



## LEGISLATIVE ASSEMBLY

# Procedural Digest

## Fifty-eighth Parliament, First Session

No. 5/2024: 6 – 15 August 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.*

August 2024				
M	T	W	T	F
			1	2
5	6	7	8	9
12	13	14	15	16

## Members

### Member for Northern Tablelands sworn

The new Member for Northern Tablelands, Mr Brendan Moylan, was sworn into the Legislative Assembly on 6 August 2024. Mr Speaker advised the outcome of the by-election to the House. Mr Moylan was escorted into the Chamber, took the pledge of loyalty and signed the Roll of the House.

Later in the day, the Leader of the House, Mr Ron Hoenig, in accordance with Standing Order 63, moved a motion that business before the House be interrupted on the next day at approximately 10:15 am to permit Mr Moylan to give his inaugural speech. The question was put and passed.

On 7 August, the following day after being sworn in as a new Member, Mr Moylan delivered his inaugural speech to the House.

*Votes and Proceedings: 6/8/2024, p. 718, p. 724, 7/8/2024, p. 731*

*Hansard (Proof): 6/8/2024, p. 2. P. 16, 7/8/2024, p. 1-4*

Standing Orders 23 (Pledge or oath other than on first sitting day), 24 (Roll of Members) and 63 (Inaugural or valedictory speech).

### Procedural note

Section 12 of the *Constitution Act 1902* states that a Member of the Legislative Assembly cannot sit or vote until they have taken the pledge of loyalty or oath of allegiance. Section 12 also sets out the scripts for the pledge and oath.

Standing Order 63 provides that a motion may be moved without notice, amendment or debate for the business to be interrupted at a specified time to allow a Member to make an inaugural speech.



### Business

#### Extension of lapsing date for items of General Business

Items of Government business remain on the Business Paper until concluded, withdrawn or laid aside, and may be arranged in any order the Government determines (Standing Order 102). However, General Business items have lapsing dates. Bills presented by non-government members will lapse six months from the date on which notice is given of their introduction (Standing Order 105(3)). General Business (not being Bills) will lapse three months after notice is given (Standing Order 105(4)). The majority of items of General Business lapse prior to being moved or concluded.

This sitting period saw Standing and Sessional Orders suspended to extend the lapsing dates of several items of business standing in the names of crossbench members.

On Tuesday 6 August, the Leader of the House, Mr Ron Hoenig, moved, and the House agreed, that Standing and Sessional Orders be suspended to provide for an extension of the lapsing dates for three items. Two bills, the *Environmental Planning and Assessment Amendment (Affordable Housing) Bill* in the carriage of the Member for Newtown, Ms Jenny Leong, and the *Protection of the Environment Amendment (Balloons) Bill* in the carriage of the Member for Balmain, Ms Kobi Shetty. Finally, General Business Notice of Motion No. 1454, Humelink Community Benefits Funding standing in the name of the Member for Wagga Wagga, Dr Joe McGirr.

If Dr McGirr had not been granted an extension, he would not have had the opportunity to move and debate his motion. Dr McGirr's notice of motion was due to lapse on 9 August, and on 8 August (the next day on which General Business was scheduled for debate) there were nine other General Business Notices of Motions ahead of it on the Business Paper. As it was, on the following Thursday 15 August, Dr McGirr's notice of motion occupied the first position on the Business Paper. The motion was moved, debated and agreed to on the voices.

It is rare for crossbench members to get to move a General Business Notice of Motion. In the 58th Parliament (up to the end of the first sitting week in August 2024) of the 37 General Business Notices of Motions moved only three were moved by crossbench members. The Routine of Business allows for only 70 minutes to debate General Business Notice of Motions on Thursdays (Standing Order 97). Generally, on Thursdays, the House will only move and conclude two motions and see the introduction of a third motion.

By convention, when the Giving of Notices of Motions occurs each sitting day, the Speaker usually calls on members to give notice according to a roster prepared by the Government Whip's office. Practice is that, of the thirty available spots, crossbench members are called on at positions 6, 12 and 18. It is this combination of factors that leads to few crossbench motions moved and why cross-bench members on occasion do seek to extend the lapsing dates for their items of business.

On Thursday 8 August, the Member for Sydney, Mr Alex Greenwich, moved, by leave, that Standing and Sessional Orders be suspended to extend the lapsing date for the *Equality Legislation Amendment (LGBTIQ+) Bill* until 31 October 2024. The lapsing date of this particular bill had already been extended twice previously. You can read more about this bill in previous issues (No. [6/2023](#) and [No. 2/2024](#)). Following debate, the question was put and passed on the voices.

*Votes and Proceedings*: 6/8/2024, p. 725 and 8/8/24, p. 745

*Hansard (Proof)*: 6/8/2024, p. 16 and 8/8/24, p. 1-4

Standing Orders: 85 (Maximum time limits), 97 (Routine of Business), 102 (Ministers may arrange), 105



## LEGISLATIVE ASSEMBLY

(Precedence and lapsing of General Business), 107 (General Business notices of motions or orders of the day (not for bills)) and 365 (Suspension of Standing Orders).

### Bills

#### Industrial Relations Amendment (Administrator) Bill 2024

The *Industrial Relations Amendment (Administrator) Bill 2024* (IR Bill) was introduced in the Legislative Assembly on 8 August 2024 by the Minister for Industrial Relations and for Work Health and Safety, Ms Sophie Cotsis. The bill is a state response to serious allegations of misconduct and corruption involving officials from the Construction, Forestry and Maritime Employees Union (CFMEU) and aligns with the Federal bill *Work (Registered Organisations) Amendment (Administration) Bill 2024*, which was introduced on 12 August 2024 and passed the Parliament of Australia on 20 August 2024. Both bills aim to establish a scheme for the administration of the C and G Divisions of the CFMEU.

On 14 August 2024, during the second reading debate Minister Cotsis foreshadowed a number of Government amendments to the bill that would better align it with the proposed federal legislation. At the start of the Consideration in Detail (CID) stage Minister Cotsis sought leave of the House to move the eight circulated Government amendments 'in globo'. However, Ms Jenny Leong dissented to the request and leave was not granted.

Subsequently, Minister Cotsis then proceeded to move and debate each of her eight amendments separately. The reason why the request for leave was denied became apparent, as the Greens supported six but were opposed, and called for a division, on two of the amendments.

Ms Leong then proceeded to move five amendments to the bill. All amendments were negatived, four on division and one on the voices. The IR Bill subsequently passed the Parliament on 15 August 2024 after the Assembly agreed to amendments proposed by the Legislative Council.

*Votes and Proceedings*: 14/08/2024, p. 769-776

*Hansard (Proof)*: 14/08/2024, p. 42-54, 63-64

Standing Orders: 96 (Leave) and 203 (Proceedings after the second reading)

