



# LEGISLATIVE ASSEMBLY OF QUEENSLAND

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## STANDING RULES AND ORDERS OF THE LEGISLATIVE ASSEMBLY

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Effective from 31 August 2004  
(Includes amendments, effective 15 February 2019)

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STANDING RULES AND ORDERS OF THE LEGISLATIVE  
ASSEMBLY ARE ALSO AVAILABLE ONLINE:

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QUEENSLAND

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Legislative Assembly

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**STANDING RULES AND ORDERS  
OF THE  
LEGISLATIVE ASSEMBLY**

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BRISBANE

By Authority: N J Laurie, The Clerk of the Parliament

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Effective 31 August 2004  
(Includes amendments, effective 15 February 2019)

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*On 18 June 2004 the Legislative Assembly adopted new Standing Rules and Orders recommended by the Standing Orders Committee and laid before the House on 17 June 2004.*

*These new Standing Orders, effective from 31 August 2004, represent the most comprehensive change to Standing Orders in the history of the Legislative Assembly.*

*By virtue of s.11 of the Parliament of Queensland Act 2001, approval of the Governor is no longer required and Standing Rules and Orders become binding at the time decided by the Legislative Assembly.*

*By authority of the Honourable Raymond Keith Hollis MP, Speaker of the Legislative Assembly.*

*N J Laurie*

*The Clerk of the Parliament*

*On 26 May 2005 the Legislative Assembly made an amendment to the Standing Rules and Orders by replacing the definition of “related person” in Schedule 2.*

*By authority of the Honourable Demetrios Fouras MP, Acting Speaker of the Legislative Assembly.*

*N J Laurie*

*The Clerk of the Parliament*

*On 30 March 2006 the Legislative Assembly amended the Standing Rules and Orders by replacing Standing Order 31 and inserting a new Standing Order 266(23).*

*By authority of the Honourable Tony McGrady MP, Speaker of the Legislative Assembly.*

*N J Laurie*

*The Clerk of the Parliament*

*On 30 March 2006 the Legislative Assembly amended the Standing Rules and Orders by replacing Standing Orders 262 and 263, and replacing Schedule 2—Registers of Interests effective from 30 June 2006.*

*By authority of the Honourable Tony McGrady MP, Speaker of the Legislative Assembly.*

*N J Laurie*

*The Clerk of the Parliament*

*On 8 February 2007 the Legislative Assembly amended the Standing Rules and Orders by inserting new Standing Orders 263A and 263B.*

*By authority of the Honourable Mike Reynolds AM MP, Speaker of the Legislative Assembly.*

*N J Laurie*

*The Clerk of the Parliament*

*On 14 March 2007 the Legislative Assembly amended the Standing Rules and Orders by inserting new Standing Order 233A and Schedule 5—Guidelines for the Protection of Whistleblowers effective from 1 May 2007.*

*By authority of the Honourable Mike Reynolds AM MP, Speaker of the Legislative Assembly.*

*N J Laurie*

*The Clerk of the Parliament*

*On 24 May 2007 the Legislative Assembly amended the Standing Rules and Orders by inserting new subsections to sections 9 and 13 of Part 3, Schedule 2—Registers of Interests.*

*By authority of the Honourable Mike Reynolds AM MP, Speaker of the Legislative Assembly.*

*N J Laurie*

*The Clerk of the Parliament*

*On 12 February 2008 the Legislative Assembly amended the Standing Rules and Orders by replacing Part 1, Chapter 4 – The Record of Proceedings, Notice Paper and Tabled Paper Database and by replacing Standing Orders 31(4), 32(3), 125(5), 128(6) and (7), 158(2), 183, 215, 216, 218(2), 260(3), 280(1)(b) and 283(b), and by inserting new definitions in Schedule 1 (Dictionary). These amendments removed the need for the Votes and Proceedings to be produced.*

*By authority of the Honourable Mike Reynolds AM MP, Speaker of the Legislative Assembly.  
N J Laurie  
The Clerk of the Parliament*

*On 28 October 2009 the Legislative Assembly amended the Standing Rules and Orders by inserting new Standing Orders 60A, 129A, 166A, 253A and Schedule 6—Instructions to Particular Committees and amending Standing Orders 13, 81, 103, 115, 125, 128, 131, 159, 181, 216, 231, 263B, 269, 272, 283, 287 and Schedule 5.*

*In 2008 the Standing Orders Committee met to consider how to reform and improve the standing orders. Members were invited to make submissions to the committee and a number of proposals were received. Prior to the committee meeting again, the House was dissolved for the election. The Standing Orders Committee, re-established with a largely new membership, met in June 2009 to continue the work of the previous committee and consider draft standing orders. At all times, where either committee was unable to reach a unanimous decision, the proposal was set aside and not agreed to.*

*The amendments made by the Legislative Assembly had been previously agreed to by members of the Standing Orders Committee.*

*By authority of the Honourable John Mickel MP, Speaker of the Legislative Assembly.  
N J Laurie  
The Clerk of the Parliament*

*On 26 November 2009 the Legislative Assembly amended the Standing Rules and Orders by replacing sections 11, 12 and 13 of Part 3, Schedule 2—Registers of Interests.*

*By authority of the Honourable John Mickel MP, Speaker of the Legislative Assembly.  
N J Laurie  
The Clerk of the Parliament*

*The Integrity Act 2009 commenced on 1 January 2010 in accordance with a proclamation dated 9 December 2009 (2009 SL No.310). The Act, amongst other things, changed the name of the Members' Ethics and Parliamentary Privileges Committee to the Integrity, Ethics and Parliamentary Privileges Committee. The Legislative Assembly passed the Integrity Bill 2009 on 25 November 2009 and the Bill received Assent on 3 December 2009. These Standing Rules and Orders have been amended to reflect the legislative name change of the Committee.*

*By authority of the Honourable John Mickel MP, Speaker of the Legislative Assembly.  
N J Laurie  
The Clerk of the Parliament*

*On 14 April 2010 the Legislative Assembly amended the Standing Rules and Orders by replacing Standing Order 254—Member named by Speaker for obstructing business and Standing Order 255—Consequences of suspension under SO 254.*

*By authority of the Honourable John Mickel MP, Speaker of the Legislative Assembly.  
N J Laurie  
The Clerk of the Parliament*

*On 15 September 2010 the Legislative Assembly amended the Standing Rules and Orders by replacing Standing Orders 64 and 92 and amending Standing Orders 119, 123 and 124.*

*By authority of the Honourable John Mickel MP, Speaker of the Legislative Assembly.  
N J Laurie  
The Clerk of the Parliament*

*The Integrity Reform (Miscellaneous Amendments) Act 2010 commenced on 1 November 2010 in accordance with a proclamation dated 28 October 2010 (2010 SL No.303). The Legislative Assembly on 28 October 2010 replaced Schedule 2 of Standing Orders, with such amendments to take effect on the commencement of the Integrity Reform (Miscellaneous Amendments) Act 2010. The purpose of the new Schedule 2 is to harmonise Standing Orders with the Act.*

*By authority of the Honourable John Mickel MP, Speaker of the Legislative Assembly.  
N J Laurie  
The Clerk of the Parliament*

*On 16 June 2011 the Legislative Assembly amended the Standing Rules and Orders by (a) replacing Parts 5, 6, and 7, Standing Orders, 223, 264, 265 and Schedules 5 and 6, (b) inserting a Schedule 7 — Chief Executive Officers, Schedule 8 — Code of Practice for Public Service Employees Assisting or Appearing Before Parliamentary Committees and Schedule 9 — Code of Practice for Assistance to Portfolio Committees by the Auditor-General and the Queensland Audit Office and (c) amending the definitions of Government Owned Corporation and Chief Executive Officer in Schedule 1 — Dictionary and amending references to Committee in Schedule 2 — Registers of Interests Part 1 Preliminary, Definitions and Part 3 Registers s.13 Inspection of Registers to mean the Ethics Committee. These changes put into effect the new portfolio committee system and the new legislative process of referring Bills to portfolio committees for scrutiny after introduction.*

*The Assembly also replaced Standing Order 65 to enable certain notices of motion to no longer be stated in the House but instead delivered to the Clerk and entered on the Notice Paper.*

*Except for Part 5 — The Legislative Process which commences on 1 August 2011 the amendments commenced on 16 June 2011.*

*By authority of the Honourable John Mickel MP, Speaker of the Legislative Assembly.  
N J Laurie  
The Clerk of the Parliament*

*On 2 August 2011 the Legislative Assembly amended the Standing Rules and Orders by (a) replacing Standing Orders 133, 211 and Schedule 6 – Portfolio Committees, (b) inserting new Standing Order 194A and 211A, (c) inserting a definition of Proceedings for Standing Orders 211 and 211A in Schedule 1 (Dictionary) and (d) amending Standing Orders 35 and 117.*

*By authority of the Honourable John Mickel MP, Speaker of the Legislative Assembly.  
N J Laurie  
The Clerk of the Parliament*

*On 7 September 2011 the Legislative Assembly amended the Standing Rules and Orders by (a) inserting new Standing Order 135A and (b) replacing Standing Order 136.*

*By authority of the Honourable John Mickel MP, Speaker of the Legislative Assembly.*  
*N J Laurie*  
*The Clerk of the Parliament*

*On 15 November 2011 the Legislative Assembly amended the Standing Rules and Orders by (a) inserting new Standing Order 62A, (b) inserting new Standing Order 194B and (c) amending the names and responsibilities of portfolio committees in Schedule 6.*

*By authority of the Honourable John Mickel MP, Speaker of the Legislative Assembly.*  
*M Ries*  
*Acting Clerk of the Parliament*

*On 17 May 2012 the Legislative Assembly amended the Standing Rules and Orders by replacing Schedule 6 – Portfolio Committees. The amendment took effect upon Assent to the Parliament of Queensland and Other Acts Amendment Bill 2012 on 18 May 2012.*

*By authority of the Honourable Fiona Simpson MP, Speaker of the Legislative Assembly.*  
*N J Laurie*  
*Clerk of the Parliament*

*On 22 August 2012 the Legislative Assembly amended the Standing Rules and Orders by amending Standing Order 136(5) and replacing Part 6 – Financial Procedures.*

*By authority of the Honourable Fiona Simpson MP, Speaker of the Legislative Assembly.*  
*N J Laurie*  
*Clerk of the Parliament*

*On 11 September 2012 the Legislative Assembly amended the Standing Rules and Orders by replacing Schedule 7 – Chief Executive Officers.*

*By authority of the Honourable Fiona Simpson MP, Speaker of the Legislative Assembly.*  
*N J Laurie*  
*Clerk of the Parliament*

*On 14 September 2012 the Legislative Assembly amended the Standing Rules and Orders by (a) replacing Schedule 8 – Code of Practice for Public Service Employees Assisting or Appearing Before Parliamentary Committees and (b) inserting footnote references at heading Chapter 43 Contempt and heading Schedule 3 – Instructions to Committees Regarding Witnesses, to recognise penalties under ss57 and 58 of the Criminal Code for some matters that may be dealt with as contempt.*

*By authority of the Honourable Fiona Simpson MP, Speaker of the Legislative Assembly.*  
*N J Laurie*  
*Clerk of the Parliament*

*On 29 November 2012, the Legislative Assembly amended the Standing Rules and Orders by (a) replacing Standing Orders 24, 26, 166 and 168. The amendments took effect on 1 January 2013.*

*By authority of the Honourable Fiona Simpson MP, Speaker of the Legislative Assembly.  
N J Laurie  
Clerk of the Parliament*

*On 14 February 2013, the Legislative Assembly amended the Standing Rules and Orders by amending the table in Schedule 6 – Portfolio Committees to reflect a new ministerial title and portfolio committee area of responsibility.*

*By authority of the Honourable Fiona Simpson MP, Speaker of the Legislative Assembly.  
N J Laurie  
Clerk of the Parliament*

*On 4 June 2013 the Legislative Assembly amended the Standing Rules and Orders by replacing Schedule 7 – Chief Executive Officers.*

*By authority of the Honourable Fiona Simpson MP, Speaker of the Legislative Assembly.  
N J Laurie  
Clerk of the Parliament*

*On 12 September 2013 the Legislative Assembly amended the Standing Rules and Orders by replacing Standing Orders 263A and 263B.*

*By authority of the Honourable Fiona Simpson MP, Speaker of the Legislative Assembly.  
N J Laurie  
Clerk of the Parliament*

*On 11 February 2014 the Legislative Assembly amended the Standing Rules and Orders by replacing Chapter 19 – Divisions and amending the area of responsibilities and Ministers in Schedule 6 – Portfolio Committees.*

*By authority of the Honourable Fiona Simpson MP, Speaker of the Legislative Assembly.  
N J Laurie  
Clerk of the Parliament*

*On 22 May 2014 the Legislative Assembly amended the Standing Rules and Orders by replacing Standing Order 106 effective from 2 June 2014.*

*By authority of the Honourable Fiona Simpson MP, Speaker of the Legislative Assembly.  
N J Laurie  
Clerk of the Parliament*

*On 3 June 2014 the Legislative Assembly amended the Standing Rules and Orders by replacing Schedule 6 – Portfolio Committees and Schedule 7 – Chief Executive Officers.*

*By authority of the Honourable Fiona Simpson MP, Speaker of the Legislative Assembly.  
N J Laurie  
Clerk of the Parliament*

*Certain provisions of the Crime and Misconduct and Other Legislation Amendment Act 2014 commenced on 1 July 2014 in accordance with a proclamation dated 19 June 2014 (2014 SL No. 107). The Act, amongst other things, changed the name of the Crime and Misconduct Commission to the Crime and Corruption Commission and the name of the Crime and Misconduct Act 2001 to the Crime and Corruption Act 2001. It also changed the name of the Parliamentary Crime and Misconduct Committee to the Parliamentary Crime and Corruption Committee. The Legislative Assembly passed the Crime and Misconduct and Other Legislation Amendment Bill on 7 May 2014 and the Bill received Assent on 21 May 2014. These Standing Rules and Orders have been amended to reflect the legislative name change of the Act, the Commission and the Committee.*

