions

Decisions on the voices or on division

When a motion is the subject of a vote, the Speaker will state the question e.g. “That the motion be agreed to” or “That the bill be now read a second time”. The Speaker then says “Those in favour say “aye” to the contrary “no” and declares the result based on the voices, e.g. “The ayes (or noes) have it”.

A division is called when the Speaker’s expressed opinion as to whether the “ayes” or “noes” have it, is challenged (S.O. 173). A division can only be called by one Member who gave voice against the majority as declared by the Speaker (S.O. 174).

The call for a division must be made before any new motion is proposed or other proceedings commenced.

If there are five or fewer Members on one side in a division, the Chair will declare the question at once and the names of those Members opposing the majority are recorded in the Votes and Proceedings (S.O. 181).

Further information
- Chapter 19 New South Wales Legislative Assembly Practice, Procedure and Privilege;

Division bells

The bells are rung for four minutes when a division is called, except when there are successive divisions and there has been limited or no intervening debate, in which case the Speaker may order that the doors be locked and the vote taken forthwith.

Further information
- Section 19.3 New South Wales Legislative Assembly Practice, Procedure and Privilege.

Deferred divisions

Divisions called before 10.30 a.m. on days when the House meets at an earlier time are deferred until 10.30 a.m. and any business then before the House is interrupted and recommenced after the division(s) (S.O. 187).

Further information
- Section 19.1.4 New South Wales Legislative Assembly Practice, Procedure and Privilege.

Pecuniary interest

A Member may not vote in a division on a question if the Member has a direct pecuniary interest in the question under discussion. Such interest must be one of direct personal pecuniary benefit and not something, which is shared in common with other citizens (S.O. 176-7).

The fact that a Member has a pecuniary interest in a matter which the House is discussing does not prevent them from participating in the debate, only from voting on the matter.
Taking points of order during a division

Members taking a point of order during a division must remain seated and attract the attention of the Chair (S.O. 180(2)).
Chapter 9: Petitions

Standing Orders 119-125 set out the form and content of petitions, and the procedure for lodgement and presentation. These rules ensure the authenticity of petitions and provide protection to the petitioners and the House.

Format

The main requirements are:

- Petitions must be addressed “To the Honourable the Speaker and Members of the Legislative Assembly of New South Wales in Parliament assembled”.

- A brief paragraph must be included which sets out the reasons for the petition and which ends with the request for the House to take some action.

- Each page of signatures must be headed with the words of the request.

- The paragraphs of the petition may be written, typed or printed. Every signature must be in original hand-writing, and signatures must not be pasted on, photocopied or transferred in any other way.

- The petition must not have any attachments, such as letters, affidavits, or other documents, except in the case of a petition for a private bill. Standing Order 398 sets out the rules for private bills.

Content

Petitions must be suitably worded:

- The petition must be legible and not contain alterations.

- The language used in the petition must be polite and respectful.

- The petition must be in English or accompanied by a translation certified to be correct by the Member lodging the petition.

- No reference can be made to debates that have taken place in Parliament.

- Only issues which the Legislative Assembly has authority to deal with can be raised (some matters, for example, are the responsibility of the federal parliament).

- No information that seeks support for the petition should be added, although a note giving a name and/or address for the return of the petition is allowed.
Signatures

The petition must be signed by the persons, whose names are listed, using their own signature or mark unless they are physically incapacitated. Every person signing a petition must write their address after their signature.

Procedure for presentation

A Member presenting a petition on behalf of citizens must lodge it with the Clerk, in practice the Table Office, by 12 noon on the sitting day it is to be reported to the House. Petitions lodged outside a normal sitting week or during a prorogation are kept for presentation at the next sitting.

Petitions can only be lodged for presentation to the Legislative Assembly by a Member of the House. However, a petition may not be lodged by a Member who has signed it as a petitioner.

The Member lodging the petition must sign the top of the front sheet. This signifies that the Member has ensured that the petition conforms with the standing orders as set out in the rules listed above.

In addition, a Member must, if applicable, certify that the petition has been signed by 500 or more persons, or by 10,000 or more persons.

