



## LEGISLATIVE ASSEMBLY

# Procedural Digest

## Fifty-eighth Parliament, First Session

No. 6/2024: 17 – 26 September 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.*

September 2024				
M	T	W	T	F
16	17	18	19	20
23	24	25	26	27

## Chamber

### Minister removed from Chamber during Question Time

During Question Time on 26 September 2024, the Speaker under the authority of Standing Order 249A ordered the Ms Sophie Cotsis, the Minister for Industrial Relations and Minister for Work Health and Safety to leave the Chamber for five minutes. The Minister had overtly defied the authority of the Speaker by failing to cease speaking and resume her seat despite numerous calls from the Speaker.

The previous time a Minister was ordered by the Speaker to be removed from the Chamber occurred on 20 October 1988. On that occasion the then Minister for Transport, Mr Bruce Baird was removed by Speaker Rozzoli for repeated interjections and ultimately in defiance of a clear warning from the Speaker.

*Votes and Proceedings:* 26/09/2024, p. 852

*Hansard (Proof):* 26/09/2024, p. 17

Standing Order 249A (Member removed from the Chamber)

## Speaker

### Speaker's Guideline - use of offensive or disorderly words, and unparliamentary language

On Thursday 19 September 2024 the Speaker issued the following Guideline 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



## LEGISLATIVE ASSEMBLY

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.'

The Guideline was issued in the context of the recommendations of the [Independent Review of Bullying, Sexual Harassment and Sexual Misconduct in NSW Parliamentary Workplaces](#) (the Broderick Report), and in consultation with the Standing Orders and Procedure Committee. The Speaker stated that 'the purpose of this guideline is to clarify that offensive words include words that are sexist, racist, homophobic or otherwise exclusionary'.

### Procedural note

Standing Order 9(2) provides that the Speaker may, from time to time, issue guidelines in relation to matters not provided for in the Standing Orders.

*Votes and Proceedings*: 19/09/2024, p. 814-815

*Hansard (Proof)*: 19/09/2024, p. 7-8

Standing Orders 9(2) (Speaker – Role); 74 (Quarrels not permitted); [Speaker's Guideline](#), p. 99

## Business

### Revocation of dedication of land as State forest

Under the *Forestry Act 2012*, the land which forms part of a State forest may only be altered or revoked by the Governor, following the passing of a resolution of both Houses. The September sitting period saw the Assembly resolve that a parcel of 32 hectares of land in the Bago State Forest be revoked. Revocations are not regular occurrences and prior to this event the last time a revocation was agreed to by both Houses was on 1 June 2017.

On Tuesday 24 September Minister Steve Whan tabled a [proposed part revocation of dedication of Bago State Forest](#). The tabled document included background information explaining why the revocation was proposed, a diagram showing the area to be revoked and the deposited plan numbers of the pieces of land making up the area to be revoked.

The following day, Wednesday 25 September, Mr Whan gave a notice of motion for Government Business relating to the proposed part revocation of the dedication of Bago State Forest. The notice was subsequently placed on the Business Paper for Thursday 26 September.

On Thursday 26 September Mr Whan moved, pursuant to notice, that the House agree to the revocation of land as set out in the notice given the previous day and the proposal tabled on 24 September. Following a short debate the resolution was agreed to on the voices. The Legislative Council also agreed to a similar resolution regarding the revocation on 26 September.



## LEGISLATIVE ASSEMBLY

A copy of the resolution was signed by the Speaker and transmitted to the Governor for approval on Friday 27 September. Once the Governor receives a copy of the resolution from both Houses she may give effect to the revocation by having a notice published in the Government Gazette.

*Votes and Proceedings*: 24/9/2024, p. 829; 25/9/2024, p. 838; 26/9/2024, p. 860

*Hansard (Proof)*: 26/9/2024, pp.54-5

Standing Orders 133 (Notice given verbally) and 142 (Moving motions)

Legislation: s. 15, *Forestry Act 2012*

### Procedural note

Section 15 (Revocation of dedication of land as State forest) of the *Forestry Act 2012* states:

(1) Subject to this Act, the dedication of land as State forest may only be revoked or altered in whole or in part in the following manner:

(a) a proposal for the revocation or alteration is to be tabled in each House of Parliament.

(b) after the proposal has been tabled, the Governor may, on a resolution being passed by both Houses that the proposal be carried out, by notice published in the Gazette, revoke or alter the dedication.

(2) On any such revocation, the land becomes Crown land to be dealt with under the *Crown Land Management Act 2016* and until so dealt with is to be reserved from sale or lease under any Act.

### Deferred division

On Wednesday 25 September the Leader of the House, Mr Ron Hoenig, moved that Standing and Sessional Orders be suspended so that from 7.30pm no quorum call could be made, and any divisions called during Government business would be deferred until 10.30am the following day. The suspension was agreed to on the voices.