*By authority of the Honourable Fiona Simpson MP, Speaker of the Legislative Assembly.  
N J Laurie  
Clerk of the Parliament*

*On 27 March 2015 the Legislative Assembly amended the Standing Rules and Orders by replacing Schedule 6 – Portfolio Committees.*

*By authority of the Honourable Peter Wellington MP, Speaker of the Legislative Assembly.  
N J Laurie  
Clerk of the Parliament*

*On 16 July 2015 the Legislative Assembly amended the Standing Rules and Orders by replacing Schedule 7 – Chief Executive Officers.*

*By authority of the Honourable Peter Wellington MP, Speaker of the Legislative Assembly.  
N J Laurie  
Clerk of the Parliament*

*On 17 July 2015 the Legislative Assembly amended the Standing Rules and Orders by (a) replacing Standing Order 22 and (b) inserting new Standing Order 204A.*

*By authority of the Honourable Peter Wellington MP, Speaker of the Legislative Assembly.  
N J Laurie  
Clerk of the Parliament*

*On 29 October 2015 the Legislative Assembly amended the Standing Rules and Orders by replacing Schedule 2 – Registers of Interests. The amendments took effect on 1 January 2016.*

*By authority of the Honourable Peter Wellington MP, Speaker of the Legislative Assembly.  
N J Laurie  
Clerk of the Parliament*

*On 16 February 2016 the Legislative Assembly amended the Standing Rules and Orders by replacing Schedule 6 – Portfolio Committees. The amendments took effect on 18 February 2016.*

*By authority of the Honourable Peter Wellington MP, Speaker of the Legislative Assembly.  
N J Laurie  
Clerk of the Parliament*



*On 14 June 2016 the Legislative Assembly amended the Standing Rules and Orders by inserting new subsections (5), (6), and (7) to Standing Order 211.*

*By authority of the Honourable Peter Wellington MP, Speaker of the Legislative Assembly.  
N J Laurie  
Clerk of the Parliament*

*On 16 June 2016 the Legislative Assembly amended the Standing Rules and Orders by replacing Schedule 7 – Chief Executive Officers.*

*By authority of the Honourable Peter Wellington MP, Speaker of the Legislative Assembly.  
N J Laurie  
Clerk of the Parliament*

*On 1 December 2016 the Legislative Assembly amended the Standing Rules and Orders by amending the table in Schedule 6 – Portfolio Committees to reflect a new ministerial title and portfolio committee area of responsibility.*

*By authority of the Honourable Peter Wellington MP, Speaker of the Legislative Assembly.  
N J Laurie  
Clerk of the Parliament*

*On 14 February 2017 the Legislative Assembly amended the Standing Rules and Orders by replacing Schedule 6 – Portfolio Committees. The amendments took effect on 14 February 2017.*

*By authority of the Honourable Peter Wellington MP, Speaker of the Legislative Assembly.  
N J Laurie  
Clerk of the Parliament*

*On 23 March 2017 the Legislative Assembly amended the Standing Rules and Orders by replacing Standing Orders 136, 137, 177, inserting Standing Order 177A, omitting Standing Orders 181A and 187A and replacing the term ‘Research Director’ with ‘Committee Secretary’.*

*By authority of the Honourable Peter Wellington MP, Speaker of the Legislative Assembly.  
N J Laurie  
Clerk of the Parliament*

*On 25 May 2017 the Legislative Assembly amended the Standing Rules and Orders by (a) inserting new Standing Order 211B and (b) inserting new Schedule 10 – Protocols for Committees Regarding the Documents and Records of a Member.*

*By authority of the Honourable Peter Wellington MP, Speaker of the Legislative Assembly.  
N J Laurie  
Clerk of the Parliament*

*On 14 June 2017 the Legislative Assembly amended the Standing Rules and Orders by (a) amending Standing Order 180(1); (b) amending Standing Order 185(1); (c) replacing Standing Order 186; (d) replacing Standing Order 192; (e) amending Standing Order 211A heading and 211A(1); (f) amending Schedule 6 – Portfolio Committees, column 4 and (g) replacing Schedule 7 – Chief Executive Officers.*

*By authority of the Honourable Peter Wellington MP, Speaker of the Legislative Assembly.  
N J Laurie  
Clerk of the Parliament*

*On 16 June 2017 the Legislative Assembly amended the Standing Rules and Orders by amending Standing Order 280(3).*

*By authority of the Honourable Peter Wellington MP, Speaker of the Legislative Assembly.  
N J Laurie  
Clerk of the Parliament*

*On 15 February 2018 the Legislative Assembly amended the Standing Rules and Orders by replacing Schedule 6 – Portfolio Committees. The amendments took effect on 15 February 2018.*

*By authority of the Honourable Curtis Pitt MP, Speaker of the Legislative Assembly.  
N J Laurie  
Clerk of the Parliament*

*On 15 June 2018 the Legislative Assembly amended the Standing Rules and Orders by amending the heading of Schedule 7 – Chief Executive Officers.*

*By authority of the Honourable Curtis Pitt MP, Speaker of the Legislative Assembly.  
N J Laurie  
Clerk of the Parliament*

*On 14 February 2019 the Legislative Assembly amended the Standing Rules and Orders by replacing Standing Orders 20, 147, 170, 184, 189, 204A, 211, 214, 266, 290; amending Standing Orders 4, 40(4), 65(1), 119(4)(c), 183 heading and 183(1), 212(2)(b); amending footnote references to Standing Orders 27, 201, and 211; replacing Schedule 1 Dictionary definitions for ‘Committee Secretary’, ‘Member of the Judiciary’ and ‘Proceedings’; and replacing Schedule 8 heading and replacing Schedule 8 paragraph 1. The amendments took effect on 15 February 2019.*

*By authority of the Honourable Curtis Pitt MP, Speaker of the Legislative Assembly.  
N J Laurie  
Clerk of the Parliament*

Note: The footnotes contained within this document are explanatory in nature only and do not form part of the Standing Rules and Orders of the Legislative Assembly.

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## **PART I      GENERAL**

### **CHAPTER 1      DEFINITIONS, SOURCES OF PROCEDURE AND TIME**

#### **1. Dictionary**

The dictionary in Schedule 1 defines particular words used in these Standing Orders.

#### **2. Standing Orders govern procedure**

(1) These Standing Orders<sup>1</sup> govern the conduct of business and proceedings in the House and are to be read in conjunction with any Sessional Orders and the practices of the House.

(2) Where statute, these Standing Orders, Sessional Orders or practice of the House do not provide for a matter, the Speaker in determining the correct procedure, may make reference to the rules, forms and practices of other Parliaments operating under the Westminster system.

#### **3. Sessional Orders**

The House may from time to time adopt Sessional Orders that will have effect for the duration of the session, unless a lesser or longer period is specified.

#### **4. Standing and Sessional Orders may be suspended**

The House may suspend or dispense with any Standing or Sessional Orders by motion carried by a majority of those members present.

#### **5. Limitation on the suspension of Standing and Sessional Orders**

A suspension of Standing or Sessional Orders is limited in its operation to the particular purpose for which the suspension has been sought.

#### **6. Conflict with statute**

Where there is a conflict between these Standing or Sessional Orders and a statute containing a procedure for the House to observe, the procedure contained in the statute is to be followed.

#### **7. Calculation of time**

Where it is necessary to calculate any period of time under these Standing Orders, the method used to calculate any period of time in a Queensland statute, shall be used.<sup>2</sup>

### **CHAPTER 2      THE SPEAKER, DEPUTY SPEAKER AND TEMPORARY SPEAKERS**

#### **8. Speaker**

(1) There is to be a Speaker.<sup>3</sup>

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<sup>1</sup> Section 11 of the *Parliament of Queensland Act 2001* gives the Legislative Assembly the power to make rules and orders with respect to the conduct of its business and its proceedings.

<sup>2</sup> The calculation of time used in an Act of Queensland is currently provided for in s.38 of the *Acts Interpretation Act 1954*.

<sup>3</sup> Section 14 of the *Parliament of Queensland Act 2001* provides that the members of the Legislative Assembly must immediately on sitting after every general election proceed to elect a member to be Speaker.

- (2) The Speaker is the representative of the House and its powers, rights and immunities and is to preside over its proceedings and maintain order in the House and the parliamentary precinct.<sup>4</sup>
- (3) The Speaker is to be elected in accordance with Chapter 8.

### **9. Deputy Speaker**

The House shall, by resolution in each Parliament, appoint a member to be the Deputy Speaker.<sup>5</sup>

### **10. Vacancy in the office of Deputy Speaker**

- (1) When a vacancy occurs in the office of Deputy Speaker, a new Deputy Speaker shall be appointed by resolution of the House before proceeding to any other business.<sup>6</sup>
- (2) The Deputy Speaker shall take the Chair during the temporary absence of, or whenever requested by, the Speaker.

### **11. Temporary Speakers**

- (1) At the commencement of each Parliament, the Speaker shall appoint a panel of no more than eight members to act as Temporary Speakers.
- (2) If a vacancy occurs in the panel, the Speaker shall appoint another member to fill such vacancy.
- (3) The Speaker or Deputy Speaker may call on any one of the Temporary Speakers present to take the Chair in the House.
- (4) Temporary Speakers shall stand down for the Speaker or the Deputy Speaker upon their arrival and request.
- (5) When Temporary Speakers occupy the Chair, they shall be called the Deputy Speaker.

### **12. Absence of Speaker**

- (1) Whenever the House is informed by the Clerk of the unavoidable absence of the Speaker at the meeting of the House, the Deputy Speaker, so long as the Speaker is absent, shall perform the duties and exercise the authority of the Speaker, but must stand down on the Speaker's arrival and request.
- (2) The Deputy Speaker shall nominate one of the Temporary Speakers to act as Deputy Speaker while the Speaker is absent.

### **13. Appointment of Acting Speaker**

- (1) If both the Speaker and the Deputy Speaker are absent from the House at the beginning of a sitting day, the members present shall appoint a member to act as Speaker for that day only before proceeding to any other business.
- (2) The question for an appointment in (1) is to be put to the House immediately by the Clerk upon a motion being moved by a Minister or Leader of the House.
- (3) There is to be no amendment or debate or matter suddenly arising (SO 267) raised to the question in (2).

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<sup>4</sup> Section 4 of the *Parliamentary Service Act 1988* defines the parliamentary precinct and includes places declared to be the parliamentary precinct by the Governor in Council.

<sup>5</sup> Section 17(1) of the *Parliament of Queensland Act 2001* provides that as soon as practicable on sitting after every general election the House shall appoint a member to be Deputy Speaker. Section 17(2) provides that the Deputy Speaker presides at all meetings of a committee of the Whole House, unless otherwise provided by the standing rules and orders.

<sup>6</sup> See s.17(4) of the *Parliament of Queensland Act 2001* which provides that on the Deputy Speaker's death, resignation or removal the House must appoint another Deputy Speaker before proceeding to any other business. See above for necessary legislative amendments.

(4) An Acting Speaker appointed under these Standing Orders shall stand down on the Speaker or Deputy Speaker's arrival and request.

#### **14. Vacancy in office of Speaker<sup>7</sup>**

When a vacancy occurs in the office of Speaker, the Clerk shall report the vacancy to the House at the earliest opportunity and the House shall proceed to elect a new Speaker in accordance with Chapter 8 before proceeding to any other business.

#### **15. Vacancy in office of Temporary Speaker**

A vacancy in the office of Temporary Speaker may occur by resignation, death, loss of membership in the House or by the Speaker removing the member from the panel of Temporary Speakers.

#### **16. Powers of Deputy Speaker and Temporary Speakers**

The Deputy Speaker and Temporary Speakers shall, while occupying the Speaker's Chair, have the full powers of the Speaker.

### **CHAPTER 3 THE CLERK AND OTHER OFFICERS**

#### **17. Clerk of the Parliament**

The principal officer of the House shall be known as the "Clerk of the Parliament."<sup>8</sup>

#### **18. Absence of the Clerk**

(1) During any vacancy in the office of the Clerk or in the case of absence or illness of the Clerk, all powers, functions and duties imposed upon the Clerk by these Standing Orders shall be exercised and performed by the Deputy Clerk.<sup>9</sup>

(2) In the absence of the Clerk and the Deputy Clerk the powers, functions and duties imposed upon the Clerk by these Standing Orders shall be exercised and performed by the next senior Clerk present and able to act.<sup>10</sup>

#### **19. Clerk to be the custodian of the House's records<sup>11</sup>**

(1) The Clerk is to be the custodian of the journals and records of the House and of all documents tabled in the House.

(2) The Clerk may not permit to be taken any journals, records or tabled documents from the parliamentary precinct, without a resolution of the House.

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<sup>7</sup> See sections 14(3) and (4), 15, 17(3) and (4) of the *Parliament of Queensland Act 2001* which currently deal with the tenure of the Speaker and Deputy Speaker and in what circumstances a vacancy occurs.

<sup>8</sup> Section 18 of the *Parliamentary Service Act 1988* provides: (1) There shall from time to time be appointed an officer of the Legislative Assembly to be known as the Clerk of the Parliament. (2) The Clerk shall be appointed by the Governor by commission on the recommendation of the Minister after consultation with the Speaker. Section 21(1) of the *Parliamentary Service Act 1988* provides that the Clerk shall hold office during good behaviour.

<sup>9</sup> Section 22 of the *Parliamentary Service Act 1988* provides that on the occurrence from any cause of a vacancy in the Office of the Clerk the functions, powers and duties of the Clerk at the Table of the Legislative Assembly shall be performed and exercised by the next most senior of the officers required to sit at the Table who is present.

<sup>10</sup> Section 22(1)(a) of the *Parliamentary Service Act 1988* also provides for this.

<sup>11</sup> Section 61 of the *Parliament of Queensland Act 2001* provides the Clerk is taken to have custody of all documents in possession of the Assembly, committee or an inquiry. Section 62 provides that an instrument requiring production of a document must be addressed to the Clerk. Section 63 provides that the Clerk shall not release documents unless certain approvals have been given. SOs 19 and 20 are consistent with these provisions.