The Clerk must also certify that each petition is in conformity with the standing orders before it is reported to the House.

The Clerk will announce receipt of the petitions lodged for presentation. The subject matter of the petition and the Member who lodged it will be published in the Votes and Proceedings and a summary of each petition is printed in Hansard.

Referral to Minister and Ministerial response

The Clerk refers every petition received by the House to the Minister responsible for the administration of the subject matter of the petition. A copy of the Clerk’s referral letter is forwarded to the Member lodging the petition.

If a petition is signed by 500 or more persons Ministers must provide a response to the petition within 35 calendar days of the petition being received by the House. The receipt of the response will be reported to the House, published and a copy sent to the Member who lodged the petition.

Discussion on the subject matter of petitions signed by 10,000 or more persons

A sessional order has been adopted for the current Parliament, which provides that the subject matter of any petition which has been signed by 10,000 or more persons is set down for discussion on the Thursday of the next sitting week following the receipt of the petition by the House. If further petitions are received before the first Order is disposed of, they are set down for discussion on each succeeding Thursday in the order they are presented. If a Member does not seek the call when the Order of the Day is called on it will lapse. The Order of the Day cannot be amended and at the conclusion of the discussion no question is put.
Petitions not in accordance with the standing orders

Petitions which are not in accordance with the standing orders are returned to the Member who may then forward it directly to the relevant Minister by letter.

The Legislative Assembly does not accept electronic petitions. This is due to the requirement for “original signatures” in the standing orders.

Further information
- Chapter 13 New South Wales Legislative Assembly Practice, Procedure and Privilege;
- Procedural Note No. 4 – Petitions;
- Standing Orders 119-125 (as amended by sessional orders).
Chapter 10: Questions

Rules for questions

Any Member may ask Ministers questions relating to public affairs, matters under the Minister’s administration and proceedings in the House for which they have carriage.

Questions may also be asked to the chair of a committee in relation to the affairs of the committee.

Questions should be brief and ask directly for the information sought.

Questions should not contain:

- Statements of facts or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated;
- Argument;
- Inference;
- Imputation;
- Epithets;
- Expression of opinion or ironical expressions; or
- Hypothetical matter.

Questions should not ask for:

- an expression of opinion;
- legal opinion;
- an announcement of Government policy; or
- confirmation of rumour or media reports.

Question Time

At 2.15 p.m. each sitting day, after a few formalities, Members are able to ask Ministers questions in the House.

The Leader of the Opposition is entitled to ask the first question. Any Member may then seek the call to ask a question. The usual practice is for questions to be asked alternatively between the Government and non-Government Members. Independent Members are allocated a number of questions each week proportionate to their numbers as part of the non-Government allocation.

The duration of Question Time is limited to 45 minutes or the answering of 10 questions, whichever is the later.

An answer to a question must not exceed five minutes. However, the Member who asked the question may, at the discretion of the Speaker, seek additional information from the Minister. The Minister’s response on the additional information must not exceed two minutes.

The Speaker has discretion at any time during a Minister’s answer to order that the timing clock be paused.

One supplementary question may be asked each Question Time. A supplementary question must be asked by the Member asking the original question and the answer to it counts towards the 10 answers.
At the end of Question Time Ministers may provide additional information (i.e. a supplementary answer) to an answer already given that day or at a previous sitting.

Written questions

Written questions are published in the Questions and Answers Paper and the same rules in relation to content are applicable as to questions asked during Question Time.

Questions must be handed in writing to a Clerk at the Table or lodged in the Table Office by 12.00 noon.

Members can lodge nine questions each sitting week (the Leader of the Opposition twelve).

Ministers must answer questions within 35 calendar days or will be asked to explain to the House why they have failed to answer a question.

A question containing argument, unbecoming expressions or otherwise not conforming with the practice of the House may, under the authority of the Speaker, be amended by the Clerk or divided if it contains matters that are not relevant to each other.

A Member can withdraw a written question with the leave of the House at the end of the placing or disposal of business procedure. A Member cannot withdraw another Member’s written question.

