

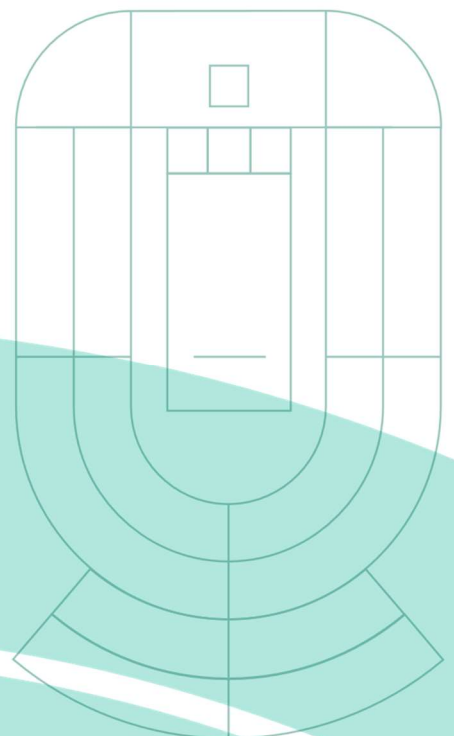
58th Parliament



LEGISLATIVE
ASSEMBLY

Sessional and Other Orders

No. 5 19 September 2024



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Standing Order 35: Bells

35. Bells

Adopted 9 May 2023

That, during the current session, unless otherwise ordered, Standing Order 35 shall read as follows:

35. The timing for bells is as follows:

Tuesdays

Bells are rung at 11.45 a.m. for 20 seconds and at 11.58 a.m. for 60 seconds.

Wednesdays

Bells are rung at 9.45 a.m. for 20 seconds and at 9.58 a.m. for 60 seconds.

Thursdays

Bells are rung at 9.45 a.m. for 20 seconds and at 9.58 a.m. for 60 seconds.

After lunch

Bells are rung at 2.15 p.m. for 20 seconds and at 2.28 p.m. for 60 seconds.

Division

One continuous bell for four minutes.

Quorum

One long continuous bell (for up to four minutes until a quorum is present in the Chamber).

House adjournment

Two short bells.

One long bell

A continuous bell rung at the discretion of the Chair.

Standing Order 45: Quorum during Sitting – Restriction on quorum calls

45. Restriction on quorum calls

Adopted 9 May 2023

That, during the current session, unless otherwise ordered, Standing Order 45 shall read as follows:

45. Members shall not be permitted to call attention to the want of a quorum:

- (1) During Private Members' Statements or Community Recognition Statements;
- (2) During debate on a Petition signed by 10,000 or more persons;
- (3) During the take note debate on reports from committees; or
- (4) Before 10.30 a.m. on any sitting day.

Standing Order 46: Adjournment without motion

46. Adjournment without motion

Adopted 9 May 2023

That, during the current session, unless otherwise ordered, Standing Order 46 shall read as follows:

46.

- (1) Unless otherwise ordered, the House shall be adjourned without motion moved at the conclusion of Private Members' Statements.
- (2) A Minister may at any time move without notice a motion for the adjournment of the House.

Standing Order 47A: Postponing meeting times

47A. Postponing meeting times

Adopted 9 May 2023

That, during the current session, unless otherwise ordered, the following Sessional Order be adopted:

47A.

- (1) When the House is not sitting the Government, in the public interest, may in writing to the Speaker or, in the absence of the Speaker, the Deputy Speaker, request an alternative day or hour for the next meeting of the House. If satisfied, the Speaker shall:
 - (a) Fix a day and time; and
 - (b) Communicate the day and time to all Members.
- (2) The Speaker's notification to each Member may be by electronic means.
- (3) This Sessional Order operates for the remainder of this session.

Standing Order 80: Rules of debate – Matters not open to debate nor amendment

80. Matters not open for debate nor amendment

Adopted 9 May 2023

That, during the current session, unless otherwise ordered, Standing Order 80 shall read as follows:

80. The following matters are not open to debate nor amendment:

- (1) Adjournment of debate.
- (2) Adjournment of the House.
- (3) Extension of time.
- (4) Leave of the House.
- (5) Motion that a Member be suspended.
- (6) Motion that a Message be sent to the Legislative Council.
- (7) Motion that leave of absence be granted.
- (8) To withdraw or postpone an order of the day.
- (9) Personal explanation.
- (10) "That inspection of the paper be restricted to members only and that no copies or extracts thereof be permitted".
- (11) "That visitors be ordered to withdraw".
- (12) "That the bill be considered an urgent bill".
- (13) "That this bill be read at a later time".
- (14) "That the Order of the Day be discharged and the bill be withdrawn".
- (15) "That the Committee report be printed".
- (16) "That the Member for ... be further heard".
- (17) "That the Member for ... be not further heard".
- (18) "That the Member for ... be now heard".
- (19) "That the petition not be received".
- (20) "That the question be put as separate questions".
- (21) "That the question be now put".
- (22) "That the question be not now put".
- (23) "That the Member's speaking time be extended".
- (24) Motion to permit a Member to make an inaugural or valedictory speech.

Standing Order 86: Motion "That the question be put" (Closure)

86. Motion "That the question be put"

Adopted 9 May 2023

That, during the current session, unless otherwise ordered, Standing Order 86 shall read as follows:

86. A motion may be made by any Member, "That the question be now put". Such motion:

- (1) May be moved whilst another Member is addressing the House;
- (2) Shall be put forthwith and decided without amendment or debate;
- (3) Must be carried by at least 30 Members in the affirmative; and
- (4) May not be moved before 10.30 a.m. on any day when the House meets at an earlier time.

Standing Order 91: Privilege or contempt suddenly arising in the House

91. Speaking to privilege

Adopted 9 May 2023

That, during the current session, unless otherwise ordered, Standing Order 91 shall read as follows:

91.