- (3) If the House is adjourned for any period longer than seven calendar days or prorogued, the Speaker may give leave to allow the removal of journals, records or tabled documents from the Parliamentary precinct.
- (4) The Speaker shall report the removal of journals, records or tabled documents in accordance with (3), to the House on the next sitting day.

## **20. Custody of committee records<sup>12</sup>**

- (1) Committee records remain in the custody of the Clerk and must not be destroyed or disposed of except by resolution of the House.
- (2) A document presented to a committee but ordered by a committee not to be received and returned, is not a record to which these Standing Orders apply.
- (3) Evidence or documents presented to, or produced by, a committee which have not already been published or authorised for release by the House or a committee and the minutes of committee meetings may be disclosed to any person if:
  - (a) the documents have been in the custody of the Clerk for at least 30 years; and
  - (b) in the opinion of the Speaker, it is appropriate that they be disclosed.
- (4) The exception to (3) above is that documents produced by the Parliamentary Crime and Corruption Committee (PCCC) and its predecessors are exempt from disclosure under (3) for a period of at least 100 years.
- (5) With respect to Ethics Committee documents, when considering the appropriateness of disclosure in (3)(b) above the Speaker should apply the same criteria as the committee is required to consider in SO 211B(4).
- (6) The Speaker may attach any conditions or restrictions on the release of a document under (3).
- (7) For the purposes of this Standing Order, the Clerk includes the Clerk's nominated delegate.

## **CHAPTER 4 THE RECORD OF PROCEEDINGS, NOTICE PAPER AND TABLED PAPER DATABASE<sup>13</sup>**

### **21. Record of Proceedings**

- (1) An official record of the debates and proceedings of the House (to be known as the Record of Proceedings) is to be made.<sup>14</sup>
- (2) The Record of Proceedings shall include a transcript of debates in the House and a record of the proceedings of the House.
- (3) The Record of Proceedings shall include the following procedural matters:
  - (a) The names of the members present at each sitting of the House, or, if there is no quorum present at the time appointed for the meeting of the House, the names of the members then present;
  - (b) All questions moved and debated;

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<sup>12</sup> Section 61 of the *Parliament of Queensland Act 2001* provides the Clerk is taken to have custody of all documents in possession of the Assembly, or committee or an inquiry. Section 62 provides that an instrument requiring production of a document must be addressed to the Clerk. Section 63 provides that the Clerk shall not release documents unless certain approvals have been given. SOs 19 and 20 are consistent with these sections.

<sup>13</sup> Chapter 3, part 3 of the *Parliament of Queensland Act 2001*, which deals with parliamentary papers, operates so as to ensure that the publication of parliamentary documents such as records of proceedings and the Notice Paper are privileged and able to be published.

<sup>14</sup> Section 57 of the *Parliament of Queensland Act 2001* provides that: (1) Reports of the debates in the Assembly published in printed form under the authority of the Assembly may be received in evidence as an accurate record of what happened in the Assembly. (2) Evidence must not be admitted contradicting, adding to or otherwise impugning the accuracy of the reports.

- (c) All amendments moved and debated;
  - (d) All questions put and the result;
  - (e) The division lists and the results of all divisions;
  - (f) All documents tabled; and
  - (g) Any other matters determined by these Standing Orders, the House or the Speaker.
- (4) Every member shall be provided with a proof copy of the Record of Proceedings for each sitting day as soon as practicable.
- (5) The Speaker, the Clerk and the Chief Reporter shall sign and publish the Record of Proceedings.
- (6) Unless otherwise ordered by the House, the Record of Proceedings shall be published in accordance with and subject to rules approved by the Speaker or the Clerk acting on the Speaker's authority.
- (7) If an error in the Record of Proceedings is reported, the Speaker shall direct the Record of Proceedings to be corrected.

## **22. Committee transcripts**

- (1) A committee may determine that a transcript of its proceedings be made.
- (2) The Chief Reporter and Committee Secretary are authorised to release and publish the transcript of a committee's public proceedings as it becomes available, subject to any express direction of the committee.
- (3) The transcripts of the private proceedings of a committee shall be published (or not published) in accordance with orders of the committee or the House.
- (4) If an error in a committee transcript is reported, the Committee Chair shall direct the transcript to be corrected.
- (5) A committee may order that material be incorporated in a transcript of its proceedings.

## **23. Notice Paper**

- (1) The Clerk shall after each sitting day and before the commencement of the next sitting day publish a Notice Paper.
- (2) The Notice Paper shall contain:
- (a) All items of business currently before the House awaiting further debate including Bills, notices of motion and notices of revocation;
  - (b) Questions on notice asked the previous sitting day; and
  - (c) A list of all committees of the House, their membership, current inquiries and reports tabled during the current Parliament.

## **24. Hard Copy and Electronic Copies of Documents**

- (1) The Committee of the Legislative Assembly shall determine and publish the number of hard copies of documents tabled by the Speaker, Ministers and Members required to be supplied to the Clerk.
- (2) The Speaker, Ministers and Members must provide to the Clerk:
- (a) a single hard copy of all reports and other documents required to be tabled by them by statute or these Standing Orders;
  - (b) an electronic copy in a form suitable for the Tabled Paper Database of all reports and documents required to be tabled by them by statute or these Standing Orders; and



(c) copies of all reports and documents required to be tabled by them by statute or these Standing Orders in the quantities decided and published by the Committee of the Legislative Assembly in accordance with (1)

(3) The Clerk and parliamentary officers are not required to supply Members hard copies of reports and documents once the copies supplied in accordance with (2)(c) have been distributed.

### **25. Incorporation of material in the Record of Proceedings**

(1) Unless otherwise provided by these Standing Orders, material may only be incorporated in the Record of Proceedings by the leave of the House.

(2) A member shall only seek leave to incorporate material in the Record of Proceedings if the member has first shown the Speaker the material sought to be incorporated and obtained the Speaker's consent.

(3) The Speaker may issue guidelines about incorporating material in the Record of Proceedings.

### **26. Tabled Paper Database (e-papers)**

(1) The Clerk shall maintain an electronic database upon which the Clerk shall cause to be published electronic copies of tabled documents, as far as is practicable or convenient.

(2) The Clerk shall not publish on the electronic database any report or other tabled paper where:

(a) publication of the tabled document would offend another Standing Order;

(b) publication of the tabled document has been restricted by an order of the House; or

(c) publication of the tabled document would jeopardise the tabled paper database due to its size, content or some other matter.

## **CHAPTER 5 DOCUMENTS**

### **27. Documents ordered to be tabled**

(1) The House may order documents to be:

(a) tabled; or

(b) produced to the House.<sup>15</sup>

(2) The Clerk shall advise the Minister responsible for any documents ordered to be produced to the House of the order of the House and the Minister shall either table the documents in the House or transmit the documents to the Clerk for tabling in the House.

### **28. Form of address to Governor**

Motions for the production of documents concerning the Royal Prerogative are to be in the following form: "That an address be presented to the Governor".

### **29. Outstanding orders for documents**

On every Wednesday when the House is sitting, the Clerk shall read out the titles of all orders and addresses for documents agreed to by the House and that have not been tabled.

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<sup>15</sup> Section 25 of the *Parliament of Queensland Act 2001* provides that the Assembly may order a person to attend before the Assembly or an authorised committee and also to produce to the Assembly or an authorised committee any document or other thing in the person's possession.

### **30. Documents read or cited by member**

A document read or cited by a member may be ordered to be tabled pursuant to a motion moved without notice, amendment or debate by another member.

### **31. Documents forwarded by the Speaker, a Minister or the Governor during recess deemed tabled**

- (1) The Speaker, a Minister or the Governor may table any document concerning the affairs of the Parliament or the State when the House is not sitting.
- (2) The Speaker, a Minister or the Governor may table a document when the House is not sitting by providing the document to the Clerk with a request that the document be tabled.
- (3) Documents provided in accordance with (2) are deemed to have been tabled in the House on the day they are received by the Clerk.
- (4) The details of all documents tabled and the day they are received by the Clerk during a recess must be included in the Record of Proceedings on the next sitting day.

### **32. Tabling of documents by the Clerk on the next sitting day**

- (1) Ministers and members may transmit documents to the Clerk for tabling on the next sitting day.
- (2) The Clerk shall include the detail of all documents received in accordance with (1) in a notification announced and circulated to members in the House on the sitting day the documents are to be tabled.
- (3) The details of all documents tabled must be recorded in the Record of Proceedings.

### **33. Documents received deemed published**

- (1) All documents specifically required or permitted to be tabled in the House by statute<sup>16</sup> or by SO 31 or 32 are deemed to be published by order of the House when they are tabled or deemed to have been tabled.
- (2) The House may order any other document to be published, if required.

### **34. Publication may be by any means**

All documents tabled and ordered to be published or deemed to be published may be published in any form, including by electronic means.

### **35. Tabling of documents identifying a child or children**

- (1) A member must ensure that when tabling any documents concerning a child or children subject to the *Child Protection Act 1999* or the *Youth Justice Act 1992* the document is tabled in a non-identifying manner such as by replacing any identifying features likely to lead to the identification of the child with a cipher such as “[name withheld]”.
- (2) A member choosing to replace an identifying feature with a cipher when tabling a document shall provide the Clerk with the “key” to the full identifying features relating to the document.
- (3) Any member who so requests shall be granted access to the “key” to the full identifying features relating to the document by the Clerk.

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<sup>16</sup> Several statutes also provide for the tabling of reports or other documents in the Legislative Assembly. Section 63(2) of the *Financial Accountability Act 2009* provides for the tabling of annual reports. Section 32 of the *Commissions of Inquiry Act 1950* provides for the tabling of Commission of Inquiry reports. Section 59 of the *Parliament of Queensland Act 2001* provides for the tabling of reports when the Legislative Assembly is not sitting.

(4) For the purpose of this order, the term “non-identifying manner” refers to information which if published would identify, or is likely to lead to the identification of, a child the subject of either the *Child Protection Act 1999* or the *Youth Justice Act 1992*.

## **CHAPTER 6 BROADCAST OF PROCEEDINGS**

### **36. Broadcast of proceedings**

- (1) The Speaker and the Clerk are authorised to broadcast the proceedings of the House over the Internet.
- (2) Where possible, the broadcast of proceedings is to be accompanied by an indication of the member speaking and a description of the subject of debate.
- (3) The Speaker and the Clerk are authorised to do all things necessary in order to broadcast the proceedings.

## **PART 2      PROCEDURE FOR NEW PARLIAMENT**

### **CHAPTER 7      SWEARING IN OF MEMBERS**

#### **37. Swearing in of members at opening of new Parliament**

On the first day of meeting of a new Parliament after a general election, the order of business is as follows:

- (a) Members are to assemble pursuant to the Proclamation of the Governor and the Clerk shall read the Proclamation.
- (b) Commissioners appointed by the Governor to open the Parliament and administer the oath or affirmation to members shall produce their Commissions, which are read by the Clerk.
- (c) The Clerk is to read and then table the notification of the election of each member.
- (d) Members are then sworn<sup>17</sup> and shall sign the Roll of Members.
- (e) The Speaker is elected in accordance with Chapter 8.

#### **38. Swearing in of new members not elected at general election (by-election or otherwise)**

(1) If a member is returned, not having been elected at a general election (“new member”), the order of business is as follows:

- (a) The Clerk is to read and then table the notification of the election of the new member.
  - (b) A member shall then introduce the new member.
  - (c) The new member returned shall then be sworn and sign the Roll of Members.
- (2) The Speaker is to administer the oath or affirmation to the new member in (1)(c).
- (3) A new member may be introduced at any time, but not so as to interrupt the Speaker or a member who is addressing the House, or after a division has been called for.

### **CHAPTER 8      ELECTION OF SPEAKER**

#### **39. Procedure for election of Speaker**

- (1) Immediately after the members present have been sworn in accordance with SO 37, they must elect a Speaker.
- (2) The procedure for the election of Speaker is as follows:
  - (a) The Clerk shall call upon the member present in the House who has served for the longest period continually in the House and who is not a Minister, to take the Chair for the purpose of the election of a Speaker (“Presiding Member”).
  - (b) A member addressing the Presiding Member shall nominate some member, then present, to the House, for Speaker, and move that such member “take the Chair of the House as Speaker”.
  - (c) All nominations are to be seconded by a member.
  - (d) The Presiding Member shall ascertain if the member nominated will accept the nomination, after which any further nominations may be made.
  - (e) If there is only one nomination, the question shall not be put and the member nominated will be called to the Chair.

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<sup>17</sup> Section 22 of the *Constitution of Queensland 2001* provides that no member may sit or vote in the Legislative Assembly unless the member has taken or made the oath or affirmation of allegiance and of office contained in Schedule 1 of that Act.

(f) If there is more than one nomination, the procedure in SOs 40 and 41 is to be followed.

(3) Whilst in the Chair pursuant to this Standing Order, the Presiding Member shall have all of the powers and authorities of the Speaker.

#### **40. Contested election of Speaker**

(1) In the event of there being two or more members nominated for the office of Speaker, a ballot pursuant to SO 41, shall be conducted.

(2) If two members have been nominated a ballot shall be conducted and the member receiving the greatest number of votes shall be declared elected, and shall be called to the Chair.

(3) If more than two members have been nominated a ballot shall be conducted, and the member receiving a majority of the votes of members present shall be the Speaker. But if no member has received a majority of votes of members present, the name of the member who has received the least number of votes shall be withdrawn, and another ballot in accordance with SO 41 shall be conducted. This procedure is to continue until one member obtains a majority of the votes of members present, and the member obtaining the majority of votes shall be declared elected, and shall be called to the Chair.

(4) In the event of an equality of votes between members receiving the least number of votes or when the number of nominees has been reduced to two and there is an equality of votes for each nominee, another ballot shall again be taken. If again there is an equality of votes, the Presiding Member shall determine by lot which member shall be deemed to have obtained the greater number of votes.