Further information

- Chapter 14 New South Wales Legislative Assembly Practice, Procedure and Privilege;
- Procedural Note No. 5 – Written Questions;
- Standing Orders 126-132 (as amended by sessional orders).
Chapter 11: Motions

Notices of motions

A Member must give notice of their intention to move a motion in the House unless otherwise provided for in the standing orders.

A notice of motion sets out the words of a motion and is normally required to be given at least one day before the notice is moved unless standing or sessional orders provide otherwise.

The Speaker asks Members if they have notices of motions for bills, government business, no confidence, censure and other business with precedence prior to Question Time. Other notices of motions (general notices) must be given at the commencement of each sitting after the Prayer and Acknowledgement of Country.

In addition to the giving of general notices at the commencement of the sittings, on Wednesday a Member can also give notice of a general notice which the Member intends will be the subject of a motion for re-ordering before Question Time (S.O. 133).

Members, unless Ministers, cannot give more than one notice consecutively, except for notices of motions to disallow statutory rules (S.O. 138).

When called, a Member reads the notice aloud and then hands a signed copy to the Clerk. Notices should be legible and be dated.

Before being moved the wording of a notice may be changed by handing in an amended notice. The new wording must not exceed the terms of the original notice. Alterations must be made prior to the moving of the motion.

The Clerk, under the authority of the Speaker, is able to amend a notice of motion if it contains argument, unbecoming expressions or is not in conformity with the practice of the House or divide a notice if it contains matters that are not relevant to each other (S.O. 137).

Motions must put a concise proposition upon which the House may vote.

Members can postpone or withdraw a notice of motion when they are called on to be moved or during the placing and disposal of business procedure. Members can also defer a general business (general notice) by advising the Clerk (or their Party Whip who will advise the Clerk) on Wednesday.

Further information
- Chapter 15 New South Wales Legislative Assembly Practice, Procedure and Privilege;
- Procedural Note No. 3 - Raising a Matter for Debate;
- Standing Orders 133-141.

Amending motions

Any Member (apart from the mover of the motion) can move amendments to motions after the motion has been moved in the House. Amendments may be moved to leave out words; to omit words with a view of inserting or adding other words; or to insert or add other words.
Amendments must be relevant to the original motion. Every amendment proposed to be made either to a question or to a proposed amendment should be so framed that, if agreed to by the House, the question or amendment, as amended, would be intelligible and internally consistent.

Amendments cannot be a simple negation of the original motion, as simply rejecting the motion is expressed by voting against it.

An amendment is out of order if it raises a new matter which should only be considered on a distinct motion on notice.

Debate on an amendment to a motion may include debate on the original motion. Members who have already spoken in the debate are able to speak to any amendments moved.

An amendment that has been moved may be withdrawn only by leave of the House.

An amendment that is moved must be dealt with before a second amendment to the original question can be moved, although an amendment to an amendment may be moved as if that amendment were the original question.

Amendments must be submitted in writing and be signed by the mover.

Further information
- Chapter 17 New South Wales Legislative Assembly Practice, Procedure and Privilege;
- Standing Orders 157-166.

Putting the question on motions

The general principle governing questions proposed from the Chair is that the House should be clear as to the question before the House and it should therefore be restated by the Chair before each contribution after the motion has been moved and again before the House votes on a matter. In addition, a Member may at any time (without interrupting the Member speaking) request the Speaker to re-state the question before the House (S.O. 78).

After a motion has been moved and debated it will be put to the vote. If a question is complicated and has a number of different parts any Member may move a motion for the question to be put as separate questions.

If debate on a motion has been adjourned the resumption of the debate on the motion becomes an Order of the Day and is listed on the Business Paper.

Further information
- Chapter 16 New South Wales Legislative Assembly Practice, Procedure and Privilege;
- Standing Orders 143, 151, 153, 154.
Chapter 12: House Documents

The following is a short description of a number of documents relating to proceedings of the Parliament. Except where noted, a proof issue of each of these documents is published on the Parliament’s Intranet and website www.parliament.nsw.gov.au under the “Hansard & Papers” section as soon as possible after the rising of the House. Hard copies of some of these publications are also accessible through the State Library, university libraries and various other libraries and organisations.

