



MATTERS OF PROCEDURAL INTEREST

No. 1 — July to December 2011

Prepared by Chamber and Procedural Services Office

QUEENSLAND LEGISLATIVE ASSEMBLY PROCEDURAL BULLETIN

WORK OF THE HOUSE

Further information about the work of the Legislative Assembly is available on the parliament's internet website.

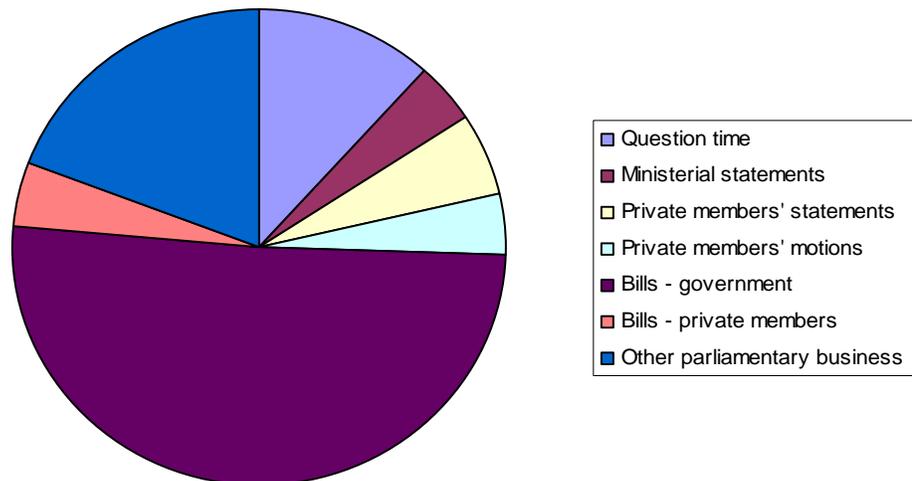
Click here to view: [Work of the House statistics](#)

Overview

	1 Jul to 31 Dec 2011			2011
Sittings				
Sitting days	21			43
Average duration per sitting day [hrs: mins]	10:32			11:11
Legislation	1 Jul to 31 Dec 2011			2011
	Govt	PMB	Total	
Bills introduced	38	3	41	68
Bills passed	25	1	26	47
Bills referred to committees	37	4	41	49
Bills reported on by committees	27	2	29	29

Business Conducted

The following chart shows a breakdown of the business conducted during the period July – Dec 2011





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MEMBERS

Reflections on the Speaker

The actions of the Speaker cannot be criticised incidentally in debate or upon any proceeding except by a substantive motion on notice. Further, the standing orders provide that commenting or reflecting on the decisions or actions of the Chair, whether relating to actions inside the House or the character of the Chair in general, constitutes a contempt.

In a statement to the House on 25 August 2011, the Speaker noted that there had been some recent criticism that had clearly breached the rules relating to reflections on the Speaker. The Speaker reminded all members about the longstanding rule inherited by the House under its Westminster traditions of respect for the Office of Speaker and those who occupy the Chair from time to time.

Record of Proceedings: 25 August 2011, 2658-2659
Standing Orders 250 and 266(23)

Placards in the Chamber

Holding up placards in the House is deemed highly disorderly. The Speaker may order a disorderly member to withdraw from the Chamber under standing orders.

On 13 October 2011, the Speaker advised members in relation to an incident that had arisen in the Chamber on 11 October 2011 whereby a member rose, allegedly on a matter of privilege suddenly arising. The Speaker advised that the incident was in fact an abuse of privilege, not a matter of privilege. The member, in breach of the rules of the House, rose on a matter unrelated to privilege, used unparliamentary imputations and produced a large placard. After deciding not to refer the matter to the Ethics Committee, the Speaker reminded all members that privilege is not to be treated as an excuse to gain the attention of the House, and that such an action is, in fact, an abuse of privilege.

Record of Proceedings: 13 October 2011, 3165
Standing Orders 252, 253, 253A, 254 and 267



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Use of the parliamentary crest

The Code of Ethical Standards sets out guidelines for the appropriate use of the Legislative Assembly crest by members. The crest must not be used for overtly political purposes, including political advertising or for any other purpose which may have the effect of bringing the House into odium, contempt or ridicule, or which may compromise the integrity of the Parliament.

On 25 August 2011, the Speaker made a statement to the House in relation to an issue raised by a member of the public concerning a member's use of the crest for purely party political matters. The Speaker advised the House that the member concerned had assured the Speaker that the use of the crest in the circumstances was a genuine administrative error and apologised for the error. The Speaker reminded all members about the rules contained in the code about the use of the crest.