#### **41. Ballot for Speakership**

(1) If a ballot is necessary, the following procedure is to take place:

(a) When nominations have been received, seconded, and debate (if any) is concluded, the Presiding Member will announce that a ballot will be taken and the division bells will be rung for four minutes.

(b) No fresh nominations can then be made and the Presiding Member shall return to their seat in the Chamber.

(c) After the bells have rung for four minutes the Bars are to be closed, the Clerk shall initial and deliver at the Table to each member present a ballot paper, and will check the names of those to whom ballot papers are given.

(d) Members will record their vote by placing a cross in the space provided opposite the name of the member they wish to vote for.

(e) After having recorded their vote, each member present shall fold their ballot paper and place it in the ballot box on the Table.

(f) Once all ballot papers have been deposited, the Clerk, assisted by other officers at the Table, will count the votes and the Clerk will announce the numbers to the House.

(2) The procedure in (1) is to be repeated as often as may be necessary.

(3) If any ballot paper contains any mark made by the member, other than a cross or if the cross does not clearly appear in the space provided opposite a member's name, the vote is informal and shall not be counted.

(4) A member can only vote for a member who has been nominated, seconded and has accepted the nomination.

#### **42. Speaker elected**

(1) When a member has been elected Speaker, the nominator and seconder shall escort the Speaker elect to the Chair.

(2) After being escorted to the Chair, the Speaker elect shall acknowledge the House for the honour conferred and take the Chair.

#### **43. Destruction of ballot papers**

The Clerk shall destroy all ballot papers as soon as the House adjourns.

## **CHAPTER 9 PRESENTATION OF SPEAKER AND OPENING OF PARLIAMENT**

#### **44. Presentation of Speaker to Governor**

(1) After the election of the Speaker, a Minister shall inform the House of the time the Governor will receive the House for the purpose of presenting the Speaker to the Governor.

(2) The sitting must then be adjourned or suspended.

(3) The Speaker, accompanied by other members, shall be presented to the Governor.

#### **45. Official opening by Governor**

(1) On the second sitting day of a new Parliament after a general election, an official opening may take place by the Governor in the former Legislative Council Chamber.

(2) The procedure for an official opening is as follows:

(a) At a time appointed by the Speaker or the House, the Speaker is announced, reads prayers and takes the Chair.

(b) The Speaker then reports their presentation to the Governor as the member chosen to fill the office of Speaker.

(c) At the appointed time, the Governor is announced and the Speaker receives the Governor.

(d) The Governor delivers the Opening Speech to Parliament and retires from the Legislative Council Chamber.

(e) Members then proceed to the Legislative Assembly Chamber where the sitting will be continued.

(f) After assembling, the House may be immediately adjourned until the next day.

(3) The Speaker is authorised to vary the procedure in (2), including inviting persons in addition to the Governor to address members.

## **CHAPTER 10 ADDRESS-IN-REPLY**

#### **46. Address-in-Reply to Speech**

(1) On the third sitting day of a new Parliament, unless the House otherwise orders, a member shall move a motion for an Address to the Governor in reply to the opening speech (“Address-in-Reply”).

(2) Amendments may be moved to the motion in (1).

#### **47. Debate on Address-in-Reply**

(1) Debate on the Address-in-Reply, together with any amendments, shall be no longer than 28 hours and shall take place anytime within the time set aside for Government Business.

(2) Debate on the Address-in-Reply may be adjourned at any time to consider any other business.

(3) At the expiration of a maximum of 28 hours of debate, without further amendment or debate, the Speaker shall put the question for the adoption of the Address-in-Reply together with any questions for amendments that have previously been moved.

**48. Address presented by the Speaker, Governor's answer to be reported**

(1) The Address-in-Reply shall be presented to the Governor by the Speaker, accompanied by any members who wish to attend.

(2) The Governor's answer to the Address-in-Reply shall be reported by the Speaker to the House.

## **PART 3 BUSINESS OF THE HOUSE**

### **CHAPTER 11 MEETING TIMES, PRAYER AND QUORUM**

#### **49. Days of meeting and adjournment**

- (1) The House shall appoint the days and the hours of each day on which it will meet for the dispatch of business.
- (2) Except in accordance with SO 50 or 51, the House shall be adjourned only by its own resolution.

#### **50. Quorum**

- (1) The Speaker shall take the Chair at the time appointed for the meeting of the House.
- (2) If, at the expiration of five minutes after the appointed time, a quorum is not present, the Speaker shall declare the House adjourned to the next sitting day.
- (3) A quorum of the House consists of at least 16 members of the Legislative Assembly excluding the Speaker.<sup>18</sup>

#### **51. Absence of quorum after commencement of business**

- (1) If, at any time after the commencement of business, notice is taken by any member that there is not a quorum of members present, the Speaker shall count the number of members present in the House and, if there is not a quorum present, shall adjourn the House to the next sitting day.
- (2) Before the Speaker proceeds to count the number of members present in the House, the bells shall be rung for four minutes or until a quorum has formed.
- (3) No member shall leave the Chamber when the bells are rung for lack of a quorum.
- (4) If, on any division in the House, it appears by the tellers' lists that there is not a quorum present, the Speaker shall adjourn the House at once to the next sitting day without again counting the number of members present in the House.
- (5) Subject to Sessional Orders providing the Order of Business, when the House is adjourned for lack of a quorum, business which was being debated and business not disposed of takes precedence on the next sitting day.

#### **52. Quorum count interruption**

If proceedings are interrupted by a quorum count followed by an adjournment of the House, such proceedings may, on motion without notice, be resumed at the point where they were so interrupted.

#### **53. House may proceed without quorum when no notice taken**

In the absence of a quorum, the House may proceed with business until notice is taken.

#### **54. Member taking notice of lack of quorum shall be counted**

A member who calls the attention of the Speaker to the fact that there is not a quorum of members present, shall be held to be present during the counting of the House.

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<sup>18</sup> Section 12 of the *Parliament of Queensland Act 2001* provides that 16 members of the Assembly exclusive of the Speaker are a quorum.



**55. After quorum counted, discretion in Speaker**

- (1) When a quorum has once been formed under the provisions of the above rules, and any member draws attention to the fact that a quorum is not present, it shall be at the discretion of the Speaker to proceed with the business or to count the House.
- (2) The Speaker shall only exercise their discretion in (1) to not count the House, if they are satisfied that any absence of a quorum is of a temporary nature.

## **CHAPTER 12 ADJOURNMENT**

**56. Debate of motion for adjournment to close the sitting**

- (1) The motion “That the House do now adjourn” may be proposed at the conclusion of the day’s sitting by the Leader of the House.
- (2) Unless otherwise provided, on each day the House meets, when the question “That the House do now adjourn” is proposed, an adjournment debate shall take place.

**57. Adjournment before next sitting day fixed**

If the House stands adjourned on any day before the days and hours of sitting have been appointed by the House, it shall stand adjourned to the next day not being a Sunday at 9.30 am.

## **CHAPTER 13 ORDER OF BUSINESS**

**58. Routine of business to be set by Sessional Orders**

- (1) The House shall, by Sessional Orders, determine:
  - (a) the days each week the House shall sit;
  - (b) the routine of business each day; and
  - (c) the time the House will sit each day.
- (2) The routine of business in (1)(b) shall include:
  - (a) an opportunity for tabling and debate of committee reports; and
  - (b) an opportunity for Private Members’ Bills to be introduced and debated.

**59. Disallowance of statutory instruments<sup>19</sup>**

- (1) When notice of a motion to disallow a statutory instrument or guideline pursuant to an Act<sup>20</sup> has been given, such motion shall be considered within seven sitting days after notice has been given.
- (2) The motion shall be set down to be considered during the time set aside for the debate of Private Members’ Bills or other General Business and such motions shall take precedence during that time until disposed of.
- (3) Despite (2), the Leader of the House may direct that the motion be set down to be considered in Government Business.
- (4) When the motion is called on it shall be debated and decided and if not moved, shall lapse.

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<sup>19</sup> Sections 50 and 51 of the *Statutory Instruments Act 1992* provide for disallowance, by resolution of the Legislative Assembly, of subordinate legislation. Sections 6 and 7 of the Act define “statutory instruments”. Section 9 of the Act defines which instruments are “subordinate legislation”.

<sup>20</sup> For example, s.298 of the *Crime and Corruption Act 2001* enables the House to disallow guidelines by the Parliamentary Crime and Corruption Committee.

## **CHAPTER 14 GOVERNMENT BUSINESS**

### **60. Ministers may act for another**

A Minister may act for and on behalf of another Minister in relation to any business before the House for which that other Minister is responsible.

### **60A. Absence of Minister**

The Leader of the House shall inform the House whenever a Minister will be absent for either Questions without Notice or an entire sitting day.

### **61. Order of matters during Government Business**

The Leader of the House may place any Government Business notices of motion or orders of the day upon the Notice Paper in the order in which they desire them to be considered.

### **62. Ministerial statements**

(1) A Minister during the time allotted by Sessional Orders, or any time during Government Business so as to not interrupt a debate of a matter, may make a statement relating to matters of Government policy or public affairs.

(2) At the conclusion of the statement, the Minister 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 either immediately, or at some later time.

### **62A. Premier’s statements for fallen members of the military**

(1) The Premier shall during the time allotted by Sessional Orders for Ministerial Statements, or at any time during Government Business so as to not interrupt a debate of a matter, make a statement relating to advice of a member of the Australian Military having been killed in action whilst on active service overseas, on the first sitting day following receipt of such advice.

(2) 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 either immediately, or at some other time.

(3) Following the reply by the Leader of the Opposition or nominee the Speaker shall put the question “That the statement be noted and that the House express its agreement with the motion by observing one minute’s silence”.

## **PART 4      GENERAL PROCEDURE**

### **CHAPTER 15   MOTIONS**

#### **63. Motion when notice or leave required**

- (1) Unless otherwise provided by these Standing Orders, a member shall not move any substantive motion initiating a subject for discussion, except after that member has given notice of motion or without notice by leave of the House.
- (2) The question of leave in (1) is to be decided without debate.
- (3) Notice of motion is not required for any subsidiary motion (such as an amendment to a question before the Chair) or a procedural motion (such as the adjournment of debate).
- (4) A motion may not be debated on the same day on which notice of it is given unless these Standing Orders provide otherwise.

#### **64. Secunder not required**

- (1) Unless otherwise provided by these Standing Orders, a motion need not be seconded.
- (2) A seconder is required for any motion or amendment to an Address to the Governor, election of the Speaker or condolence.

#### **65. Notice of motion**

- (1) The notice of motion for debate during Private Members' Motion may be given by stating the terms in the House immediately prior to Question Time and by delivering to the Clerk a printed copy of the notice.
- (2) A notice of motion for the disallowance of a statutory instrument in accordance with Standing Order 59 may be given by stating the terms in the House in the time allotted each sitting day and by delivering to the Clerk a printed copy of the notice.
- (3) A Ministerial notice of motion for debate may be given by stating its terms during that time set aside each morning for ministerial notices of motion or any other time during government business and by delivering to the Clerk a printed copy of the notice.
- (4) All other notices of motion shall be given by delivering to the Clerk a printed copy of the notice and shall not be stated in the House as per (1) or (2).
- (5) A notice of motion shall be entered by the Clerk on the Notice Paper immediately after receipt by the Clerk of the notice of motion.
- (6) Unless otherwise provided by these Standing Orders or ordered by the House, the Clerk shall enter General Business notices of motion on the Notice Paper, in the order in which they were given.

#### **66. One notice of motion until other members have opportunity**

With the exception of Ministers, a member shall be restricted to giving one notice of motion until other members each have had an opportunity of giving one notice of motion.

#### **67. Alteration of notice of motion**

- (1) A member may alter the terms of a notice of motion, given by that member, by handing to the Clerk, at the latest on the day preceding the day appointed for such motion, an amended notice.
- (2) The amended notice must not exceed the scope of the terms of the original notice.

(3) The requirement in (1) does not apply to notices of motion which under these Standing Orders are to be debated on the same day on which notice is given.

(4) In respect of a notice of motion described in (3), the member may only alter the terms of the notice of motion by leave of the House.

#### **68. Withdrawal of a notice of motion**

(1) A member may, by leave of the House, withdraw a notice of motion that they have proposed.

(2) A motion which has been superseded or withdrawn by leave of the House may be moved again in the same session.

(3) When an amendment has been proposed to a motion, the original motion shall not be withdrawn until the amendment has been either withdrawn by the member proposing the amendment or negatived by the House.

#### **69. Notice of motion given for absent member**

A member, in the absence of another member and at that member's request, may give a notice of motion for that member and shall put that member's name on the notice of motion and deliver to the Clerk a printed copy of the notice.

#### **70. Powers of the Speaker regarding notice of motion**

(1) A notice of motion is not to contain unbecoming expressions, exceed 250 words in length, or offend against any standing order or practice of the House.

(2) The Speaker may amend a notice of motion that offends (1) or order to not be published a notice of motion that offends (1).

(3) The House may order a notice of motion that offends (1) to be expunged from the Notice Paper.

(4) If a notice of motion is given which contains unrelated matters, the Speaker may instruct the Clerk to divide the notice into two or more notices.

#### **71. Lapse of notice**

If a member fails to rise and move a motion when the notice of motion previously given is called on by the Speaker, it shall lapse, unless another member moves the motion on their behalf.

#### **72. Fresh notice for later, not earlier day**

A member, having given notice of a motion for a certain day, may give fresh notice for a later but not for an earlier day.

#### **73. Not dealt with at adjournment**

If, at the adjournment of the House, any motions on the Notice Paper have not been called on, such motions shall be set down for the next sitting day.

#### **74. Deletion of notices of motion from Notice Paper**

All general business notices of motion appearing on the Notice Paper shall be deleted from the Notice Paper after the expiration of 30 calendar days from the day on which notice is given, unless a statute or these Standing Orders provide a time within which the motion must be considered by the House.