Votes and Proceedings

The Votes and Proceedings is the official record of the proceedings in the Legislative Assembly. They are the “minutes of proceedings” of the House, i.e. they record the resolutions of the House and other events, as opposed to a transcript of proceedings. The Votes include a record of the proceedings of the Consideration in Detail stage, which can also be found in Hansard.

Business Paper

The Business Paper shows all pending business, both government and general (non-government) that is before the House and is usually divided into the following sections:

- Government Business – Notices of Motions;
- Government Business – Orders of the Day;
- General Business – Notices of Motions (for Bills);
- General Business – Orders of the Day (for Bills);
- General Business – Orders of the Day (General Orders);
- General Business – Notices of Motions (General Notices);
- Orders of the Day (Committee Reports);
- Petitions signed by 500 or more persons requiring a ministerial response; and
- Committee reports with recommendations requiring a response from the Government.

Other categories of business that may be listed on the Business Paper from time to time include:

- Business with precedence (S.O. 118) e.g. no confidence and censure motions, and disallowance of statutory rules;
- Business of the House – Petitions: Order of the Day for discussion of petitions received by the House which have been signed by 10,000 or more persons; and
- General Business – Mover’s interrupted second reading speech.

Items are listed according to the order in which they are notified to the House. Accordingly, new notices and orders appear at the end of the listing, unless they are given special precedence. Items marked † are bills forwarded form the Legislative Council, those marked * are accorded precedence and those marked P are postponed for the next sitting day only. For information about what items will be dealt with by the House on any given day, refer to the Daily Program.

Questions and Answers Paper

Questions which Members of the Legislative Assembly wish to put to Ministers on notice (i.e. written questions), together with the answers when they are received, are recorded in the official publication titled “Questions and Answers”. Members’ questions are published in full when the notice is given and
once again when the answer is received. The Questions and Answers Paper is published each sitting day, and during any adjournment of the House for two weeks or more a paper is published from time to time containing answers received. In addition, a final edition (containing all the unanswered questions) is published after the House is prorogued.

Daily Program

A daily program is issued by the Government for each sitting day and provides a listing of the proposed items of business to be dealt with on that day. The program is indicative only and items listed will not necessarily be dealt with in the order given. The program for general business shows the general business that the House has agreed to deal with. The program can be found on the Intranet or the Parliament’s website under the “Today in Parliament” section.

Statutory Instruments Paper

This document is published by the Legislative Assembly Table Office for the information of Members on each sitting week and on the first week of each month when the House is not sitting. The document provides the title of the statutory instrument, gazettal details and information on the tabling date and last date for lodgement of a disallowance motion.

Hansard

Hansard is an edited record of everything said in both Houses of Parliament, similar to a transcript. A team of reporting staff and editors compile a draft version overnight, and it is available either later that night or in the morning following the sitting of the respective House. Members may make suggestions for corrections to their speeches. For those speeches made on Tuesdays and Wednesdays suggested corrections must be submitted by 4.00 p.m. on Thursday and for speeches delivered on Thursday by 12.00 noon on the following Monday. The Editor of Debates considers the requested changes prior to publication of the corrected Hansard, which usually happens within 2 weeks.

Corrections to Hansard should only relate to inaccuracies and new matters cannot be introduced.

There is no provision for the Speaker to order a reference to be struck from the Parliamentary record or to alter the Hansard record. Should a Member wish to expunge words from Hansard (i.e. have some material removed) a resolution of the House rightly needs to be agreed to and the matter to be removed generally needs to be of an offensive nature.

Material may be incorporated in Hansard with the leave of the Speaker (S.O. 271). Leave is rarely given. However, the types of material that have been incorporated in Hansard in the past include:

- second reading speeches;
- letters;
- lists;
- schedules;
- sketch diagrams;
- statutory declarations;
- explanations of a bill;
- tables;
- agreements between Members; and
- additional or background information on a bill.
Speakers’ rulings have indicated that the following types of material will not be incorporated into Hansard:

- photographs;
- graphs; and
- petitions.
Chapter 13: Privilege and Ethics

Overview

Parliamentary privilege refers to certain rights, powers and immunities from the law provided to individual Members of Parliament in order for them to do their job and for the Parliament collectively to enable it to perform its constitutional role.

