



## LEGISLATIVE ASSEMBLY

# Procedural Digest

## Fifty-eighth Parliament, First Session

No. 8/2024: 12 – 22 November 2024

*This document provides a summary of significant procedural events and precedents in the Legislative Assembly. It is produced at the end of each sitting period. Where applicable the relevant Standing Orders are noted.*

November 2024

M	T	W	T	F
11	12	13	14	15
18	19	20	21	22

## Members

### Three new Members of the Legislative Assembly

On Tuesday 12 November, three new Members (Ms Monica Tudehope, Member for Epping, Mr James Wallace, Member for Hornsby, and Ms Jacqui Scruby, Member for Pittwater) joined the Legislative Assembly following by-elections held on Saturday 19 October.

Each new Member was called in turn by the Speaker and escorted into the Chamber. They took the pledge of loyalty, signed the Roll of the House and took their seat. The new Members will make their inaugural speeches when the House meets in February 2025.

*Votes and Proceedings:* 12/11/2024, pp. 940-1.

Standing Orders 23 (Pledge or oath other than on first sitting day) and 24 (Roll of Members)

Legislation s(12) *Constitution Act 1902*.

### Procedural note

Section 12 of the Constitution Act 1902 provides that a Member is not permitted to sit or vote in the House to which they have been elected until they have taken the pledge of loyalty or oath or affirmation of allegiance.

## Business

### Days of meeting 2025

On Tuesday 19th November the Leader of the House, Mr Ron Hoenig, moved, that unless otherwise ordered, the House meet during the 2025 autumn and spring sittings as follows:

**Autumn sittings:** February 11-13, 18-20; March 18-20, 25-28; May 6-8, 13-15, 27-29; June 3-5, 24-27.

**Spring sittings:** August 5-8; September 9-11, 16-18; October 14-16, 21-24; November 11-14, 18-21; and November 25, 26 and 27 as a reserve week.



## LEGISLATIVE ASSEMBLY

The proposed days of meeting for 2025 includes Friday sitting days in six of the sitting weeks. As we reported in [Digest no.3 2024](#), the House first resolved to sit on Fridays in May 2024. The decision to introduce Friday sittings, and the associated routine of business, was strongly debated before being agreed to on division.

The motion to continue with Friday sittings in 2025 was again debated by the Opposition, with the Manager of Opposition Business, Mr Alister Henskens, moving that the motion be amended by:

(1) inserting six additional dates, with Question Time, in April and August; and

(2) removing six Friday sitting days without Question Time.

Debate on the amendment ensued with Mr Saunders and Ms Smith being granted leave to speak on the motion. Mr Coure and Mr Singh sought leave to speak but were denied.

The amendment was negatived on division and the original motion was then agreed to on division. The routine of business for the Friday sitting days in 2025 is yet to be determined.

*Votes and Proceedings*: 19/11/2024, pp. 983-5.

*Hansard (Proof)*: 19/11/2024, pp. 15-9.

Standing Order 34 (Days and times of meetings)

### Tabling of Annual Reports

As was anticipated, the end of the sitting year saw a significant spike in the tabling of annual reports, with a total of 139 annual reports being tabled by the Speaker and Ministers in November. Annual reports were received from Government agencies, statutory bodies and departments.

Most, but not all, Government agencies, statutory bodies and departments in NSW have annual reporting obligations under the *Government Sector Finance Act 2018* (the GSF Act). Agencies with reporting obligations under the GSF Act are known as GSF agencies. After agreement between the office of the Leader of the House, Treasury, the Premier's Office, and the Assembly's Table Office, the Leader of the House, Mr Ron Hoenig, tabled the annual reports received from GSF agencies on Thursday 21 November, during the time allocated for Ministers to table papers in the Routine of Business.

Mr Hoenig announced the electronic tabling of the reports, provided a comprehensive list to the Clerks at the Table, and requested that the documents be printed. Several Ministers also tabled annual reports separately to Mr Hoenig for agencies not under the GSF Act. It was noted that some annual reports would still be tabled out of session following the final sitting day of the year.

Additionally, the House agreed to a motion moved by Mr Hoenig that allowed the annual report of the Department of the Legislative Assembly to be tabled out of session. Specifically, Mr Hoenig moved, by leave, that if the House was not sitting, the report of the Department of the Legislative Assembly for the year ended 30 June 2024 be received by the Speaker and printed with the authority of the House. The motion was agreed to on the voices. Consequently, the annual report of the Legislative Assembly was tabled on 3 December 2024 as an out-of-session tabling. While the Department of the Legislative Assembly is not required to table an annual report under annual reporting legislation, it chooses to do so as a way of providing information to the public about activities and performance.

*Votes and Proceedings*: 21/11/2024, pp. 1007-8.