**75. Resolution or order may be rescinded**

- (1) A resolution or order of the House may be read and rescinded, but not on the day on which it was passed.
- (2) A motion for rescission must be made by a member who voted for the resolution or order proposed to be rescinded.

## **CHAPTER 16 ORDERS OF THE DAY**

**76. Disposal of orders of the day**

- (1) Except by order of the House, by motion without notice, the orders of the day shall be disposed of in the order in which they appear in the Notice Paper.
- (2) A motion for (1) is to be put without debate or amendment.

**77. Orders to be read without question put**

The Speaker shall direct the Clerk to read the orders of the day, without any question being put.

**78. Order postponed**

An order of the day may be postponed on motion without notice, moved by a member in charge of the order of the day, or in their absence, by another member at their request.

**79. Lapsed orders may be restored**

A lapsed order of the day may be restored to the Notice Paper by order of the House on motion without notice, to be decided without amendment or debate.

**80. Orders of the day not called on**

If, at the adjournment of the House, any orders of the day have not been called on, such orders of the day shall be set down on the Notice Paper for the next sitting day.

**81. Order discharged**

- (1) The House by order may discharge from the Notice Paper an order of the day.
- (2) The member in charge of an order of the day, or in their absence another member at their request, may move for its discharge, by motion without notice, when the order is reached.
- (3) A Minister or Leader of the House may move the discharge of any Government Business order of the day, by motion without notice, at anytime during Government Business.

## **CHAPTER 17 PROCEDURE FOR DETERMINING A QUESTION**

**82. Question proposed**

When a motion has been moved, and unless these Standing Orders otherwise provide, seconded, a question immediately stands “That the motion be agreed to” and debate on the question proceeds.

**83. Out of order, not proposed**

If a motion or amendment is out of order, no question shall stand and the Speaker shall inform the House.

**84. Question put, and if not heard, again stated**

A debate on a question being closed, the Speaker shall put the question to the House, and, if the question is not heard, shall again state it.

**85. Question determined by majority of voices**

A question being put, shall be resolved by the majority of voices – Ayes or Noes.

**86. Speaker declares majority**

- (1) The Speaker shall state whether in their opinion the Ayes or Noes have it.
- (2) If the Speaker's opinion is not agreed to by any member the question shall be determined by a division.
- (3) A member is to state their disagreement with the Speaker's opinion by calling "divide".

**87. Same question not to be again proposed**

- (1) Unless these Standing Orders otherwise provide, a question or amendment shall not be proposed which is the same as any question which, during the same session, has been resolved in the affirmative or negative.
- (2) This Standing Order does not apply to a motion of want of confidence or censure.

**88. Closure motion**

- (1) Any member during a debate on a question may move a closure motion ("That the question be now put").
- (2) If the Speaker is of the opinion that the question has been sufficiently debated and a motion in (1) is not an abuse of the rules of the House or an infringement of members' rights, the Speaker shall put the closure motion forthwith without amendment or debate.
- (3) A closure motion having been proposed, an amendment of the main question shall not be allowed unless the closure motion has been withdrawn or resolved in the negative.
- (4) If a closure motion is resolved in the affirmative, the Speaker must put the main question at once, without further amendment or debate.
- (5) Where a closure motion has been carried and the original question resolved, further closure motions may be moved to resolve any further questions relating to the matter of business before the Chair.

**89. Question divided – complicated question**

The Speaker may order a complicated question to be divided into separate questions.

**90. Question superseded**

A question may be superseded by:

- (a) the adjournment of the House on the motion of a member;

- (b) a resolution of the House to pass to some other business;
- (c) amendments being moved to the question; or
- (d) a closure motion (“That the question be now put”) in accordance with SO 88.

## CHAPTER 18 AMENDMENTS

### 91. Forms of amendment

A question having been proposed, may be amended by:

- (a) omitting certain words;
- (b) omitting certain words in order to insert or add other words; or
- (c) inserting or adding words.

### 92. Seconders for amendments

Unless otherwise provided, an amendment in the House or in consideration in detail of a Bill need not be seconded.

### 93. Amendments to be in writing

Unless otherwise provided, an amendment to any question must be stated in the House and delivered in writing to the Clerk.

### 94. Relevance of amendments

Every amendment must be relevant to the question which it is proposed to amend.

### 95. Question to be put for amendments

- (1) In respect of every amendment the Speaker shall put the question “That the amendment be agreed to”, which shall be resolved in the affirmative or negative.
- (2) An amendment proposed shall be disposed of before another amendment to the original question may be moved.

### 96. No amendment when later part of question amended or agreed to

- (1) An amendment may not be proposed to any part of a question after a later part has been amended, or has been proposed to be amended, unless the proposed amendment has been withdrawn by the leave of the House.
- (2) When several amendments have been proposed to be made to a question, they shall be put individually, in the order in which, if agreed to, they would stand in the amended question.
- (3) An amendment shall not be made to any words which the House has already agreed to, except by adding other words at the end.
- (4) An amendment adding words to words already agreed to, in accordance with (2), shall not be made on questions relating to the several stages of Bills.

### 97. Amendments may be withdrawn

- (1) A member who has moved an amendment may, by leave of the House, withdraw the amendment.

(2) If a member who moved an amendment is absent, at their request another member may, by leave of the House, withdraw the amendment.

**98. Question after amendment put**

(1) When amendments have been proposed but negatived, the Speaker shall again propose the original question.

(2) When amendments have been proposed and agreed to, the main question, as amended, shall be put.

**99. When amendment moved original motion cannot be varied**

When a member has moved a motion to which an amendment is moved, another motion cannot be substituted unless the amendment to the original motion has been disposed of or withdrawn.

**100. Amendments to amendments**

(1) Amendments may be proposed to a proposed amendment whenever it comes to a question whether the House shall agree to such proposed amendment.

(2) The question to be put in such a case shall be, “That the amendment to the proposed amendment be agreed to”.

(3) Where the original amendment is to insert, add, or omit words, an amendment may be proposed to it without reference to the main question, which will be dealt with when the amendments have been disposed of.

**101. No amendment to adjournment**

No amendment shall be moved to the question, “That the House do now adjourn”.

**102. Same amendment as one negatived**

An amendment to a question may not be moved if it is the same as an amendment already determined in the negative or would have the effect of reversing an amendment already made.

## **CHAPTER 19 DIVISIONS**

**103. Procedure for putting question and calling a division**

(1) When the Speaker has put a question to the House, after the voices have been given, the Speaker shall declare whether the “Ayes” or the “Noes” have it.

(2) Any member who has voted against the majority as declared by the Speaker may demand a division by calling “divide”.

(3) When a division is demanded, the Speaker shall order the division bells to be rung for four minutes.

(4) If there has already been a division in respect of that order of the day or motion, and there is no intervening debate, the Speaker may order the division bells to be rung for one minute.

**104. Party vote unless a conscience issue**

(1) Where a division is demanded, a party vote is held unless the subject of the vote is to be treated as a conscience vote.



(2) If the Speaker has received prior advice from a party whip of a conscience vote, the Speaker will permit a personal vote to be held instead of a party vote.

#### **105. Bars to be closed after time elapsed**

- (1) The bars shall not be closed whilst the division bells are ringing.
- (2) Immediately after the lapse of the period so specified by the Speaker and the division bells stop ringing, the Speaker shall direct the bars to be closed.
- (3) After the bars are closed no member shall then enter or leave the Chamber until after the division is reported.

#### **106. Procedure for a party vote**

- (1) When the bars have been closed, the Speaker shall state the question to the House.
- (2) To cast their votes, members must sit in their allocated places in the Chamber. Unless they have advised their Whip that they intend to cast a contrary vote, each member of the parties that make up the government or official opposition are deemed to be voting to support the response of their party members given at the time the Speaker originally put the question.
- (3) Members of the parties that make up the government or official opposition that intend casting a contrary vote must advise their Whip. These Members must then also advise the Clerk of their intention to cast a contrary vote and indicate whether they are voting for the “Ayes” or “Noes”.
- (4) Members of minor parties, recognised parties or independents must sign a tally sheet provided by the Clerk indicating whether they are voting for the “Ayes” or “Noes”.
- (5) The Government Whip, Opposition Whip and Clerk will report the number of “Ayes” or “Noes”. The report must only relate to votes cast by members present in the Chamber and every member present must vote. The votes will be reported in the following order:
  - (i) The Speaker asks the Government Whip, to report the government party’s votes.
  - (ii) The Speaker asks the Opposition Whip, to report the official opposition party’s vote.
  - (iii) The Speaker asks the Clerk, to report the votes of other members that have reported to the Clerk in accordance with (3) or (4) above. The Clerk will report the votes by party or electorate.
- (6) Any Member may before the result of the vote is announced by the Speaker, challenge the report of votes reported by the Government Whip, Opposition Whip or the Clerk. If a report is challenged, the Speaker may direct that the report stand, be corrected or that the matter be resolved by a personal vote.
- (7) The Speaker announces the result to the House.
- (8) The Government Whip and Opposition Whip will immediately provide the Clerk the names of those members of their party that were not present for the vote.
- (9) The Clerk will record the result of the vote and the names of those members voting “Aye” and “No” and publish those details in the Record of Proceedings.
- (10) If fewer than five members vote with either the “Ayes” or the “Noes”, the Clerk will record whether the question was agreed to or not in the Record of Proceedings but the result of the vote and the names of members voting will not be recorded in accordance with (9) above.
- (11) If an error occurs in any record of result, the error shall be reported to the House by the Speaker at the earliest practical time and the Record of Proceeding altered.
- (12) In this Standing Order a reference to Government Whip, Opposition Whip or the Clerk includes a reference to their delegates.

### **107. Procedure for a personal vote**

- (1) When the bars have been closed, the Speaker shall state the question to the House, and then direct the “Ayes” to proceed to the right of the Chair and the “Noes” to the left.
- (2) After members have divided, the Speaker shall appoint two tellers from each side. If two tellers cannot be found for one side of the question, the Speaker must immediately declare the resolution of the House. The member who called for the division may ask for their dissent to be recorded in the Record of Proceedings. The Speaker then directs the Clerk to record that dissent.
- (3) The tellers shall count the members voting and record the vote of each member present on the division sheets.
- (4) A member may not change their vote once the tellers have been appointed.
- (5) The tellers shall report the numbers to the Speaker
- (6) The Speaker shall announce the result of the division to the House.
- (7) In case of confusion or error concerning the numbers reported, unless it can be otherwise corrected, the House shall proceed to another division on the question.
- (8) The names of the members who have voted are recorded in the Record of Proceedings.

### **108. Call for division may be withdrawn**

- (1) At any time before the tellers begin to count the members voting in a division, a call for a division may, by leave, be withdrawn by the member who called for the division, so long as there is no dissenting voice.
- (2) If a call for a division is withdrawn, the division shall not be proceeded with and the decision of the Speaker which was challenged shall stand.

### **109. Rules relating to divisions and voting**

- (1) A member shall not be entitled to vote in a division unless they are present in the House when the question is put after the bars are closed.
- (2) Every member present in the House when the question is put with the bars closed must vote except the Speaker, who shall have a casting vote if the votes are equal. The Speaker may give reasons for the casting vote and those reasons are entered in the Record of Proceedings.
- (3) A member having given voice with the “Ayes” or “Noes” shall not, on a division being taken, vote with the opposite side.
- (4) If a member contravenes (3), the Speaker, on being informed, shall order the tellers list to be corrected.
- (5) A member, when proposing a question of order for the decision of the Speaker during a division, shall remain seated.

## **CHAPTER 20 QUESTIONS TO MINISTERS AND MEMBERS**

### **110. Questions to Ministers**

- (1) Questions to Ministers may be:
  - (a) asked orally without notice in accordance with SO 113; and
  - (b) placed on the Notice Paper in accordance with SO 114 for written reply.
- (2) Questions to members and the chairperson of a committee shall only be in accordance with SO 111.

### **111. Questions to members and Chairperson of a committee in lieu of to a Minister**

- (1) A member may ask a question on notice of any member of the House relating to any Bill or motion on the Notice Paper of which the member has charge in lieu of a question to a Minister in accordance with SO 114.
- (2) A member may ask a question on notice of the Chairperson of a committee relating to the activities of that committee in lieu of a question to a Minister in accordance with SO 114.
- (3) Questions may not be put to the Speaker.

### **112. No debate on asking questions**

In asking a question, no argument or opinion shall be offered, or any fact stated, except so far as is necessary to explain the question.

### **113. Questions without notice**

- (1) Questions may be put to a Minister without notice relating to:
  - (a) public affairs with which the Minister is officially connected or to any matter of administration for which the Minister is responsible; or
  - (b) proceedings pending in the Legislative Assembly for which the Minister is responsible (but discussion must not be anticipated).
- (2) Each member may ask a Minister one question without notice each sitting day in the time allocated for Question Time, except for the Leader of the Opposition who may ask two questions without notice.
- (3) If an answer to a question requires too much detail, a Minister may request the member to place the question on notice to be answered on the next sitting day.

### **114. Questions on notice**

- (1) Each member may ask one question on notice each sitting day.
- (2) Every question on notice shall be lodged with the Clerk by the end of Question Time each day.
- (3) Where a question on notice from a member is delivered to the Clerk it shall be included on the Notice Paper for the following sitting day.
- (4) A question on notice shall be typed or fairly written and signed by the member.
- (5) The relevant Minister or member shall answer the question by supplying a copy of the answer to the Table Office within 30 calendar days.
- (6) An answer to a question on notice is deemed to be tabled when it is received by the Table Office and its receipt is noted by the Clerk or their nominee.