Record of Proceedings: 25 August 2011, 2657
Code of Ethical Standards (Appendix 4)

STANDING AND SESSIONAL ORDER AMENDMENTS

Role of the Committee of the Legislative Assembly

Standing orders provide for the role and functions of the Committee of the Legislative Assembly. On 7 September 2011, the House adopted new Standing Order 135A and amended Standing Order 136 regarding the role of the committee. Under the amendments, the committee has responsibility to (a) monitor and review the business of the Legislative Assembly to aim for the effective and efficient discharge of business, and (b) monitor and review the operation of committees, particularly the referral of Bills to committees, and where appropriate vary the time for committees to report on Bills or vary the committee responsible for Bills.

Record of Proceedings: 7 September 2011, 2842
Standing Orders 135A and 136

Statements for Fallen Members of the Military

Standing Order 62A was adopted on 15 November 2011 and provides that the Premier shall make a statement relating to advice of a member of the Australian Military having been killed in action whilst on active service overseas. At the conclusion of the statement, the Premier may move 'That the House take note of the statement' and, if so, the Leader of the Opposition or their nominee shall be given equal time to reply to the statement. The House indicates its agreement with the motion by observing one minute's silence.



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The amendment is the result of a private member motion debated and agreed to on 11 October 2011.

Record of Proceedings: 11 October and 15 November 2011, 2988, 3051-3058; 3551-3553
Standing Order 62A

MATTERS CONCERNING PRIVILEGE

Improper reflections

Under Standing Orders, speeches or writings which reflect on the Speaker, the House or a committee, may be treated as contempt. This is seen as a means for the House to protect itself and its members against attacks that would lower it in public esteem and thus compromise its ability to function effectively.

On 27 October 2011, the Ethics Committee tabled Report No. 118 regarding a matter of privilege. In its report, the committee reminded all members of the Assembly and the public that, once a matter is referred to the Ethics Committee for investigation, the committee's processes and deliberations are best served if persons refrain from debating the matter in forums outside of the House until such time as the committee completes its investigation and publishes its report.

Record of Proceedings: 27 October 2011, 3480
Standing Order 271

Sub judice rule

Standing Order 233 provides that members should not refer in the House to matters awaiting or under adjudication in all courts exercising a criminal jurisdiction.

On 27 October 2011, a member rose on a matter of privilege alleging that the Ethics Committee, in tabling Report No. 118 that referred to a criminal matter before the courts, was in breach of the sub judice rule. The Speaker ruled that he was satisfied that the report did not comment on the matter before the courts, other than to recognise the matter's existence. The Speaker reiterated that the rationale behind the sub judice rule is to prevent comment and debate in parliament from exerting an influence on judicial proceedings and thus potentially prejudicing the position of parties or witnesses in court proceedings.

Record of Proceedings: 27 October and 15 November 2011, 3480, 3542; 3546-3547
Standing Orders 233 and 269



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Deliberately misleading the House

It is contempt to deliberately mislead the House or a committee.

On 1 December 2011, the Ethics committee tabled Report No. 119 in relation to four statements made in the House by a member. The committee considered that the member acted recklessly in making unqualified statements, however, recklessness fell short of the standard required to hold a member responsible for misleading the House. The committee recommended that the member correct the record and apologise to the House and reminded all members of the privilege afforded to members in making statements in the House, which needs to be balanced with the responsibility of members to refrain from acting recklessly by making unqualified statements. Accordingly, the member made an unreserved apology to the House.

Record of Proceedings: 1 December 2011, 4019, 4031
Standing Order 266(2)

LEGISLATION

During the period July to December, 41 bills were introduced and 26 bills were passed. Forty-one bills were referred to committees. Further information about the passage of legislation during the 53rd Parliament is available on the parliament's internet website.

Click here to view: [Current Bills Register](#)

Relevance

Standing Order 236 provides that members shall not refer to matters irrelevant to the subjects of the debate. Additionally, Standing Order 118 provides that in answering a question, a minister or member shall not debate the subject to which it refers, and an answer shall be relevant to the question.

In a statement to the House on 2 August 2011, the Speaker advised that he expected members in debate on bills returned from committees to be strictly relevant and not to meander into irrelevancies. Further, if questions or answers offend Standing Orders 236 or 118 the Speaker will sit the member or minister down.

Record of Proceedings: 2 August 2011, 2198-2199
Standing Orders 118 and 236



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Same question rule

Standing Order 87 provides the general rule of the Westminster parliamentary practice that once the House has resolved a matter in the affirmative or negative, the same question shall not again be proposed in the same session. Similarly, Standing Order 150 provides for the application of the same question rule in relation to amendments, clauses or new schedules of a Bill.