*Hansard (Proof)*: 21/11/2024, pp. 22-3.



## LEGISLATIVE ASSEMBLY

Standing Orders 266 (Tabling and printing of papers) and 266A (Tabling of reports and documents when the House is not sitting)

### Procedural note

Annual reports are the primary way in which agencies demonstrate their accountability to Parliament, the Government and the public.

The [Government Sector Finance Act 2018](#), requires that the responsible Minister for a GSF agency is to ensure the agency's annual reporting information is tabled in each House of Parliament as soon as practicable. This must occur no later than five months after the end of the agency's reporting period, or within any other period prescribed by the regulations.

Standing and sessional orders and resolutions of the House provide flexibility for tabling annual reports electronically or out of session when required. This process ensures timely compliance with reporting obligations while accommodating practical constraints of parliamentary sittings.

### Ordering papers to be printed

Under Standing Order 264, papers may be tabled in the House by the Speaker, Ministers, Committee Chairs, the Clerk, statutory provision, resolution of the House or command of the Governor.

Standing Order 265 provides that the Speaker may table papers and also direct that they be printed.

While the Speaker will order that any papers tabled by him be printed, other papers tabled throughout the year are not generally 'ordered to be printed' by the House.

On Thursday 21 November, the Leader of the House, Mr Ron Hoenig, moved that those papers tabled since November 2023 which had not previously been ordered to be printed, be printed. The question was agreed to on the voices and the full list of papers ordered to be printed was published in the Votes and Proceedings.

*Votes and Proceedings*: 21/11/2024, pp. 1008-10.

Standing Orders 264 (Tabled papers), 265 (Speaker tables papers) and 266 (Tabling and printing of papers)

## Bills

### Volume of legislation passed in final two sitting weeks of the year

The November sitting weeks were the last opportunity for the House and the Parliament to pass legislation in 2024. The final two weeks saw six Government bills introduced in the Assembly with three introduced each week.

The Legislative Council sent a total of 16 Government bills to the Assembly for concurrence over the two weeks, forwarding nine in the first week and seven in the second.

Three Government bills were considered in detail, with both the *Crimes Amendment (Obstructing a Railway) Bill 2024* and the *Public Health (Tobacco) Amendment Bill (No 2) 2024* being amended. The House did not agree to the proposed amendments to the *Energy Amendment (Long duration Storage and Investment) Bill 2024*.



## LEGISLATIVE ASSEMBLY

Across the fortnight, seven Government bills were returned from the Council without amendment and three were returned with amendments.

The Assembly forwarded five bills to the Council for concurrence: Three in the first week and two in the second. The *Public Health (Tobacco) Amendment Bill (No 2) 2024* was forwarded to the Council in the first week and returned with amendments in the second week before passing both Houses. The *Victims Rights and Support Amendment (Victims Support Counselling) Bill 2024* was forwarded to the Council and passed both Houses on 21 November. The other three Assembly Government bills forwarded remain in the second reading stage in the Council.

Both the *Victims Rights and Support Amendment (Victims Support Counselling) Bill 2024* and the *Crimes Amendment (Obstructing a Railway) Bill 2024* were declared urgent in the Council on Wednesday 20 November, passing the Council on Thursday evening after the Assembly had risen for the day.

Three Government bills remain on the Assembly Business Paper for the first sitting day in 2025, all of which were introduced in the last sitting week. In the Council, nine Government bills are on their Notice Paper, four of which are bills that originated in the Assembly.

The Assembly also had seven Private Members' Bills introduced in November.

### **Public Health (Tobacco) Amendment Bill (No 2) 2024 – consideration of amendments**

The Public Health (Tobacco) Amendment Bill (No 2) 2024 was introduced in the Legislative Assembly on 24 October by the Minister for Health, Mr Ryan Park. The purpose of the bill was to establish a licensing scheme to regulate the sale of tobacco and non-tobacco products. On 12 November, following the second reading debate, the bill was considered in detail as the independent Member for Wagga Wagga, Dr Joe McGirr, and the Opposition Member for Vaucluse, Ms Kellie Sloane, had each circulated amendments to the bill. Dr McGirr had circulated five amendments while Ms Sloane had circulated eleven amendments.

Initially Dr McGirr had intended to seek leave to move his five amendments in globo, but it was made known to him that Ms Sloane intended to move an amendment to his amendment No. 5 in. While there was no procedural impediment to Dr McGirr moving all five amendments together (and the amendment of Ms Sloane being moved to one of those amendments), Dr McGirr elected to seek leave to move his first four amendments together. Leave was granted and the four amendments were agreed to on the voices.