- (1) A Member may rise on a matter of contempt or a breach of privilege suddenly arising relating to the proceedings then before the House. In order to move a substantive motion immediately or to request the Speaker to have a notice placed on the Business Paper with precedence, the Member must satisfy the Speaker that:
 - (a) the matter is one suddenly arising, relating to a matter then before the House which should be dealt with at the earliest opportunity;
 - (b) there is a prima facie case; and
 - (c) the Member has prepared a notice of motion.
- (2) When a matter of contempt or a breach of privilege suddenly arising relating to the proceedings then before the House is raised, the business before the House is suspended until the Speaker:
 - (a) determines that there is no matter of contempt or breach of privilege; or
 - (b) defers the matter and either continues or adjourns the business under consideration; or
 - (c) determines that a prima facie case exists and allows a notice of motion to be moved forthwith or to have precedence for the next sitting; or
 - (d) takes some other form of action.
- (3) The maximum time available to a Member to satisfy the Speaker in accordance with paragraph (1) of this Standing Order is 10 minutes. The Speaker may determine the matter prior to the expiration of the 10 minutes.
- (4) If the Speaker determines that a prima facie case exists the Member must move a motion seeking either:
 - (a) the declaration of the House that a contempt or breach of privilege has occurred; or
 - (b) the referral of the matter by the House to the Standing Committee on Parliamentary Privilege and Ethics for consideration.

Standing Order 97: Routine of Business

97. Routine of Business

That, during the current session, unless otherwise ordered, Standing Order 97 shall read as follows:

Adopted 24 August 2023

97. The House shall conduct its business in the following routine:

Tuesdays

1. At 12.00 noon the Speaker takes the Chair
2. Ministerial Statements
3. Giving of Notices of Motions (Government Business, Bills, Business with Precedence under Standing Order 118)
4. Question Time
5. Ministerial Statements
6. Papers
7. Committees – Tabling of reports and announcements
8. Petitions
9. Placing or Disposal of Business
10. Business with Precedence under Standing Order 118, if any
11. Giving of General Business Notices of Motion (General Notices), up to 15 minutes, then Speaker to leave the Chair
12. At 2.30 p.m., the Speaker resumes the Chair
13. Government Business
14. At 5.00 p.m., Public Interest Debate
15. Government Business (if required)
16. Community Recognition Statements
17. Private Members' Statements, after which the House shall adjourn without motion until the next sitting day.

Wednesdays

1. At 10.00 a.m. the Speaker takes the Chair
2. Giving of General Business Notices of Motion (General Notices), up to 15 minutes
3. Government Business
4. At 11.00 a.m., Ministerial Statements
5. Giving of Notices of Motions (Government Business, Bills, Business with Precedence under Standing Order 118)
6. Question Time
7. Ministerial Statements
8. Papers
9. Committees – Tabling of reports and announcements
10. Petitions
11. Placing or Disposal of Business
12. Re-ordering of General Business Orders of the Day (for Bills)
13. Business with Precedence under Standing Order 118, if any
14. Government Business

15. At 1.00 p.m., Committee Reports – Take note debates, for up to 30 minutes, then the Speaker leaves the Chair
16. At 2.30 p.m., the Speaker resumes the Chair
17. Government Business
18. At 5.00 p.m., Public Interest Debate
19. Government Business (if required)
20. Community Recognition Statements
21. Private Members' Statements, after which the House shall adjourn without motion until the next sitting day.

Thursdays

1. At 10.00 a.m. the Speaker takes the Chair
2. Giving of General Business Notices of Motion (General Notices), up to 15 minutes
3. General Business Notices of Motions for Bills for up to 20 minutes
4. General Business Orders of the Day for Bills for up to 90 minutes
5. At 11.00 a.m., Ministerial Statements
6. Giving of Notices of Motions (Government Business, Bills, Business with Precedence under Standing Order 118)
7. Question Time
8. Ministerial Statements
9. Papers
10. Committees – Tabling of reports and announcements
11. Petitions
12. Placing or Disposal of Business
13. Business with Precedence under Standing Order 118, if any
14. Resumption of General Business Orders of the Day for Bills, the Speaker leaves the Chair at the conclusion of the 90 minutes.
15. At 2.30 p.m., the Speaker resumes the Chair
16. General Business Notices of Motions or Orders of the Day (not being Bills)
17. At 3.40 p.m., Government Business for up to 20 minutes
18. At 4.00 p.m., Petition Debate
19. Community Recognition Statements for 30 minutes
20. Private Members' Statements, after which the House shall adjourn without motion until the next sitting day.

Standing Order 101: Establishing program for General Business Days

101. Establishing program for General Business days

Adopted 9 May 2023

That, during the current session, unless otherwise ordered, Standing Order 101 shall read as follows:

101. The procedure for establishing the program for General Business Days is as follows:

- (1) On Wednesdays, Members shall advise the Clerk in writing by 2.00 p.m. which General Business Notices of Motions for Bills, Orders of the Day for Bills, or Notices of Motions (not for Bills) standing in their name on the Business Paper are to be postponed. Party Whips may also advise the

Clerk in writing of which items of General Business standing in the name of Members of their party are to be postponed.

- (2) The first ten notices on the Business Paper, not advised to be postponed by 2.00 p.m. on the day preceding a General Business Day, will be deemed to be proceeding. Any General Business Order of the Day for Bills re-ordered by the House to have precedence in accordance with Standing Orders 97 and 106 will retain such precedence.
- (3) On any day when General Business is being considered by the House, a Member may, without debate:
 - (a) withdraw or postpone any notice of motion standing in their name on the Business Paper for that day.
 - (b) postpone, or on motion, discharge an Order of the Day standing in their name on the Business Paper for that day.
 - (c) discharge an Order of the Day for a Bill on motion without debate or amendment, "That the Order of the Day be discharged and the Bill withdrawn".