Amendments were circulated to the Education and Training Legislation Amendment Bill 2011 proposing new clauses which were the same or substantially the same as a number of the clauses that an amendment proposed to omit. If the House agreed to the amendment, the Speaker would have been compelled to rule the amendments out of order unless the House resolved otherwise.

The House agreed to a motion without notice to suspend Standing Orders 87 and 150 so that the amendment could be moved.

Record of Proceedings: 16 November 2011, 3690
Standing Orders 87 and 150

Amendment to second reading question

The standing orders set out the procedure in the House for the second reading of Bills.

During the second reading debate on the Electricity Price Reform Amendment Bill 2011 on 6 September 2011, the following amendment was moved to the second reading question: that the Bill 'be now referred to the Environment, Agriculture, Resources and Energy Committee for consideration and report in accordance with chapter 23 of the standing orders.' The motion was negatived and the Bill was read a second time and passed on 7 September 2011.

Record of Proceedings: 6 and 7 September 2011, 2802-2810; 2858-2879
Standing Orders 138 to 141

QUESTIONS AND ANSWERS

Speaker's ruling—Scope of questions without notice

Standing Order 113 provides that questions must relate to the public affairs with which the minister is officially connected or to any matter or administration for which the minister is responsible.



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In a ruling on 25 August 2011, the Speaker clarified the rules relating to questions. The Speaker reiterated that he had previously ruled that questions relating purely to party political matters are out of order. The Speaker asked all members, when drafting their questions, to remember his previous rulings and advised that questions that make no connection to official matters will be ruled out of order.

Record of Proceedings: 25 August 2011, 2658
Standing Order 113

Questions on notice—Withdrawal by request of the member

By practice of the Legislative Assembly, a question on notice that has been assigned a number and published on the Notice Paper may be withdrawn by the member who asked the question.

A member seeking to withdraw a question on notice should write to the Clerk of the Parliament before the due date for the answer, asking for the withdrawal of the question. The question will then be immediately withdrawn and the minister advised. The notation 'Withdrawn on [date] by request of the member' will appear on the Questions and Answers page on the parliament's website.

Practice of the Legislative Assembly
Standing Order 110

COMMITTEES

New committee system adopted

Click here to view: [Committees webpage](#)

Following a bipartisan review of the parliamentary committee system and report by the Committee System Review Committee, significant and historic changes were implemented to Queensland's system of parliamentary committees and the legislative process of the Legislative Assembly during the second half of 2011. As a result of these reforms, the budget accounts, capital works and legislation for portfolio areas are all examined by the one committee. Matters may also be referred to a committee by the Legislative Assembly for inquiry and report. The first Estimates hearings were held pursuant the new process in July 2011.

Standing Orders Chapters 31-37



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Committee reports—Debate

The Sessional Orders provide for the debate of parliamentary committee reports. The Sessional Orders require that a motion must be automatically set down on the Notice Paper that the House take note of a committee report. The motion is brought on for debate during the time set aside each sitting Thursday (11 am to 12 noon) in the order in which they are placed on the Notice Paper. If no member moves, the notice will lapse.

Reports of the Ethics Committee are excluded from the automatic notice of motion. If the Ethics Committee finds a case to answer in relation to a matter, there is a process to follow set out in standing orders.

Standing Orders 213-219 and Sessional Order 2

TABLED DOCUMENTS

Speaker's ruling—Document withdrawn

The rules for tabling of documents in the Queensland Legislative Assembly by members is very liberal compared with other houses of parliament. In Queensland, members have an almost unfettered right to table documents, at least in the first instance.

On 15 November 2011, an incident occurred where a minister tabled a page of images that depicted a member of the Assembly and some members of the Australian military. Some of the officers of the military depicted in the images were about to embark on active service overseas. The member in question raised the matter with the Speaker. While there was nothing in the document that specifically offended the rules of the House there were possible security implications for the members of the military. The minister, having become aware of this fact, approached the Speaker to request that the documents be withdrawn.

The Speaker agreed that the document be withdrawn. The minister withdrew the document by leave of the House. In his ruling, the Speaker noted that the very great privilege to table documents in a relatively unfettered manner must be balanced by the right of the Chair, assisted by officers at the table, to ensure that the standing orders of the House and rulings of the House are not transgressed or subverted by the contents of documents.

Record of Proceedings: 15 November 2011, 3611
Standing Orders 27 to 35