Parliamentary privilege exists fundamentally to ensure a House of Parliament can perform its functions and as such the individual privileges have only been conferred on Members to the extent necessary to achieve this end.

Parliamentary privilege may be absolute or qualified. Essentially, a statement or action is privileged if the person making it is protected from legal action. An absolute privilege is one that does not give way to any other principle or right. Qualified privilege is its own body of law which extends beyond the scope of Parliamentary privilege.

As New South Wales has not enacted its privileges recourse is made to the common law. The Parliament of New South Wales has only those privileges that are considered necessary for it to carry out its functions.

This short guide sets out some of the main principles of Parliamentary privilege. However, for more information on Parliamentary privilege reference should be made to Part Two of New South Wales Legislative Assembly Practice, Procedure and Privilege.

Protection for parliamentary proceedings

The most fundamental parliamentary privilege is the privilege of freedom of speech. The statutory recognition of this privilege is founded in Article 9 of the Bill of Rights, which is in force in New South Wales by operation of the Imperial Acts Application Act 1969. It provides protection for speeches, debates and proceedings in Parliament from being questioned in any court or other place outside of the Parliament.

There is no statutory definition of what constitutes “proceedings in Parliament” in New South Wales. However, it arguably includes the speeches and debates of the Parliament and its committees, and any documents that were created for the purpose of business of the House or a committee.

Correspondence from constituents and between Members (including Ministers) does not attract privilege and can generally be subpoenaed.

Tabled papers do not necessarily fall within the ambit of proceedings in Parliament and hence do not automatically attract parliamentary privilege. There appears to be a firmer argument if they are ordered by the House to be printed. This applies in cases where a report has been prepared pursuant to a statutory requirement and then subsequently tabled in Parliament.

Further information

- Section 3.2 of Part Two New South Wales Legislative Assembly Practice, Procedure and Privilege.
No protection for repetition out of Parliament

Members are not protected by privilege for actions performed outside of proceedings in Parliament, regardless of whether the action is conducted pursuant to the Member’s position as an elected representative.

In particular, Members should be aware that if they make a speech in the House which is defamatory in content and then repeat that statement outside the House such statements are unlikely to attract privilege. Repetition includes any reiteration or adoption of the words said in the House by the use of phrases such as “I stand by what I said in the House” or “I do not resile from what I said in the House”.

In such cases the remarks which are made outside the House may, on their own, be meaningless and it is only when reference is made to the preceding parliamentary remarks that a Member can be held liable for defamation.

Qualified privilege attaches to any republication of a speech made in Parliament so long as there is no improper motive or malice involved. To be fair, an extract or summary should properly reflect the proceeding. It is possible that an extract of a complete speech which did not include a reply that was made or was otherwise out of context might not be considered fair.

Further information
- Section 3.10 of Part Two New South Wales Legislative Assembly Practice, Procedure and Privilege.

Raising a matter of privilege or contempt

Members can raise a matter of privilege or contempt suddenly arising relating to the proceedings then before the House (S.O. 91). For other matters of privilege a Member must inform the Speaker of the details in writing. The Speaker will then determine whether the matter should be referred to the Standing Committee on Parliamentary Privilege and Ethics (S.O. 92).

Contempt of Parliament is ancillary to privilege and to constitute a contempt an act or omission must obstruct or impede the House (or a committee of the House), a Member or an officer in the discharge of a duty.

Further information
- Section 5.2 of Part Two New South Wales Legislative Assembly Practice, Procedure and Privilege.

Pecuniary interests

Members are required to register their pecuniary interests, or receipt of other material benefits, which might appear to raise a conflict between a Member’s private interests and their public duty as a Member.