Standing Order 109: Public Interest Debates

109. Public Interest Debates

Adopted 9 May 2023

That, during the current session, unless otherwise ordered, Standing Order 109 shall read as follows:

109. The procedure for the consideration of Public Interest Debates shall be as follows:

- (1) The notice of motion for debate must be submitted to the Speaker by 12.00 noon on the day of the debate.
- (2) The motion will be submitted by:
 - (a) Government – sitting day Tuesdays
 - (b) Opposition – first and second sitting day Wednesdays
 - (c) Cross bench – third sitting day Wednesdays
- (3) The Speaker will determine whether the notice is in order.
- (4) The Speaker will publish and announce the subject matter of the notice of motion in the House after the lunch break.
- (5) The following time limits shall apply to the debate:

Mover – 7 minutes

Six other Members – 5 minutes each

Reply – 3 minutes

Total – 40 minutes
- (6) At least one Member speaking in the debate must be from the cross bench.

Standing Order 119: Lodgement of paper petitions

119. Lodgement of paper petitions

Adopted 9 May 2023

That, during the current session, unless otherwise ordered, Standing Order 119 shall read as follows:

119. A paper petition must be lodged with the Clerk by 10 a.m. on the day it is to be reported to the House.

Standing Order 131: Question Time

131. Question Time

Adopted 9 May 2023

That, during the current session, unless otherwise ordered, Standing Order 131 shall read as follows:

131. The procedure for Question Time is as follows:

- (1) Questions are asked orally and may be read and are subject to the same rules as written questions but shall not be recorded in the Questions and Answers Paper.
- (2) An answer to a question must not exceed three minutes.
- (3) At the conclusion of the Minister's answer to a question, 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.
- (4) No question shall be asked after 55 minutes from the Speaker calling on questions or the answering of 14 questions, whichever is the longer. So long as Question Time has a maximum period that does not exceed 70 minutes.
- (5) One supplementary question per Question Time may be asked immediately by the Member asking the original question. The answer shall count as one of the 14 answers.
- (6) The Leader of the Opposition is entitled to be called first by the Speaker at the commencement of Question Time.
- (7) Ministers seeking to provide additional information to questions already answered at the current or a previous sitting shall do so at the conclusion of Question Time.
- (8) Crossbench Members of Parliament are permitted at least two questions per Question Time, at question number 5 and question number 13.
- (9) Points of order taken during an answer to a question should not be vexatious, repetitive, interfering or used to make a statement in response to the answer.
- (10) When under Standing Order 49A the Speaker has stopped the clock during an answer in Question Time, the Member's speaking time clock shall be stopped but the overall timing clock for Question Time shall continue to run.

Standing Order 132: Written Questions

132. Written Questions

Adopted 9 May 2023

That, during the current session, unless otherwise ordered, Standing Order 132 shall read as follows:

132. The procedure for written questions is as follows:

- (1) Questions shall be lodged in the Table Office by 12.00 noon on a sitting day for publication in the next sitting day's paper.
- (2) A question containing argument, unbecoming expressions or otherwise not conforming with the practice of the House may:
 - (a) Under the authority of the Speaker, be amended by the Clerk or divided if it contains matters that are not relevant to each other.
 - (b) Be ordered not to be printed by the Speaker or removed from the Questions and Answers Paper.
- (3) The number of questions able to be lodged over one sitting week are:
 - (a) Members – Nine questions per sitting week;

- (b) Leader of the Opposition – Twelve questions per sitting week.
- (4) Ministers shall lodge answers to written questions within 35 calendar days after the question is first published. Answers must be submitted by 12.00 noon on the due date, to be published in the next sitting day's paper. Any answers lodged after this time will be published at a subsequent time. Answers must be signed and may be lodged in either hard copy or electronically.
- (5) If an answer to a written question is not received within 35 calendar days the Speaker, at the next sitting day after the expiry date, shall forthwith inform the House and the Minister shall immediately explain to the House the reason for non-compliance.
- (6) If the Minister, after explanation in the House, has not submitted an answer within 3 sitting days the Speaker shall again inform the House and the Minister shall again be called to explain. The Minister will continue to be called each sitting day until a written answer is submitted.

Standing Order 178: Entitlement to vote

178. Entitlement to vote
- That, during the current session, unless otherwise ordered, Standing Order 178 shall read as follows:
178. A Member shall only be entitled to vote in a division if present in the House after the doors are locked.
- Adopted 9 May 2023

Standing Order 179: Vote disallowed on motion

179. Vote disallowed on motion
- That, during the current session, unless otherwise ordered, Standing Order 179 shall read as follows:
179. A Member's vote may be disallowed, by way of substantive motion moved without notice after the division is completed, on the grounds that the Member was not present in the House after the doors were locked.
- Adopted 9 May 2023

Standing Order 180: Procedure for Division

180. Procedure for Division
- That, during the current session, unless otherwise ordered, Standing Order 180 shall read as follows:
180. When a division has been called for:
- (1) The Speaker shall order the division bells to be rung for 4 minutes.
 - (2) Members present shall be seated – Ayes to the right and Noes to the left of the Chair.
 - (3) After the time has expired the Speaker shall order the doors to be locked.
 - (4) The Speaker shall put the question.
 - (5) The Speaker shall appoint two tellers for each side.
 - (6) Tellers may not decline to be appointed unless excused by the Speaker.
 - (7) In the event of the tellers not agreeing, other tellers shall be appointed until there is agreement.
 - (8) After counting the votes the tellers shall sign the record of the division and advise the Speaker of the result, who shall declare the result of the division.
 - (9) No Member shall enter or leave the Chamber until after the doors are unlocked.
- Adopted 9 May 2023

Standing Order 185: Successive divisions

185. Successive divisions

Adopted 9 May 2023

That, during the current session, unless otherwise ordered, Standing Order 185 shall read as follows:

185. If a second division is called for and the bells rung following limited or no intervening debate after an earlier division and sufficient time has elapsed after the division bell has been rung, the Speaker may, with the leave of the House, order the doors to be locked and the vote taken.