Dr McGirr then sought leave to move his remaining amendment, leave was sought as his amendment No. 5 appeared later in the bill than the first of the yet to be moved amendments of Ms Sloane. It is practice that amendments are moved in the order in which they appear in the bill. Dr McGirr moved his amendment upon which Ms Sloane moved her amendment which she signed and handed up so copies could be made by the Clerks for the information of the members in the Chamber. Ms Sloane's amendment to the amendment was negated on the voices, after which Dr McGirr's amendment was agreed to on the voices.

Like Dr McGirr, Ms Sloane had initially considered seeking leave to move all her amendments in globo. However, it was indicated to Ms Sloane that the Government was inclined to support some of her amendments. As a result, Ms Sloane, by leave, moved amendments 1, 2, 3 and 11 together and they were agreed to on the voices. Ms Sloane then moved amendments 5, 7, 8, 9 and 10 together, which were negated on division. In the end Ms



Sloane decided not to move her remaining amendments (no. 4 and 6). The bill was forward to the Legislative Council for concurrence.

The bill was considered by the Legislative Council on 19 November 2024 during which two amendments were agreed to. The message from the Legislative Council returning the bill with amendments was reported in the morning on 20 November and consideration of the Legislative Council amendments was set down as an order of the day for a later hour. When the amendments were considered later in the day, the Minister moved that the amendments be agreed to with the Opposition indicating they were opposed to the amendments. Ultimately, the amendments were agreed to on the voices. The bill received assent on 2 December 2024.

*Votes and Proceedings*: 12/11/2024, pp. 947-53; 20/11/2024, pp. 1001-2.

*Hansard (Proof)*: 12/11/2024, pp. 24-46; 20/11/2024, pp. 61-7.

Standing Orders 164 (Amendment to amendment), 223 (Consideration of Council amendments) and 224 (Forms of question on Council amendments)

### **Crimes Amendment (Obstructing a Railway) Bill 2024 – amendments within the long title of the bill**

The Crimes Amendment (Obstructing a Railway) Bill 2024 sought to amend s 213 of the Crimes Act 1900. That provision prescribes an offence of obstructing a railway, without lawful excuse, which “causes the passage or operation of a locomotive or other rolling stock to be obstructed”, or knowingly assist another person to do so. Currently, the offence carries a penalty of imprisonment for 2 years. The bill proposed replacing that penalty with a fine of up to \$22,000 and/or a maximum prison term of 2 years (or 2 years’ imprisonment for offences dealt with on indictment).

It was a very short bill, comprising only two pages and with the Schedule containing the proposed amendment to section 213 of the Crimes Act being only 13 lines long. The long title of the bill was very precise, reading: An Act to amend the Crimes Act 1900 to provide for a monetary penalty for obstructing a railway.

The bill was considered in detail as both the Government and the Greens had circulated amendments. The Government amendment proposed adding a new subsection 213(3), creating an exemption to the offence where the conduct forms part of industrial action, an industrial dispute or an industrial campaign. The amendment was agreed to on division,

Of the Greens amendments, No. 1 sought to add a subsection exempting conduct that obstructs a tramway or light rail. No. 2 replicated the Government’s amendment, and proposed further new subsections, exempting conduct that occurs at the person’s workplace, and conduct authorised by the NSW Police Force or another public authority. No. 3 proposed making provision for statutory review.

The Member for Balmain, Ms Kobi Shetty, spoke to the amendments on behalf of the Greens. The Government amendment having been agreed to, Ms Shetty had the option of proposing the remaining parts of the Greens’ amendment No. 2. However, she proceeded only with amendments No. 1 and 3. Those amendments were resolved in the negative on minority division.

As it was no member raised a point of order in relation to the Government or The Greens amendments being within the long title of the bill.



## LEGISLATIVE ASSEMBLY

*Votes and Proceedings*: 19/11/2024, p. 987

*Hansard (Proof)*: 19/11/2024, p. 23

Standing Orders 210 (Amendments relevant) and 215 (Reconsideration)

### **Procedural note**

Standing Order 210 provides that amendments to any part of the bill must be within the long title of the bill or relevant to the subject matter of the bill and are otherwise in conformity with the Standing Orders and practice. If a point of order is raised regarding SO 210, it is for the Speaker to rule whether or not the amendment may proceed. In making such a ruling the Speaker may take advice from the Clerks, hear submissions from members and have reference to precedent and practice.

Standing Order 211 provides that if an amendment has been made in a bill necessitating an amendment to the long title a question shall be proposed "That the long title, as amended, be the long title of the bill."

When Parliamentary Counsel's Office draft amendments to a bill on instruction from a member they will also, as a matter of practice, draft an associated amendment to the long title of the bill where it is clear that such an amendment is necessary. While it is not incumbent on the instructing member to request such long title amendments it is certainly open to the member to confirm whether such an amendment would be advisable.