### **115. Rules for questions**

The following general rules shall apply to questions without or on notice:

- (a) Questions shall be brief and relate to one issue.
- (b) Questions shall not contain:
  - (i) lengthy or subjective preambles;
  - (ii) arguments;
  - (iii) inferences;
  - (iv) imputations;

- (v) hypothetical matters; or
- (vi) names of persons, unless they are strictly necessary to render the question intelligible and can be authenticated.
- (c) Questions shall not ask for:
  - (i) an expression of opinion;
  - (ii) a legal opinion; or
  - (iii) an answer that would contravene the rules relating to matters sub judice.
- (d) Questions shall not be asked which reflect on or are critical of the character or conduct of those persons whose conduct may only be challenged on a substantive motion.
- (e) Questions shall not refer to, or require the disclosure of, proceedings of a committee not yet reported to the House.
- (f) Questions to a Chairperson of a committee shall not attempt to interfere with the committee's work or anticipate its report.
- (g) Questions may be asked to elicit information regarding business pending on the Notice Paper, but debate on the matter must not be anticipated.

#### **116. Powers of Speaker regarding questions**

The Speaker may direct that the language of a question be changed or the question not be published, if, in the opinion of the Speaker, it is unparliamentary or does not conform with these Standing Orders, Sessional Orders or practices of the House.

#### **117. Restrictions on naming at-risk children**

- (1) A member may ask any question without or on notice of a Minister concerning a child subject to the *Child Protection Act 1999* or the *Youth Justice Act 1992* so long as the question complies with these Standing Orders.
- (2) A member should ensure that any question concerning a child subject to the *Child Protection Act 1999* or the *Youth Justice Act 1992* is asked in a non-identifying manner such as by replacing any identifying features likely to lead to the identification of the child with a cipher such as “[name withheld]”.
- (3) A member choosing to replace an identifying feature with a cipher when asking a question shall provide the Clerk with the “key” to the full identifying features relating to the question.
- (4) Any member may request from the Clerk access to the “key” to the full identifying features relating to the question and the Clerk shall provide access.
- (5) For the purpose of these Standing Orders, the term “non-identifying manner” refers to information which if published would identify, or would be likely to lead to the identification of, a child the subject of either the *Child Protection Act 1999* or the *Youth Justice Act 1992*.

#### **118. General rules for answers**

The following general rules shall apply to answers:

- (a) in answering a question a Minister or member shall not debate the subject to which it refers; and
- (b) an answer shall be relevant to the question.

## CHAPTER 21 PETITIONS

### 119. Types of petitions

- (1) The following requirements and provisions set out in this chapter relate to the petitioning of the Legislative Assembly (“the House”).
- (2) The House shall recognise two types of petitions:
  - (a) Paper petitions; and
  - (b) Electronic petitions (E-Petitions).
- (3) A paper petition is a petition:
  - (a) in the correct form, stating a grievance and containing a request for action by the House;
  - (b) fairly written or printed, and free from erasures and interlineations;
  - (c) physically signed by at least one person on the sheet on which the petition is written or printed;
  - (d) either lodged by a member with the Clerk, or lodged by a principal petitioner directly with the Clerk for presentation to the House.
- (4) An electronic petition (“E-Petition”) is a petition:
  - (a) in the correct form, stating a grievance and containing a request for action by the House;
  - (b) either sponsored by a member, or sponsored by the Clerk on behalf of a principal petitioner, and lodged with the Clerk for publication on the Parliament’s Internet Website for a nominated period (“posted period”); and
  - (c) persons may elect to indicate their support of the petition (at least one person must “join the petition”) by electronically providing their name, address (including postcode), email address and signifying their intention to join the petition.
- (5) The posted period for an E-Petition is to be a minimum of one week and a maximum of six months from the date of publication on the Parliament’s Internet Website.
- (6) The member sponsoring the E-Petition must provide the Clerk with the details of the petition in the correct form; the posted period and a signed acknowledgment that they are prepared to sponsor the E-Petition.
- (7) Once published on the Parliament’s Internet Website an E-Petition cannot be altered.
- (8) Only one E-Petition dealing with substantially the same grievance and requesting substantially the same action by the House shall be published on the Parliament’s Internet Website at the same time.
- (9) Once the posted period for an E-Petition has elapsed, a paper copy of the petition shall be printed by the Clerk in full (including the names, addresses and email addresses of the persons who joined the petition) and presented to the House in the name of the member that sponsored the E-Petition.
- (10) An E-Petition published on the Parliament’s Internet Website, but not presented to the House prior to the dissolution of the Parliament, shall be presented to the subsequent Parliament and becomes a petition of the subsequent Parliament.
- (11) An E-Petition cannot be sponsored after the dissolution of the Parliament.

### 120. Correct form for all petitions

- (1) All petitions shall be in the following correct form:

PETITION

TO: The Honourable the Speaker and Members of the Legislative Assembly of Queensland.

The Petition of      (a)      citizens of Queensland

or

(b) residents of the State of Queensland

or

(c) electors of the Division of ...

draws to the attention of the House

*(State Grievance)*

Your petitioners, therefore request the House to

*(State action required)*

Name and address of principal petitioner

*(Here follows the Signatures)*

(2) The text of the grievance and action required in each petition shall not exceed 250 words in total.

### **121. General rules for petitions**

(1) A petition shall be in the English language, or if in another language shall be accompanied by an English translation, certified by the member who sponsors or lodges it to be a true and correct translation.

(2) A petition of a company must be made under its common seal (if the company has a common seal).

(3) Letters, affidavits, or other documents may not be attached to a petition and, in the case of E-Petitions, no reference to Universal Resource Locators (URLs) or other links or web based references are permitted in the petition.

(4) A petition must be respectful, decorous and temperate and not contain any unparliamentary language or otherwise offend any rule or practice of the House.

(5) Application shall not be made by a petition for any grant of public money, nor for compounding debts due to the Crown, nor for the remission of duties payable by any person, unless it is first recommended by the Governor.

(6) In respect of paper petitions, signatures shall be written upon the petition itself, and not pasted upon it, or otherwise affixed or transferred to it.

(7) Persons must sign paper petitions by their names or marks, and by no one else's, except in case of incapacity from sickness.

(8) Persons must join an E-Petition by filling out their correct details and personally agreeing to join the E-Petition, and by no one else, except in case of incapacity from sickness.

(9) A person cannot sign or join the same paper petition or E-Petition more than once.

(10) The correct form of the petition (including the name, address and, in the case of an E-Petition the email address, of the principal petitioner) must appear on each page of the petition to be presented to the House.

### **122. Presentation of petitions to the House**

(1) At the appointed time in the order of business of the House the Speaker will ask the Clerk to read the list of petitions lodged.

(2) Every petition presented to the House in accordance with (1) is deemed to have been received by the House unless a motion that it not be received is moved immediately and agreed to.

### **123. Duties and powers of the Clerk and Speaker regarding petitions**

(1) The Clerk may return a paper petition not in substantial conformity with these Standing Orders to the member or principal petitioner who lodged the petition.

- (2) The Clerk may decline to publish an E-Petition on the Parliament's Internet Website not in conformity with these Standing Orders and advise the sponsoring member accordingly.
- (3) The Clerk or a member may seek a ruling from the Speaker about the conformity of any petition with these Standing Orders.
- (4) The Speaker or the Clerk may allow a petition not in strict compliance with these rules to be presented or published, but only if the non-compliance is minor and relates to the form of the petition and not its substance.
- (5) The Clerk shall ensure that the details of all petitions received after these Standing Orders are adopted, together with all ministerial responses received are published on the Parliament's Internet Website. The details may be removed after the dissolution of each Parliament.
- (6) The Clerk is authorised to create and maintain an appropriate Internet Website on which to publish electronic petitions, paper petitions, responses to petitions and explanatory information and do all things necessary in order to give effect to these Standing Orders.
- (7) The Clerk must dispose of all electronic personal data related to the posting and joining of an E-Petition within six months after an electronic petition is printed and presented to the House.

#### **124. Instructions to members lodging or sponsoring petitions**

- (1) A member, or the Clerk if acting on behalf of a principal petitioner, when lodging a paper petition shall place their name and signature at the beginning of that petition and indicate the number of petitioners.
- (2) A member, or the Clerk if acting on behalf of a principal petitioner, when lodging or sponsoring a petition shall take care that it is in conformity with these Standing Orders.
- (3) If a member, or a principal petitioner desires a paper petition to be presented on a particular sitting day, the member or principal petitioner must lodge the petition with the Clerk at least two hours prior to the time set for the commencement of the meeting of the House on that sitting day.
- (4) If a member, or principal petitioner desires a number of petitions to be presented on a particular sitting day, the member or principal petitioner must request the Clerk to hold any petitions lodged or sponsored for presentation on a particular day.

#### **125. Petitions referred to a Minister and responses tabled and published**

- (1) The Clerk shall refer a copy of the material parts of every petition presented to and received by the House to the Minister responsible for the administration of the matter which is the subject of the petition.
- (2) The Minister may forward the Clerk's advice to another Minister for response.
- (3) The Minister shall forward a response ("ministerial response") to a petition to the Clerk within 30 days and the Clerk shall:
  - (a) table the response;
  - (b) forward a copy of the response to the member who presented the petition;
  - (c) forward a copy of the response to the principal petitioner; and
  - (d) ensure the response is published on the Parliament's Internet Website.
- (4) If the House is not sitting when the Clerk receives a ministerial response to a petition, the response is deemed to be tabled when it is received by the Clerk.
- (5) The details of all ministerial responses to petitions received by the Clerk and deemed to be tabled and the day they are received by the Clerk must be included in the Record of Proceedings on the next sitting day.
- (6) If a Minister can not comply with subsection (3), the Minister shall:

- (a) within 30 days after the petition is presented, forward to the Clerk an interim response and the Minister's reasons for not complying within 30 days; and
- (b) within 3 months after the petition is presented, forward to the Clerk a final response.



## **PART 5 THE LEGISLATIVE PROCESS**

### **CHAPTER 22 INTRODUCTION OF BILLS**

#### **126. Types of Bills**

A Bill may be introduced as—

- (a) a Government Bill—a Bill dealing with a matter of public policy introduced by a Minister, or
- (b) a Private Member’s Bill—a Bill dealing with a matter of public policy introduced by a member who is not a Minister or by a Minister in their capacity as a member.

#### **127. Form of statement of enacting authority for Bills**

- (1) The following form is used in Bills, except those in (2), as the statement of the enacting authority: “The Parliament of Queensland enacts”.
- (2) The following form is used in Bills requiring the consent of the electors of Queensland: “The Parliament of Queensland with the consent of the electors of Queensland enacts”.

#### **128. Temporary laws**

The precise duration of every temporary law shall be expressed in a distinct clause in the Bill.

#### **129. Introduction of Bills**

- (1) A Minister may introduce a Government Bill at any time during Government Business, so as to not interrupt other Government Business.
- (2) A member may introduce a Private Members’ Bill during any time allocated for the introduction or debate of Private Members’ Bills.
- (3) A Bill is introduced by the Minister or member by:
  - (a) informing the House of their intention to introduce a Bill and reading the long title of the Bill;
  - (b) immediately tabling a copy of the Bill and any explanatory notes for the Bill;<sup>21</sup>
  - (c) nominating which portfolio committee established by Part 7 of these Standing Orders or other committee of the House will consider the Bill; and
  - (d) delivering a speech explaining the Bill (“explanatory speech”).
- (4) A member who has presented a Bill may, with the prior consent of the Speaker, move that their explanatory speech or part thereof be incorporated in the Record of Proceedings.
- (5) After a Bill is introduced it is deemed to be published by order of the House.

#### **130. First Reading**

- (1) After the introduction of a Bill and the member’s explanatory speech, the member introducing the Bill shall then move “That the Bill be now read a first time” and the question shall be put without amendment or debate.
- (2) If the question for the first reading of the Bill fails, the Bill shall proceed no further.

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<sup>21</sup> Section 22 of the *Legislative Standards Act 1992* provides: When introducing a Bill in the Legislative Assembly, a member must circulate to members an explanatory note for the Bill.

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**CHAPTER 23 BILLS REFERRED TO PORTFOLIO COMMITTEES****131. Reference to a portfolio committee**

(1) If the question for the first reading of the Bill succeeds, then the Bill stands referred to the portfolio committee or other committee nominated by the Member who presented the Bill under Standing Order 129(3)(c), and shall be dealt with under this chapter unless:

- (a) the Bill is declared an urgent Bill, in which case the Bill shall be dealt with under Chapter 24 of these Standing Orders;
- (b) the Bill is an annual appropriation Bill, in which case the Bill shall be dealt with under Part 6 of these Standing Orders; or
- (c) the House has otherwise ordered.

(2) If a Bill is referred to a committee other than a portfolio committee, that committee is to follow the procedures in this Part as if the committee was a portfolio committee.

**132. Portfolio committee consideration of Bills**

(1) Each portfolio committee to which a Bill is referred shall examine the Bill and—

- (a) determine whether to recommend that the Bill be passed;
- (b) may recommend amendments to the Bill; and
- (c) consider the application of fundamental legislative principles contained in Part 2 of the *Legislative Standards Act 1992* to the Bill and compliance with Part 4 of the *Legislative Standards Act 1992* regarding explanatory notes.

(2) A report by a portfolio committee on a Bill is to indicate the committee's determinations on the matters set out in this Standing Order.

**133. How a portfolio committee may examine a Bill**

(1) A portfolio committee to which a Bill is referred may examine the Bill by—

- (a) calling for and receiving submissions about the Bill;
- (b) holding hearings and taking evidence from witnesses;
- (c) engaging expert or technical assistance and advice; and
- (d) seeking the opinion of other committees in accordance with Standing Order 135.

(2) In examining a Bill, a portfolio committee is to operate in as public and transparent manner as practicable and to this end is to—

- (a) aim to engage likely stakeholders in the Bill;
- (b) hold briefings from departmental officers and hearings in public unless there are compelling reasons to hold such briefings and hearing in private;
- (c) publish submissions as soon as practicable after their receipt, as long as such submissions are relevant and not prejudicial to any person; and
- (d) publish expert or technical advice received as soon as practicable after receipt, as long as such advice is not prejudicial to any person.

(3) Nothing in (1) is to be taken as mandating a process that must be followed by a portfolio committee.