Standing Order 187: Divisions – restrictions on

187. Restriction on divisions

Adopted 9 May 2023

That, during the current session, unless otherwise ordered, Standing Order 187 shall read as follows:

187. The House shall not conduct a division on any question before 10.30 a.m. on days when the House meets at an earlier time, during Private Members' Statements, or Community Recognition Statements. If a division is called prior to 10.30 a.m. on such days, the division shall be deferred and conducted at 10.30 a.m. and any business then before the House shall be interrupted and recommenced after the division(s).

Standing Order 188A: Responding to matters raised by the Legislation Review Committee

188A. Responding to matters raised by the Legislation Review Committee

Adopted 9 May 2023

That, during the current session, unless otherwise ordered, the following sessional order be adopted:

188A.

- (1) The Member with carriage of a bill shall, if reasonably practicable, address any matters raised by the Legislation Review Committee in its report on the bill during the bill's second reading debate.
- (2) If not reasonably practicable for a response to be made during the debate, and a response has not been given in the House, the Member with carriage is to provide a response to the matters raised by the Legislation Review Committee by correspondence to the Committee.

Standing Order 365: Suspension of Standing Orders

365. Suspension of Standing Orders

Adopted 9 May 2023

That, during the current session, unless otherwise ordered, Standing Order 365 shall read as follows:

- (1) A Member may, at any time after 10.30 a.m. and up to 1.30 p.m., without leave, move a motion to suspend Standing and Sessional Orders to deal with any matter.
- (2) A Minister may, at any time without leave, move a motion to suspend Standing and Sessional Orders to deal with any matter.
- (3) The mover, one other Member and the mover in reply shall be entitled to speak to the motion for up to five minutes each.
- (4) When the mover is a Member not supporting the Government, the response shall be by a Minister and, when the mover is a Member supporting the Government the response shall be by the Leader of the Opposition or a Member deputed.
- (5) Such motions shall not be entertained during Question Time.
- (6) The closure shall not apply.

Standing Order 368: Filming and broadcast of proceedings

368. Filming and broadcast of proceedings

That, during the current session, unless otherwise ordered, Standing Order 368 shall be suspended.

Adopted 9 May 2023

Standing Order 369: Electronic transactions

369. Electronic transactions

That, during the current session, unless otherwise ordered, the following Sessional Order be adopted:

Adopted 9 May 2023

369. All references throughout the Standing and Sessional orders to the requirement for matters to be authorised or transacted in writing, will be met through electronic transmission of documents bearing clearly displayed signatures.

Speaker's Guideline– Use of offensive or disorderly words, and unparliamentary language

Issued 19 September 2024 pursuant to Standing Order 9(2)

Members are not to use language, make gestures, or behave in any way in the Chamber that is sexist, racist, homophobic or otherwise exclusionary or discriminatory. Such conduct may be considered offensive and disorderly, in accordance with Standing Order 74.

Where a Member has used such language, taking into account the context, tone and manner of the Member speaking, the Speaker may intervene and direct the Member to withdraw the remark, resume their seat or discontinue the behaviour concerned.

Under the authority of the relevant Standing Orders, it is the role and responsibility of the Speaker to deal with any such conduct as matters of disorder. Where a Member refuses to comply with a direction of the Speaker, further action may be taken, including directing the removal of the Member from the House under Standing Order 249 or 249A.

I also note that Standing Order 250(3) provides that a Member may be named by the Speaker for using offensive words, and refusing to withdraw them, with the potential consequence of suspension from the service of the House.

Code of Conduct for Members

Adopted 9 May 2023

That this House adopt, for the purposes of section 9 of the *Independent Commission Against Corruption Act 1988*, the following Code of Conduct–

PREAMBLE

Members of Parliament acknowledge their responsibility to maintain the public trust placed in them by performing their duties with honesty and integrity, respecting the law and the institution and conventions of Parliament, and using their influence to advance the common good of the people of New South Wales.

THE CODE

1 Purpose of the Code

The purpose of this Code of Conduct is to assist all Members in the discharge of their parliamentary duties and obligations to the House, their electorates and the people of NSW.

The Code applies to Members in all aspects of their public life.

In complying with this Code, Members shall base their conduct on a consideration of the public interest, avoiding conflict between personal interest and their duties as a Member of Parliament. It does not apply to Members in their purely private and personal lives.

Members will not act dishonestly for their own personal gain, or that of another person.

It is recognised that some Members are non-aligned and others belong to political parties. Organised political parties are a fundamental part of the democratic process. Participation in the activities of organised political parties is within the legitimate activities of Members of Parliament.

PROPER EXERCISE OF POWER

2 Improper influence

- a) No member shall act as a paid advocate in any proceeding of the House or its committees.
- b) A Member must not knowingly and improperly promote any matter, vote on any bill or resolution or ask any question in the Parliament or its Committees in return for any remuneration, fee, payment, reward or benefit in kind, of a private nature, which any of the following persons has received, is receiving or expects to receive as a consequence:
 - (i) The Member;
 - (ii) A member of the Member's family;
 - (iii) A business associate of the Member; or
 - (iv) Any other person or entity from whom the Member expects to receive a financial benefit.
- c) A Member must not knowingly and improperly use his or her influence as a Member to seek to affect a decision by a public official including a Minister, public sector employee, statutory officer or officer of a public body, to further, directly or indirectly, the private interests of the Member, a member of the Member's family, or a business associate of the Member.

3 Use of public resources

The use of public resources should not knowingly confer any undue private benefit on the Member or, on any other person, or entity.

Members must take reasonable steps to apply the public resources to which they are granted access according to any guidelines or rules about the use of those resources.