Later that evening, after 7.30pm, during consideration in detail on the *Road Transport Legislation Amendment (Speed Camera Detection) Bill 2024*, the Member for Upper Hunter, Mr Dave Layzell, moved an amendment. The Government opposed the proposed amendment, and a division was called. The Temporary Speaker, Mr Clayton Barr, advised the House that, in accordance with the earlier resolution, the division would be deferred until 10.30am the following morning.

At 10.15am on Thursdays the House considers General Business Notices of Motions for Bills for up to 20 minutes. On Thursday 26 September, Ms Kobi Shetty, the Member for Balmain, was in the midst of giving her second reading speech on the *Environmental Planning and Assessment Amendment (Affordable Housing Statutory Condition) Bill 2024* when she was interrupted at 10.30am in order for the House to conduct the division that had been deferred the previous evening. The division was duly conducted, and the amendment was negatived.

The Leader of the House then sought leave to conclude the remaining proceedings on the *Road Transport Legislation Amendment (Speed Camera Detection) Bill 2024* forthwith. Leave was granted and the remaining



## LEGISLATIVE ASSEMBLY

questions – that the clauses and schedules of the bill be agreed to; and that the bill be now read a third time – were put and agreed to on the voices, with the bill then being sent to the Legislative Council for concurrence. Ms Shetty then completed her second reading speech for the *Environmental Planning and Assessment Amendment (Affordable Housing Statutory Condition) Bill 2024*.

*Votes and Proceedings*: 25/9/2024, p. 837, pp. 846-7; 26/9/2024, pp. 849-51

*Hansard (Proof)*: 25/9/2024, p. 1, p. 95; 26/9/2024, pp. 3-4

Standing Orders: 365 (Suspension of Standing and Sessional Orders)

### Bills

#### Two private members bills pass the Assembly in one day

On Wednesday 25 September, the Leader of the House, Mr Ron Hoenig, moved that Standing and Sessional Orders be suspended on Thursday 26 September to allow the *Regional Communities (Consultation Standards) Bill 2024* and the *Water Management Amendment (Water Access Licence Register Reform) Bill 2024* to proceed through all stages. Under Standing Order 97, the maximum time allowed on sitting Thursdays for consideration of General Business Orders of the Day for Bills is 90 minutes, which would have been insufficient to conclude proceedings on both bills.

The first bill to be debated was the *Regional Communities (Consultation Standards) Bill*. This bill was introduced by the Member for Barwon, Mr Roy Butler, on 20 June 2024. The bill aims to establish an Act to provide that consultation of regional communities by government bodies and agencies is carried out in a proper and effective manner.

During the second reading debate, the Minister for Skills, TAFE and Tertiary Education, Mr Steve Whan, foreshadowed that the Government would move amendments to the bill. The first print of the bill contained only five clauses and the Government amendments proposed to replace in their entirety clauses 4 and 5.

The Government amendments removed the requirement that consultation must be carried out in accordance with the prescribed standard and must instead have regard to a consultation guide issued by the Premier. The amendments also excluded agencies not subject to ministerial direction and control from the scope of the bill.

The Opposition also foreshadowed amendments to require the Government to undertake a statutory review of consultation standards in other Acts and to provide that the prescribed standards are the minimum standard required and may include additional requirements.

During consideration in detail, Mr Butler noted the Government had discussed its amendments with him and that he supported them. The Government amendments were then agreed to on division. As this omitted the clauses to which the Opposition amendments applied, those amendments lapsed.

The bill was forwarded to the Legislative Council for concurrence with the Minister for Regional New South Wales, The Hon. Tara Moriarty MLC, having carriage in that place.

The next bill to be debated was the *Water Management Amendment (Water Access Licence Register Reform) Bill*. This bill was introduced by the Member for Murray, Mrs Helen Dalton, on 8 August 2024. The bill aims to amend the *Water Management Act 2000* in relation to information on the water access licence register, and to require holders of operating licences to be members of a prescribed dispute resolution organisation.



## LEGISLATIVE ASSEMBLY

Both the Government and Opposition spoke in support of the bill during the second reading debate, with the Minister for Skills, TAFE and Tertiary Education, Mr Steve Whan, foreshadowing three small amendments. The proposed amendments replaced the provision that required the Minister to bring forward a regulation within 18 months, removed explicit reference to the Energy and Water Ombudsman, and updated the original long title of the bill accordingly.

During the consideration in detail stage on 26 September, Mrs Dalton moved a motion to amend the bill. Her amendment was in response to concerns raised by the Government and strengthened the intent of the bill by removing the possibility of foreign buyers hiding their identities through the use of a trust.

The amendments of Mrs Dalton and the Government were agreed to on the voices and the bill was sent to the Legislative Council for concurrence with the Minister for Water, The Hon. Rose Jackson, having carriage in that place.

*Votes and Proceedings*: 25/09/2024, pp. 843-844, 26/09/2024, p.851 and pp. 853-856

*Hansard (Proof)*: 26/09/2024, pp.5-8, 20-41.

Standing Orders 97 (Routine of Business) and 203 (Proceedings after the second reading)