### **134. Recommendation of amendments**

- (1) Except as otherwise provided in these Standing Orders, a portfolio committee may recommend only amendments that are relevant to the subject-matter of the Bill, are consistent with the principles and objects of the Bill, and otherwise conform to Standing Orders and the practices of the House.
- (2) In its report to the House recommending amendments to a Bill, a committee must distinguish between those amendments recommended unanimously by the committee and those recommended by a majority of the committee.

### **135. Opinions from other committees**

- (1) The portfolio committee to which a Bill is referred may ask any other committee for its opinion on the Bill or any portion of the Bill.
- (2) For the purposes of giving its opinion, the other committee may examine the Bill or portion of the Bill, as if it had been referred the Bill, but shall report back to the committee that asked its opinion, not the House.

### **135A. Role of the Committee of the Legislative Assembly**

The Committee of the Legislative Assembly shall:

- (a) monitor and review the business of the Legislative Assembly to aim for the effective and efficient discharge of business;
- (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 a Bill.

### **136. Portfolio committee reports on a Bill**

- (1) A portfolio committee must finally report to the House on a Bill within six calendar months of the Bill being referred to it unless an alternative report date on the Bill has been set by the House or the Committee of the Legislative Assembly in accordance with (2) and (3) below.
- (2) The House may by order vary a portfolio committee's report date on a Bill to a period of not less than 6 weeks.
- (3) The Committee of the Legislative Assembly may vary the time for a portfolio committee to report on a Bill provided that:
  - (a) the House has not by order already set the time for report under (2) above or SO 137 below; and
  - (b) the report date is not less than 6 weeks after the Bill has been referred to the portfolio committee; and
  - (c) the Committee of the Legislative Assembly reports its decision to the House at the earliest opportunity.
- (4) The House or the Committee of the Legislative Assembly may vary the portfolio committee responsible for a Bill (notwithstanding the nomination of the member who introduced the Bill in accordance with SO 129(3)(c)). If the Committee of the Legislative Assembly varies the committee responsible for a Bill it must report such decision to the House at the earliest opportunity.
- (5) If a portfolio committee has not reported within the time for report and no extension has been given, the Bill is discharged from further consideration by the portfolio committee and is set down for its second reading stage.
- (6) Following the tabling of a portfolio committee report on a Bill, the Bill is set down on the notice paper for its second reading stage in the House.

- (7) When a Government Bill has been set down on the notice paper pursuant to (6), at least one day shall elapse until the commencement of the second reading debate, unless the Bill is declared urgent.
- (8) When a Private Members' Bill has been set down on the notice paper pursuant to (6), at least three calendar months shall elapse until the commencement of the second reading debate, unless the Bill is declared urgent.

## CHAPTER 24 URGENT BILLS

### 137. Urgent Bills

(1) The House may by order in accordance with the requirements of section 26B(3) of the *Constitution of Queensland 2001*<sup>22</sup> declare a Bill to be an urgent Bill and:

- (a) refer an urgent Bill to a portfolio committee to report to the House for a period of less than 6 weeks; or
- (b) for a Bill declared to be an urgent Bill after it is referred to a committee, discharge the Bill from the committee less than 6 weeks after the referral in which case it shall be set down on the notice paper for its second reading stage; or
- (c) direct that the Bill not stand referred to a committee, in which case it shall be set down on the notice paper for its second reading stage; or
- (d) if the motion is moved by a Minister or Leader of the House, direct that the Bill be considered immediately or at another time set down in the order.

(2) A Minister or Leader of the House may move that a Bill declared urgent be passed with unusual expedition through all stages and such motion may specify the time that shall be allotted to the various stages of the Bill.

## CHAPTER 25 SECOND READING

### 138. Motion for second reading

The order of the day for a Bill being read, the member who presented the Bill shall move “That the Bill be now read a second time”.

### 139. Scope of second reading debate

Debate on the second reading may address the principles of the Bill, the portfolio committee's examination and report and any amendments recommended by the committee.

### 140. Questions put at conclusion of debate

At the conclusion of the debate on the second reading of a bill the Speaker puts a question “That the bill be now read a second time”.

<sup>22</sup> *Constitution of Queensland 2001*, Section 26B(3) This section does not prevent the Legislative Assembly, by ordinary majority, doing any of the following under the standing rules and orders of the Legislative Assembly—

- (a) declaring a Bill to be an urgent Bill;
- (b) referring an urgent Bill to a committee for less than 6 weeks;
- (c) for a Bill declared to be an urgent Bill after it is referred to a committee—discharging the Bill from the committee less than 6 weeks after the referral;
- (d) deciding not to refer an urgent Bill to a committee before the Bill is passed by the Legislative Assembly.

#### **141. Amendments to second reading question**

Amendments may be proposed to the question for the second reading of a Bill, provided that the amendment is strictly relevant to the question for the second reading.

### **CHAPTER 26 CONSIDERATION IN DETAIL**

#### **142. Consideration in Detail**

- (1) A Bill, having been read a second time, shall be considered in detail, either then or at a future time.
- (2) After a Bill has been read a second time, the Speaker may take the Chair at the Table of the House for consideration in detail.

#### **143. Preamble to be postponed**

When a Bill is being considered in detail, the preamble, if any, shall be postponed until after the clauses and schedules of the Bill have been considered.

#### **144. Clauses postponed**

A clause or schedule may be postponed whether it has been amended or not.

#### **145. Order in considering Bill in detail**

The following order shall be observed in considering a Bill in detail.

- (a) Clauses as printed, and any new clauses, in numerical order.
- (b) Schedules as printed, and any new schedules, in numerical order.
- (c) Any clauses or schedules previously postponed.
- (d) Postponed preamble (if any).

#### **146. Question on each clause and schedule**

- (1) The Speaker shall put a question on each clause and schedule (if any) of the Bill “That the clause (or schedule), as read, stand part of the Bill”.
- (2) In calling the clauses and schedules of a Bill it shall be sufficient to call the numbers only.

#### **147. Amendments to clauses, schedules etc**

- (1) On a question to a clause, schedule, or preamble amendments may be proposed to the clause, schedule, or preamble to:
  - (a) omit the clause, schedule or preamble;
  - (b) omit words;
  - (c) omit words in order to add or insert other words instead; or
  - (d) add or insert words.
- (2) If an amendment is proposed, a new question stands “That the amendment be agreed to”.
- (3) If an amendment in 1(b) to (d) is agreed to, a new question stands “That the clause (or schedule or preamble), as amended, stand part of the Bill”.

**148. Amendments in writing for circulation**

An amendment to a clause, schedule or preamble must be in writing and provided to the Clerk for circulation to members before being proposed.

**149. Debate to be relevant**

When a clause, schedule, preamble or amendment is under discussion, debate shall be strictly relevant and confined to the subject of that clause, schedule, preamble or amendment.

**150. No repetition if already negative**

No amendment, new clause or schedule to a Bill shall be at any time moved which is substantially the same as one already negatived by the House, or which is inconsistent with one that has already been agreed to by the House, unless there has been an order of the House to reconsider the Bill.

**151. No amendments outside of long title without leave**

A member shall not propose an amendment outside the long title of the Bill, without first obtaining the leave of the House.

**152. Amendments outside of long title**

If an amendment is agreed to which is not within the long title of the Bill, the House shall amend the long title of the Bill accordingly.

**153. New clauses or schedules**

- (1) If it is proposed to move an amendment to add a clause or schedule to a Bill, such clause or schedule shall be proposed when the House has arrived at the part of the Bill at which it is proposed to be inserted.
- (2) If a clause or schedule is proposed to be added to a Bill, the Speaker shall put the question “That the amendment be agreed to”.
- (3) A clause or schedule proposed to be added may be amended prior to the question in (2) being put.

**154. Amendments moved en bloc**

- (1) A member, by leave of the House, may move amendments to a number of clauses or schedules en bloc and such amendments can be put in one question “That the amendments be agreed to”.
- (2) If amendments in (1) are agreed to, the question shall then stand “That the clauses or schedules, as amended, stand part of the Bill”.

**155. Preamble**

- (1) After all the clauses and schedules have been considered, and new clauses or schedules (if any) added, the Preamble (if any) shall be considered, and, if necessary, amended.
- (2) A question shall be put “That the Preamble of the Bill be agreed to”.
- (3) Any amendment to insert a preamble to a Bill shall be moved after all clauses and schedules have been considered.

**156. Members may speak more than once**

- (1) If a bill has not been considered by a portfolio committee, in consideration in detail, members may speak more than once to the same question, except where these Standing Orders or Sessional Orders otherwise expressly provide.
- (2) If a bill has been considered by a portfolio committee, in consideration in detail, members may only speak once to the same question.

**CHAPTER 27 PROCEDURE FOLLOWING CONSIDERATION IN DETAIL**

**157. Resumption of Chair**

Following consideration in detail the Speaker shall leave the Table of the House and resume the Chair.

**158. After consideration, proceed to third reading**

- (1) After consideration in detail the Speaker shall put the question “That the Bill be now read a third time”, unless a motion for reconsideration is moved.
- (2) When amendments have been made to a Bill, the question for the third reading shall be “That the Bill as amended be now read a third time”.

**159. Reconsideration**

- (1) After consideration in detail, but before the third reading of the Bill, a motion for the reconsideration of the Bill may be moved.
- (2) A motion for the reconsideration of a Bill must be stated to be for the reconsideration of either:
  - (a) the whole Bill;
  - (b) a particular clause or clauses;
  - (c) a particular schedule or schedules; or
  - (d) the preamble.

**160. Amendments on reconsideration**

- (1) When reconsideration of the Bill is completed the question for the third reading may be put.
- (2) When amendments have been made to a Bill on reconsideration, the question shall then be put “That the Bill as amended be now read a third time”.

**161. Question for third reading**

- (1) On the motion being made, and questions put either “That the Bill be now read a third time” or “That the Bill as amended be now read a third time” only verbal amendments may be moved.
- (2) A verbal amendment is an amendment that seeks to omit from the question the word “now” and add another time at which the Bill shall be read a third time.

**162. Long title of Bill**

- (1) The long title of every Bill shall include the general objects of the Bill.
- (2) After the third reading a question shall be put by the Speaker “That the long title of the Bill be agreed to” which may be agreed to.

(3) If any amendment has been made to the Bill, necessitating an amendment to the long title, such long title shall be amended, and a question proposed “That the long title, as amended, be agreed to”.

### **163. Clerk to certify passing of Bill**

When the long title of a Bill is agreed to by the House, the Clerk shall certify at the top of the first page the date of its passing.

### **164. Message from Governor for amendment**

(1) If the Governor forwards a message or sends a messenger, the Speaker will either read and table the message or suspend business for the messenger to be introduced.

(2) When the Governor by Message to Parliament recommends an amendment be made to a Bill which has been presented to the Governor for Assent, the amendment shall be dealt with in the same manner as original amendments in the Bill.

(3) Where the Governor recommends amendments to a Bill, the amendments shall be deemed published and a time fixed for taking them into consideration.

### **165. Clerical errors or formal changes to any Bill**

(1) Amendments falling within any of the following classes of amendments may be made by the Clerk to Bills before they are presented for assent:

- (a) amendments of a formal nature necessary or desirable to any of the long title, the short title, and the method of citation;
- (b) amendments correcting clerical, grammatical or typographical errors and other amendments of a minor or formal nature; or
- (c) amendments to the citation of an Act.

(2) The Clerk shall report any amendments made to a Bill under this Standing Order to the House on the next sitting day and the amendments shall, where possible, be included in the Record of Proceedings.

## **CHAPTER 28 ASSENT**

### **166. Two copies of Bill to be provided to and certified by the Clerk**

(1) When a Bill has passed the House, the Minister or Member responsible for the Bill shall ensure that two fair prints of the Bill are provided to the Clerk.

(2) The Clerk shall authenticate and certify the two fair prints of the Bill.

### **167. Presentation for Assent**

(1) The Clerk shall present to the Governor for assent all Bills passed, authenticated and certified, except Appropriation Bills.<sup>23</sup>

(2) The Speaker shall present to the Governor for assent all Appropriation Bills passed, authenticated and certified.

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<sup>23</sup> Section 2A(2) of the *Constitution Act 1867* provides: Every Bill, after its passage through the Legislative Assembly, shall be presented to the Governor for assent.



### **168. Deposit of original Bills**

When the Governor has assented to any Bill, the Clerk shall:

- (a) deposit one copy in the Registry of Titles;
- (b) retain one copy in the records of the Parliament; and
- (c) ensure a digital copy of a print of the Bill is kept.

### **169. Acts to be numbered by the Clerk**

(1) The Clerk shall number in numerical order beginning with the number one all Acts in the order in which they are assented to, with the date of assent added next after the title, commencing a new series of numbers each calendar year.

(2) Where the title of an Act does not in its year date conform to the year in which the Act is assented to, the Clerk shall amend the year date in the title, short title, or otherwise as may be required.

## **CHAPTER 29 OTHER PROCEDURAL MATTERS REGARDING BILLS**

### **170. Withdrawal of Bills**

(1) The order for the first reading or any future stage of a Bill having been read, may be discharged and the Bill withdrawn by a motion with the leave of the House.

(2) A Bill withdrawn or rejected may be reintroduced in the same session.

### **171. Bills brought over from previous session**

(1) When a Bill has passed any of its stages and its further course has been interrupted by prorogation of Parliament, the consideration of such Bill, with such amendments (if any) as may have been made to it may, on motion with notice, be resumed in a subsequent session of the same Parliament at the point it had reached in the previous session, and be proceeded with as if no prorogation had taken place.

(2) If any Bill is of such a nature as to require a recommendation from the Governor, it cannot be proceeded with under (1), unless a fresh recommendation from the Governor has been received.

### **172. Cognate Bills**

(1) A member may move that the House consider several Bills at the same time for one or more of the following stages:

- (a) second reading;
- (b) consideration in detail; and
- (c) the third reading and titles.

(2) The question in (1) is to be put without amendment or debate.

(3) Where the House determines that several Bills may be considered at the same time for their second reading stage:

- (a) the time allotted for the Leader of the Opposition (or nominee) may, at their discretion, be shared with another member;
- (b) however, the total time allotted for the Leader of the Opposition (or nominee) and the other member with whom the time has been shared, shall not exceed the total time that would have been available for both the Leader of the Opposition (or nominee) and that member had the time not been shared.