The declaration of interests scheme is established under the Constitution (Disclosures by Members) Regulation 1983. When Members are first elected they are required to lodge a primary return of their pecuniary and other interests within three months of the date they take the pledge of loyalty in accordance with section 12 of the Constitution Act 1902.

Members are required to lodge an annual “ordinary” return and a six-month supplementary update. The Clerk, who is the Registrar of Interests under the Regulation, can provide detailed information about the lodgement dates and reporting requirements. As Registrar the Clerk formally writes to each Member forwarding forms as return dates fall due.
Members are also able to lodge discretionary returns at any time. A Member who fails to comply with the requirements of the Regulation may lose their seat.

Pecuniary interest disclosure forms are available from the Table Office, the intranet and are normally sent to all Members after their initial election and before the two reporting periods.

The Register is one of the principal mechanisms of accountability, in that by annually making a statement of their substantive pecuniary and other interests, Members are alerted to areas where conflict of interest might arise. When the Register is tabled it becomes a Parliamentary Paper, meaning it is available to the public through the Table Office, State Library of NSW, or by request to the Clerk. It is not available on the internet. The public may inspect the Register at any time, including supplementary ordinary returns and discretionary returns lodged during the reporting period, by making an appointment with the Clerk’s Office during business or sitting hours.

Further information
• Chapter 30 New South Wales Legislative Assembly Practice, Procedure and Privilege.

Code of Conduct

The NSW Parliament has adopted a code of conduct for its Members. The Code covers conflicts of interest, bribery, gifts, the use of public resources and confidential information and the duties of a Member of Parliament.

Further information
• Chapter 7 New South Wales Legislative Assembly Practice, Procedure and Privilege.

Parliamentary Ethics Adviser

The Parliament has appointed a Parliamentary Ethics Adviser to advise Members on request about ethical issues concerning the exercise of their role as a Member of Parliament (including the use of entitlements and potential conflicts of interest).

The Adviser bases the advice given on the determinations of the Parliamentary Remuneration Tribunal and the provisions of the Code of Conduct adopted by the Parliament. The Adviser does not provide legal advice and gives an opinion rather than a ruling. It is up to Members how and whether or not they adopt the advice given.

Further information
Section 7.3 New South Wales Legislative Assembly Practice, Procedure and Privilege.
Chapter 14: Committees

Establishing committees

Committees may be established by resolution of the House or by legislation. Some committees, such as the Public Accounts Committee, are comprised only of Legislative Assembly Members. Other committees, such as the Legislation Review Committee, are made up of Members of both Houses and are referred to as joint committees.

The main types of committees that are appointed by the House are as follows:

Standing committees
Investigate and report on specific subject areas for the life of a Parliament.

Select committees
Appointed to investigate or report on specific matters. They cease to exist when they have completed their functions or on a date nominated by the House.

Statutory committees
Created under the authority of an Act of Parliament. They continue to exist whilst the Acts under which they are created are in force and Parliament continues to appoint Members to serve on them.

A number of other types of committees may be appointed from time to time. These include legislation committees, estimates committees and domestic committees.

Appointment of Members

Members are appointed by resolution of the House. In the case of a joint committee, the Legislative Council will pass a similar resolution in relation to Members of that House.

Resignation of Members

Provision is made in legislation establishing a number of statutory committees for Members to resign by writing to the Speaker. For committees appointed by a resolution of the House, a Member is required to be discharged by motion agreed to by the House. Normally, Members are discharged when they are no longer eligible to be committee Members because they have been appointed to another office such as parliamentary secretary.

Tabling of reports and notification of inquiries

Committee reports are tabled after the conclusion of Question Time. There are provisions in the Standing Orders and the legislation establishing statutory committees which allow reports to be tabled with the Clerk when the House is not sitting. In such cases, the report becomes a public document on the day it is tabled and it is reported to the House on the next day the House sits. Joint Committees must table reports in both Houses.

Chairs are also required to notify the House of any inquiry that the committee has either been referred by a Minister or has initiated itself.
Further information

- Guide to Committees of the Legislative Assembly;
- Chapter 26 New South Wales Legislative Assembly Practice, Procedure and Privilege.
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