Commentary

There is a range of information available to Members to assist them in determining the accurate and appropriate use of resources including:

- *The Legislative Assembly Members' Guide;*

- *The Legislative Council Members' Guide;*
- *The Department of Parliamentary Services Members' Entitlements Handbook; and*
- *The Parliamentary Remuneration Tribunal's Annual Report and Determination of Additional Entitlements for Members of the Parliament of New South Wales.*

In addition it is open to any Member to seek advice on these matters from the Clerks of the House, Senior Parliamentary Officers, or the Parliamentary Ethics Adviser.

4 Use of confidential information

Information which Members receive in confidence in the course of their parliamentary duties should be used only in connection with those duties. It must never be knowingly and improperly used for the private benefit of themselves or any other person or persons.

5 Limitation on breach of Code

This code is not breached by reason of a benefit or interest that could be or was advanced or received by the persons set out in 2(b)(i)-(iv) by reason of them being a member of the public or a member of a broad class.

OPENNESS AND ACCOUNTABILITY

6 Disclosure of interests

Members shall fulfil conscientiously the requirements of the House in respect of the Register of Disclosures by Members.

Commentary

The Constitution (Disclosures by Members) Regulation 1983 (the Regulation) requires that Members lodge regular returns, disclosing certain interests such as real property, interests and positions in corporations, income, debts and gifts.

The Regulation also requires that each Clerk compile and maintain a Register of Disclosures for their respective Houses. The purpose of the Register of Disclosures is to promote greater transparency, openness, and accountability in the parliamentary process.

Members' attention is drawn to the following sources of information and advice on compliance with the requirements of the Regulation:

- *Schedule 1 of the Regulation outlines the requirements for each type of interest to be disclosed, and gives examples as to how to make entries on the return;*
- *The respective guides for Members of the Legislative Assembly and the Legislative Council explain the requirements of the pecuniary interest disclosure regime in plain language, with examples where possible; and*
- *It is also open to any Member to seek advice on these matters from the Clerks of the House or the Parliamentary Ethics Adviser.*

In conjunction with the Regulation and this code, the following Standing Orders apply in relation to personal or pecuniary interests:

- *Legislative Assembly Standing Orders 176-7 and Legislative Council Standing Order 113(2) on voting in divisions; and*
- *Legislative Assembly Standing Order 276 and Legislative Council Standing Order 210(10) on participating in committee inquiries.*

7 Conflicts of interest

Members must take reasonable steps to avoid, resolve or disclose any conflict between their private interests and the public interest. The public interest is always to be favoured over any private interest of the Member.

Members shall take reasonable steps to draw attention to any conflicts between their private interests and the public interest in any proceeding of the House or its Committees, and in any communications with Ministers, Members, public officials or public office holders.

A conflict of interest does not exist where the Member is only affected as a member of the public or a member of a broad class.

Commentary

Members should be aware of the important distinction between disclosing an interest and having a conflict of interest.

There are certain pecuniary interests that must be disclosed on the Register of Disclosures although these may never come into conflict with a Members' duties. There are also interests that are not required to be disclosed on the Register of Disclosures but which could give rise to a conflict of interest if they are not managed appropriately.

It is open to any Member to seek advice on these matters from the Clerks of the House or the Parliamentary Ethics Adviser.

8 Gifts

- a) Members must take reasonable steps to disclose all gifts and benefits received in connection with their official duties, in accordance with the requirements for the disclosure of pecuniary interests.
- b) Members must not knowingly accept gifts that could reasonably be expected to give rise to a conflict of interest or could reasonably be perceived as an attempt to improperly influence the Member in the exercise of his or her duties.
- c) Nothing in this Code precludes the giving or accepting of political donations in accordance with the *Electoral Funding Act 2018*.

Commentary

The Constitution (Disclosures by Members) Regulation 1983 (the Regulation) requires that Members lodge regular returns, disclosing certain interests such as real property, interests and positions in corporations, income, debts and gifts.

The Regulation also requires that each Clerk compile and maintain a Register of Disclosures for their respective Houses. The purpose of the Register of Disclosures is to promote greater transparency, openness, and accountability in the parliamentary process.

Members' attention is drawn to the following sources of information and advice on compliance with the requirements of the Regulation:

- *Schedule 1 of the Regulation outlines the requirements for each type of interest to be disclosed, and gives examples as to how to make entries on the return;*
- *The respective guides for Members of the Legislative Assembly and the Legislative Council explain the requirements of the pecuniary interest disclosure regime in plain language, with examples where possible; and*
- *It is also open to any Member to seek advice on these matters from the Clerks of the House or the Parliamentary Ethics Adviser.*

UPHOLDING THE CODE

9 Upholding the Code

Members have a duty to cooperate fully with any processes established under the authority of the House concerning compliance with this Code.

Breaches of this Code may result in action being taken by the House in relation to a Member. A substantial breach of the Code may constitute corrupt conduct for the purposes of the *Independent Commission Against Corruption Act 1988*.

This resolution has continuing effect unless and until amended or rescinded by resolution of the House.

Citizen's Right of Reply

Adopted 9 May 2023

That, during the current Parliament, unless otherwise ordered, the following Citizens' Right of Reply be adopted:

- (1) That where a submission is made in writing by a person who has been referred to in the Legislative Assembly by name, or in such a way as to be readily identified:
 - (a) claiming that the person or corporation has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that the person's privacy has been unreasonably invaded, by reason of that reference to the person or corporation; and
 - (b) requesting that the person be able to have consideration given to an appropriate response being published by the Legislative Assembly or incorporated into Hansard,

and the Speaker is satisfied:

- (c) that the subject of the submission is not so obviously trivial or the submission so frivolous, vexatious or offensive in character as to make it inappropriate that it be considered by the Standing Orders and Procedure Committee;
 - (d) the submission was received within 6 months after the relevant comments were made in the House unless the applicant can show exceptional circumstances to explain the delay; and
 - (e) that it is practicable for the Committee to consider the submission under this resolution, the Speaker shall refer the submission to that Committee.
- (2) That the Committee may decide not to consider a submission referred to it under this resolution if the Committee considers that the subject of the submission is not sufficiently serious or the submission is frivolous, vexatious or offensive in character, and such a decision shall be reported to the Legislative Assembly.
 - (3) That if the Committee decides to consider a submission under this resolution, the Committee may confer with the person who made the submission and any member who referred in the Legislative Assembly to that person or corporation.
 - (4) That in considering a submission under this resolution, the Committee shall meet in private session.
 - (5) That the Committee shall not publish a submission referred to it under this resolution of its proceedings in relation to such a submission, but may present minutes of its proceedings and all or part of such submission to the Legislative Assembly.
 - (6) In considering a submission under this resolution and reporting to the Legislative Assembly the Committee shall not consider or judge the truth of any statements made in the Legislative Assembly or the submission.
 - (7) That in its report to the Legislative Assembly on a submission under this resolution, the Committee may make either of the following conclusions:
 - (a) that no further action be taken by the Committee or the Legislative Assembly in relation to the submission; or
 - (b) that a response by the person who made the submission, in terms specified in the report and agreed to by the person or corporation and the Committee, be published by the Legislative Assembly or incorporated in Hansard by the Speaker.
 - (8) That a document presented to the Legislative Assembly under paragraph (5) or (7):
 - (a) in the case of a response by a person or corporation who made a submission, shall be succinct and strictly relevant to the questions in issue and shall not contain anything offensive in character; and
 - (b) shall not contain any matter the publication of which would have the effect of:
 - (i) unreasonably adversely affecting or injuring a person or corporation, or unreasonably invading a person's privacy, in the manner referred to in paragraph (1); or
 - (ii) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person.
 - (9) That a corporation making a submission under this resolution is required to make it under their common seal.

- (10) The provisions of Standing Order 306, do not apply to any report made by the Committee to the Legislative Assembly under this resolution.

Parliamentary Ethics Advisor

Adopted 17 June 2014

The Parliamentary Ethics Advisor shall have the following functions.

Advice to Members of Parliament

(1)

- (a) The Parliamentary Ethics Advisor is to advise any member of Parliament, when asked to do so by that member, on ethical issues concerning the exercise of his or her role as a member of Parliament (including the use of entitlements and potential conflicts of interest).
- (b) The Parliamentary Ethics Advisor is to be guided in giving this advice by any Code of Conduct or other guidelines adopted by the House (whether pursuant to the *Independent Commission Against Corruption Act* or otherwise).
- (c) The Parliamentary Ethics Advisor's role does not include the giving of legal advice.

Advice to Ministers on post-separation employment

(2) The Parliamentary Ethics Advisor must on request by a Minister provide written advice to the Minister as to whether or not the Adviser is of the opinion that the Minister's:

- (a) acceptance of an offer of post-separation employment or engagement which relates to the Minister's portfolio responsibilities (including portfolio responsibilities held during the previous two years of ministerial office); or
- (b) decision to proceed, after the Minister leaves office, with a proposal to provide services to third parties (including a proposal to establish a business to provide such services) which relates to the Minister's portfolio responsibilities (including portfolio responsibilities held during the previous two years of ministerial office),

would give rise to a reasonable concern that:

- (c) the Minister's conduct while in office was influenced by the prospect of the employment or engagement or the proposal to provide services; or
 - (d) the Minister might make improper use of confidential information to which he or she has access while in office.
- (4) If the Adviser is of the opinion that accepting the proposed employment or engagement or proceeding with the proposal to provide services might give rise to such a reasonable concern, but the concern would not arise if the employment or engagement or the provision of services were subject to certain conditions, then he or she must so advise and specify the necessary conditions.
- (5) The Adviser's advice must include:
- (a) a general description of the position offered, including a description of the duties to be undertaken, or the services to be provided, based on material provided by the Minister or former Minister but excluding any information that the Minister or former Minister indicates is confidential; and
 - (b) the Adviser's opinion as to whether or not the position may be accepted, or the services may be provided, either with or without conditions.

(6) Where the Adviser becomes aware that a Minister or former Minister has accepted a position, or has commenced to provide services, in respect of which the Adviser has provided advice, the Adviser must provide a copy of that advice to the Presiding Officer of the House to which the Minister belongs or to which the former Minister belonged.

Keeping of records

- (7) The Parliamentary Ethics Advisor shall be required to keep records of advice given and the factual information upon which it is based.
- (8) Subject to clause 6, the Parliamentary Ethics Advisor shall be under a duty to maintain the confidentiality of information provided to him in exercising his function and any advice given, but the Parliamentary Ethics Advisor may make advice public if the person who requested the advice gives permission for it to be made public.
- (9) This House shall only call for the production of records of the Parliamentary Ethics Advisor if the person to which the records relate has:
 - (a) in the case of advice given under clause 1(a), sought to rely on the advice of the Parliamentary Ethics Advisor; or
 - (b) given permission for the records to be produced to the House.

Annual meeting with committees

- (10) The Parliamentary Ethics Adviser is to meet annually with the Standing Committee of each House designated for the purposes of Part 7A of the *Independent Commission Against Corruption Act*.

Report to Parliament

(11)

- (a) The Parliamentary Ethics Adviser shall be required to report to the Parliament annually on the number of ethical matters raised with him, the number of members who sought his advice, the amount of time spent in the course of his duties and the number of times advice was given.
- (b) The Parliamentary Ethics Adviser may report to the Parliament from time to time on any problems arising from the determinations of the Parliamentary Remuneration Tribunal that have given rise to requests for ethics advice and proposals to address these problems.

- (12) That a message be sent informing the Legislative Council of the resolution.

Broadcast Resolution

Adopted 9 May 2023

That:

- 1) The House authorises the broadcast and re-broadcast of the proceedings and excerpts of proceedings of the House and its committees in accordance with this resolution.
- 2) The House authorises the sound and vision broadcast of the proceedings of the House and its committees, including the publication of audio captions, through:
 - a) the internal broadcast system within Parliament House,
 - b) the direct signal to accredited media within Parliament House,
 - c) the New South Wales Parliament website,
 - d) the New South Wales Parliament's social media channels.
- 3) The House authorises the provision of excerpts of sound and vision coverage (including any audio captions) of the proceedings of the House, including records of past proceedings, through direct access to the Parliament-on-Demand service to persons and organisations as determined by the Speaker.
- 4) Individual requests for excerpts of sound and vision coverage (including any audio captions) of the proceedings of the House by persons or organisations other than those identified in paragraph (3) (or without direct access to the Parliament-on-Demand service) require approval from the Clerk.
- 5) Individual requests for excerpts of sound and vision coverage (including any audio captions) of the proceedings of a committee through the Parliament-on-Demand service require approval from the Clerk-Assistant, Scrutiny and Engagement.
- 6) Despite anything else in this Resolution, the House does not authorise any person to republish audio captioning of the proceedings of the House or its committees.
- 7) For the purpose of this Resolution, the terms 'audio captioning' and 'audio captions' refer to the 'real time' transcription of words spoken in proceedings of the House and its committees.

Conditions for broadcast and rebroadcast of Assembly proceedings

- 8) The live broadcast or rebroadcast of Legislative Assembly proceedings is authorised on the following conditions, and any other terms and conditions, not inconsistent with this paragraph, determined by the Speaker from time to time:
 - a) Only the following broadcast material shall be used:
 - i. the sound and vision coverage provided by the Parliament that is produced for broadcast, re-broadcast and archiving,
 - ii. official broadcast material supplied by parliamentary staff,
 - iii. filming or photography on request by persons or organisations that is approved by the Speaker.
 - b) Broadcast material shall be used only for the purposes of fair and accurate reports of proceedings, and shall not be digitally manipulated nor used for:
 - i. political party advertising or election campaigns,
 - ii. commercial sponsorship or commercial advertising.
 - c) Reports of proceedings shall be such as to provide a balanced presentation of differing views.
 - d) Excerpts of proceedings which are subsequently withdrawn may be broadcast only if the withdrawal is also broadcast.
 - e) The instructions of the Speaker, or his or her delegates, on the use of recorded excerpts of proceedings must be observed at all times.

Conditions for broadcast of committee proceedings

- 9) The following conditions apply to the broadcasting of committee proceedings:
 - a) The broadcasting, filming or photography of any public proceedings of a committee is subject to the authorisation of the committee in each instance.
 - b) A committee may determine conditions, not inconsistent with this resolution, for the recording and broadcasting of its proceedings, may order that any part of its proceedings not be recorded or broadcast, and may give instructions for the observance of conditions so determined and orders so made. A committee shall report to the House any wilful breach of such conditions orders or instructions.
 - c) Recording and broadcasting of proceedings of a committee shall not interfere with the conduct of those proceedings, shall not encroach into the committee's work area, or capture documents (either in hard copy or electronic form) in the possession of committee members, witnesses or committee staff.
 - d) Broadcast of committee proceedings shall be used only for the purposes of fair and accurate reports of those proceedings, and shall not be digitally manipulated nor used for:
 - i. political party advertising or election campaigns,
 - ii. commercial sponsorship or commercial advertising.
- 10) Where a committee intends to authorise the broadcasting of its proceedings, a witness who is to appear in those proceedings shall be given reasonable opportunity, before appearing in the proceedings, to object to the broadcasting

on the proceedings and to state the ground of the objection. The committee shall consider any such objection, having regard to the proper protection of the witness and the public interest in proceedings, and if the committee decides to permit broadcasting of the proceedings notwithstanding the witness' objection, the witness shall be so informed before appearing in the proceedings.

Ensuring Procurement Free From Products of Modern Slavery

Adopted 25 November 2021

That commencing from the 2022-2023 financial year starting 1 July 2022:

- (1) The Department of Parliamentary Services of the Parliament of New South Wales must take reasonable steps to ensure goods and services procured by and for the Houses of Parliament are not the product of modern slavery.
- (2) The Chief Executive, Department of Parliamentary Services must, within 5 months of the end of each financial year, prepare a report (an annual report) that contains the following:
 - (a) a statement of the action taken by the Department of Parliamentary Services in relation to any issue raised by the Anti-slavery Commissioner during the year concerning the operations of the Department and identified by the Commissioner as being a significant issue, and
 - (b) a statement of steps taken to ensure goods and services procured by and for the Department during the year were not the product of modern slavery.
- (3) The annual report prepared under this resolution must be:
 - (a) presented to the Presiding Officer of each House of Parliament,
 - (b) tabled in each House of Parliament by the Presiding Officer within 14 sitting days of receipt the annual report, and
 - (c) forwarded to the Anti-slavery Commissioner.
- (4) That this resolution have continuing effect until rescinded or amended.

Days of meeting

Adopted 19 October 2023 and amended 16 May 2024

That unless otherwise ordered, the House meet during the 2024 Autumn and Spring sittings as follows:

Autumn Sittings: February 6, 7, 8; March 12, 13, 14, 19, 20, 21; May 7, 8, 9, 14, 15, 16; June 4, 5, 6, 18, 19, 20, 21.

Spring Sittings: August 6, 7, 8, 9, 13, 14, 15; September 17, 18, 19, 20, 24, 25, 26; October 15, 16, 17, 18, 22, 23, 24; November 12, 13, 14, 15, 19, 20, 21, 22; and November 26, 27, 28 as a Reserve Week.

(The House to sit on the Reserve Week of November 26, 27, 28)

Routine of Business for 2024 Friday sitting weeks

Adopted 16 May 2024

That:

- (2) The Routine of business for the Wednesday sitting days of 19 June, 7 August, 18 September, 16 October, 13 November and 20 November 2024 be amended by removing item 15 (take note of committee reports for up to 30 minutes).
- (3) The routine of business for Friday sitting days in 2024 be:
 - (a) Speaker to take the Chair at 10.00 am.
 - (b) Giving of General Business Notices of Motions (General Notices) for up to 15 minutes.
 - (c) General Business Notices of Motions for Bills for up to 40 minutes.
 - (d) Committee Reports – Take note debates for up to 40 minutes.
 - (e) Petitions Debate (allowing for such number of debates as the House may determine).
 - (f) Government Business, with the Speaker to then leave the Chair.
 - (g) At 1.30 pm, the Speaker resumes the Chair.
 - (h) Community Recognition Statements for up to 20 minutes.
 - (i) Private Members' Statements.
 - (j) Adjournment without motion until the next sitting day at 4.00 pm or at the conclusion of Private Members' Statements if concluded prior to 4.00 pm.

SITTING DAY SCHEDULE (ROUTINE OF BUSINESS)

TUESDAY		WEDNESDAY		THURSDAY		
		10.00 a.m.	Notices of Motion (General Business) (up to 15 minutes)	10.00 a.m.	Notices of Motions (General Business) (up to 15 minutes)	
		10.15 a.m.	Government Business	10.15 a.m.	General Business Notices of Motion for Bills (up to 20 minutes)	
		11.00 a.m.	Question Time and Routine of Business	10.35 a.m.	General Business Orders of the Day for Bills (up to 90 mins)	
12.00 p.m.	Question Time and Routine of Business	Approx. 12.15 p.m.	Government Business	11.00 a.m.	Question Time and Routine of Business	
1.15 p.m. (approx.)	Notices of Motion (General Business) (up to 15 minutes)	1.00 p.m.	Committee Reports (Take Note Debate) (up to 30 mins)	Approx. 12.15 pm	Resumption of General Business Orders of the Day for Bills	
1.30 p.m. (approx.)	Lunch	1.30 p.m.	Lunch	1.20 p.m. (approx.)	Lunch	
2.30 p.m.	Government Business (if completed, Community Recognition Statements for up to 30 minutes, followed by Private Members' Statements if required)	2.30 p.m.	Government Business (if completed, Community Recognition Statements for up to 30 minutes, followed by Private Members' Statements if required)	2.30 p.m.	General Business Notices of Motions or Orders of the Day (not being Bills)	
5.00 p.m.		5.00 p.m.		Public Interest Debate	3.40 p.m.	Government Business (if completed, Community Recognition Statements for up to 20 minutes)
Approx. 5.45 p.m.		Approx. 5.45 p.m.		Government Business (if required)	At 4.00 p.m.	Petition Debate
				Community Recognition Statements		Community Recognition Statements
	Private Members' Statements		Private Members' Statements		Private Members' Statements	
	Adjournment at the conclusion of Private Members' Statements		Adjournment at the conclusion of Private Members' Statements		Adjournment at the conclusion of Private Members' Statements	

SUPPLEMENTARY SITTING DAY SCHEDULE - 2024 FRIDAY SITTING WEEKS

Weeks of: 18–21 Jun; 6–9 Aug; 17–20 Sep; 15–18 October; 12–15 Nov; 19–22 Nov

TUESDAY		WEDNESDAY		THURSDAY		FRIDAY	
		10.00 a.m.	Notices of Motions (General Business) (up to 15 minutes)	10.00 a.m.	Notices of Motions (General Business) (up to 15 minutes)	10.00 a.m.	Notices of Motions (General Business) (up to 15 minutes)
		10.15 a.m.	Government Business	10.15 a.m.	General Business Notices of Motions for Bills (up to 20 minutes)	10.15 a.m.	General Business Notices of Motions for Bills (up to 40 minutes)
		11.00 a.m.	Question Time and Routine of Business	10.35 a.m.	General Business Orders of the Day for Bills (up to 90 mins)	10.55 a.m.	Committee Reports (Take Note Debate) (up to 40 mins)
		Approx. 12.15 p.m.	Government Business	11.00 a.m.	Question Time and Routine of Business	11.35 a.m. (approx.)	Petition Debate(s)
12.00 p.m.	Question Time and Routine of Business			Approx. 12.15 pm	Resumption of General Business Orders of the Day for Bills		Government Business
1.15 p.m. (approx.)	Notices of Motions (General Business) (up to 15 minutes)						Lunch
1.30 p.m. (approx.)	Lunch		Lunch	1.20 p.m. (approx.)	Lunch		
2.30 p.m.	Government Business (if completed, Community Recognition Statements for up to 30 minutes, followed by Private Members' Statements if required)	2.30 p.m.	Government Business (if completed, Community Recognition Statements for up to 30 minutes, followed by Private Members' Statements if required)	2.30 p.m.	General Business Notices of Motions or Orders of the Day (not being Bills)	1.30 p.m.	Community Recognition Statements (up to 20 minutes)
				3.40 p.m.	Government Business (if completed, Community Recognition Statements for up to 20 minutes)		1.50 p.m.
				At 4.00 p.m.	Petition Debate	At 4.00 p.m.	Adjournment at the conclusion of Private Members' Statements or at 4pm, whichever is the earlier.
					Community Recognition Statements (up to 30 minutes)		
					Private Members' Statements		
5.00 p.m.	Public Interest Debate	5.00 p.m.	Public Interest Debate		Adjournment at the conclusion of Private Members' Statements		
Approx. 5.45 p.m.	Government Business (if required)	Approx. 5.45 p.m.	Government Business (if required)				
	Community Recognition Statements (up to 30 minutes)		Community Recognition Statements (up to 30 minutes)				
	Private Members' Statements		Private Members' Statements				
	Adjournment at the conclusion of Private Members' Statements		Adjournment at the conclusion of Private Members' Statements				