**173. Adjournment of debate of Bill**

- (1) When a member moves for the adjournment of the debate of a Bill, during any of its stages, the Speaker shall put the question “That the debate on the Bill be now adjourned”.
- (2) If the question in (1) is agreed to by the House, the resumption of the debate, at the stage at which it was adjourned, is deemed to be an order of the day for a later hour or day without a question being put.

## PART 6 FINANCIAL PROCEDURES

### CHAPTER 30 INTRODUCTION OF APPROPRIATION BILLS

#### 174. Appropriation proposal to be recommended

(1) No proposal (including a Bill or a motion) for an appropriation that falls within the meaning of s.68 of the *Constitution of Queensland 2001*<sup>24</sup> shall be introduced unless first recommended by a message of the Governor as required by that section.

(2) No amendment of a proposal recommended by a message of the Governor shall be moved which would increase, or extend the objects and purposes or alter the destination of the appropriation so recommended, unless a further message is received.

#### 175. Governor’s message to be read prior to first reading

(1) When a message from the Governor, recommending that an appropriation of money be made for a Bill is required, the message shall be presented to the Speaker and read to the House immediately prior to the question for the first reading of the Bill.<sup>25</sup>

(2) When a message from the Governor, recommending an amendment be moved to a Bill for the appropriation of money is required, the message shall be presented to the Speaker and read before the amendment is moved.

#### 176. Annual Appropriation Bills – Cognate Bills

Where two or more annual Appropriation Bills are introduced together, they are to be treated as cognate Bills for the following stages:

- (a) the second reading;
- (b) consideration in detail; and
- (c) the third reading and long titles.

### CHAPTER 31 ESTIMATES TO BE CONSIDERED BY PORTFOLIO COMMITTEES

#### 177. Annual Appropriation Bills to portfolio committees

(1) After the Annual Appropriation Bills are read a first time in accordance with Part 5 Chapter 22, the Bills are set down on the notice paper for their second reading stage in the House. Debate on the question “That the Bill be now read a second time” shall not commence until at least one whole calendar day has elapsed.

(2) In accordance with s.26C of the *Constitution of Queensland 2001*<sup>26</sup>, after the Annual Appropriation Bills have been read a second time the Annual Appropriation Bill stands referred to the portfolio committees (as set out in Schedule 6) for investigation and report.

<sup>24</sup> Section 68(2) of the *Constitution of Queensland 2001* provides that a message from the Governor in respect of a vote, resolution or Bill for appropriation must be given to the Legislative Assembly during the session in which the vote, resolution or Bill is intended to be passed.

<sup>25</sup> Sections 64 to 68 of the *Constitution of Queensland 2001* provide for the appropriation of funds. Section 68(1) of the *Constitution of Queensland 2001* provides that the Legislative Assembly must not originate or pass a vote, resolution or Bill for the appropriation of (a) an amount from the consolidated fund; or (b) an amount required to be paid to the consolidated fund; that has not first been recommended by a message of the Governor.

<sup>26</sup> *Constitution of Queensland 2001*, Section 26C(1) The Legislative Assembly must ensure each Bill for an annual appropriation Act is referred to the portfolio committees for examination in a public hearing.

(2) The referred Bill must be accompanied by any associated documentation tabled in the Legislative Assembly that—  
(a) explains the appropriation the subject of the Bill; and

(3) The Appropriation (Parliament) Bill stands referred to the portfolio committee responsible for investigating the appropriations for the Premier's portfolio, unless the House otherwise orders.

(4) Each portfolio committee shall consider the Appropriation Bills and the estimates for the committee's area of responsibility and any associated documentation tabled in the Legislative Assembly that:

- (a) explains the appropriation the subject of the Bill; and
- (b) includes estimates of the expenditure for the financial year to which the Bill relates.

(5) The House is by Order to:

- (a) allocate the dates for each portfolio committee's estimates hearing; and
- (b) set the dates by which each portfolio committee is to report to the House.

#### **177A. Estimates for the Parliamentary Service and the Legislative Assembly**

In a portfolio committee's investigation of the estimates for the Parliamentary Service and the Legislative Assembly:

- (a) the processes and requirements on departmental units under this Chapter apply to the Parliamentary Service and the Legislative Assembly;
- (b) the responsibilities and rights on Ministers under this Chapter apply to the Speaker; and
- (c) the responsibilities and rights on Directors-General under this Chapter apply to the Clerk.

#### **178. When portfolio committees may hold public hearings in respect of estimates**

Portfolio committees may only hold hearings and take evidence on the dates allocated by order of the House at times agreed to by the committee between 9.00am and 9.30pm.

#### **179. Open hearings**

A portfolio committee's estimates hearings are open to the public unless the committee otherwise orders.

#### **180. Opening hearing procedure**

(1) In a portfolio committee's estimates hearing:

- (a) the Chairperson is to call on the estimates of the proposed expenditure for the area of responsibility which the committee is to examine and declare the proposed expenditure open for examination; and
- (b) the Chairperson is to put the question "That the proposed expenditure be agreed to".

(2) In respect of Government Owned Corporations and statutory authorities, a member may ask any question which the committee determines will assist it in its examination of the relevant Appropriation Bill or otherwise assist the committee to determine whether public funds are being efficiently spent or appropriate public guarantees are being provided.

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(b) includes estimates of the expenditure for the financial year of the departments of government to which the Bill relates, or the Legislative Assembly and parliamentary service, whichever is relevant.

(3) In this section—

*annual appropriation Act* means an Act that appropriates an amount from the consolidated fund for departments of government, or the Legislative Assembly and parliamentary service, for a financial year.

**181. General Hearing Procedure**

In a portfolio committee's estimates hearing for the areas of responsibility for which the portfolio committee is responsible (as set out in Schedule 6):

- (a) the responsible Minister is to be present at all times for the areas for which the Minister is responsible is under consideration and may have advisers present to assist the Minister;
- (b) the responsible Director-General is to be present at all times for the areas for which the Director-General is responsible is under consideration;
- (c) a Chief Executive Officer, (as set out in Schedule 7) is to be present at all times for the entity for which the Chief Executive Officer, is responsible is under consideration;
- (d) a committee member may ask the Minister, Director-General or Chief Executive Officer questions;
- (e) a member who is not a member of the portfolio committee may, with the committee's leave, ask questions;
- (f) advisers may answer questions referred to them by the Minister, Director-General or Chief Executive Officer; and
- (g) a member may ask any question which is relevant to the examination of the Appropriation being considered.

**182. Questions on notice prior to the hearings**

- (1) Members of a portfolio committee may, at a reasonable time prior to public hearings regarding estimates, put a combined total of twenty questions on notice to each Minister.
- (2) Of the questions referred to in (1), at least ten questions are to be allocated to non-Government members.
- (3) The Minister shall provide to the committee answers to the questions referred to in (1) by at least 10.00 am on the day before the committee's allotted hearing day.
- (4) The rules applying to questions on notice and questions without notice contained in Chapter 20 also apply to questions on notice prior to portfolio committee hearings regarding estimates.
- (5) The Chairperson of the committee has the same power as the Speaker regarding questions.
- (6) The Minister may refuse to answer questions which place unreasonable research requirements on their portfolios or are unnecessarily complex.
- (7) All answers to questions on notice shall be in writing unless the committee otherwise allows.
- (8) Answers to questions on notice are deemed to be authorised for release by the portfolio committee and published upon the commencement of the committee's hearing, unless the committee expressly orders otherwise.

**183. Questions taken on notice at the hearing and additional information**

- (1) A Minister may, at their discretion, inform a portfolio committee at an estimates hearing that an answer to a question, or part of a question, asked of them or of someone else on their behalf at the hearing will be taken on notice and provided later to the committee.
- (2) A Minister may, at their discretion, also give the committee additional information about an answer given by them or on their behalf.
- (3) The answer or additional information:
  - (a) is to be written;
  - (b) is to be given by a time decided by the committee, or if no time has been decided by the committee, within 48 hours after the close of the committee's hearing;

- (c) is taken to be part of the proceedings of Parliament;
  - (d) may be included in a volume of additional information to be tabled in the House by the committee; and
  - (e) may be authorised for publication by the committee prior to the material being tabled in the House.
- (4) A Minister or a Director-General or Chief Executive Officer may decline to answer a question in which case the committee may report that fact in its report.

#### **184. Availability of transcripts and tabled documents**

- (1) The Chief Reporter is authorised to release the transcript of a portfolio committee's estimates hearing as it becomes available, subject to any express direction of the committee.
- (2) A Minister or any witness may only table a document at a portfolio committee's estimates hearing with the leave of the committee.
- (3) Any document tabled at a portfolio committee's estimates hearing is deemed to be authorised for release by the committee unless the committee expressly orders otherwise.

#### **185. Power of the Chairperson to order withdrawal of a disorderly member**

- (1) At a portfolio committee's estimates hearing, the Chairperson may, after a warning, order any member whose conduct in their opinion continues to be grossly disorderly or disruptive to withdraw for a stated period.
- (2) A member ordered to withdraw in accordance with (1), shall immediately withdraw for the stated period.

#### **186. Portfolio committee must report on estimates**

A portfolio committee must make a report at the end of its deliberations of the estimates of its portfolio area.

#### **187. Content of report**

- (1) A committee's report on estimates must state whether the proposed expenditures referred to it are agreed to.
- (2) A reservation or dissenting report by a committee member may be added to the committee's report after it is adopted by the committee.
- (3) A reservation or dissenting report must be provided to the Committee Secretary within 24 hours after the committee's report is adopted or prior to the date that the committee's report is required to be tabled, whichever is the earlier.

#### **188. Effect of failure to report**

If a committee does not report on all of the proposed expenditures referred to it, the committee is taken to have agreed to the proposed expenditure that it does not report on.

#### **189. Tabling and consideration of reports**

- (1) The Chairperson of each committee must table in the House the committee's report on the proposed expenditures stated in the Appropriation Bills and referred to the committee together with any other additional information which the committee agrees to table.

(2) The Chairperson of each committee is deemed to have satisfied the requirements of (1) if they present the committee's report and any other additional information to the Clerk when the House is not sitting in accordance with SO 217, in which case the report is deemed to have been tabled and authorised for publication by the House on the date it is presented to the Clerk.

(3) The report is to be received by the House without debate and its consideration deferred until the consideration of the Bills in consideration in detail.

#### **190. Effect of consideration in detail**

Consideration of a committee's report in consideration in detail is taken to be consideration of the provisions of the Appropriation Bills so far as the provisions authorise the proposed expenditures referred to the committee.

#### **191. Procedure in consideration in detail**

In consideration in detail, for the report of each committee report:

- (a) the Speaker must put the question "That the report of <name of committee> be adopted";
- (b) a member may speak for no longer than five minutes on the question;
- (c) in reply to the debate, each responsible Minister may speak for no longer than five minutes; and
- (d) the debate is to continue for no longer than one hour.

#### **192. Receipt of material by nominated officers of the Leader of the House and Leader of the Opposition**

Unless a portfolio committee otherwise expressly orders, or a Minister has requested confidentiality, its Committee Secretary is authorised to release copies of the following documents as they become available to an officer from the offices of the Leader of the House and Leader of the Opposition (nominated by them) or the office of a committee member:

- (a) the committee's pre-hearing questions on notice;
- (b) questions taken on notice by Ministers during its hearing;
- (c) responses from Ministers to any pre-hearing questions on notice and questions taken on notice during the hearing; and
- (d) additional information provided by Ministers to supplement answers given by them, or on their behalf, at the committee's hearing.

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**PART 7 COMMITTEES****CHAPTER 32 ESTABLISHMENT OF COMMITTEES****193. Committees to which chapter applies**

(1) The following rules shall apply for the appointment and conduct of all committees,<sup>27</sup> unless otherwise ordered by the House or provided by these Standing Orders or statute.

(2) Unless otherwise provided, the term “committee” in this Part includes select committees, standing committees, statutory committees and portfolio committees established under the *Parliament of Queensland Act 2001* and any other committee of the House established by statute (including the *Crime and Corruption Act 2001*) or order of the House.

**194. Portfolio Committees established**

The portfolio committees required by s.88 of the *Parliament of Queensland Act 2001* and their portfolio areas are established in Schedule 6.

**194A. Oversight of entity by Portfolio Committees**

If a portfolio committee is allocated oversight responsibility for an entity under Schedule 6, and there are no statutory provisions outlining the committee’s oversight of the entity, the portfolio committee will have the following functions with respect to that entity—

- (a) to monitor and review the performance by the entity of the entity’s functions;
- (b) to report to the Legislative Assembly on any matter concerning the entity, the entity’s functions or the performance of the entity’s functions that the committee considers should be drawn to the Legislative Assembly’s attention;
- (c) to examine the annual report of the entity tabled in the Legislative Assembly and, if appropriate, to comment on any aspect of the report; and
- (d) to report to the Legislative Assembly any changes to the functions, structures and procedures of the entity that the committee considers desirable for the more effective operation of the entity or the Act which establishes the entity.

**194B. Consideration of Auditor-General reports by Portfolio Committees**

The Committee of the Legislative Assembly shall as soon as practicable after a report of the Auditor-General is tabled in the Assembly refer that report to the relevant portfolio committee(s) for consideration.

**195. Membership of a committee**

- (1) Statutory committees and portfolio committees established under the *Parliament of Queensland Act 2001* and any other committee of the House established by statute shall have the number of members determined by the statute or set out in these Standing Orders or order of appointment.
- (2) If a statute, Standing Order, or order of appointment does not set a number of members, the committee shall consist of seven members
- (3) The Speaker shall not be appointed to serve on a committee except with the Speaker’s consent.

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<sup>27</sup> Section 106 of the *Parliament of Queensland Act 2001* provides that the Assembly’s power to establish committees, and confer functions and powers on committees (including statutory committees), is not limited by the Act.



**196. Appointment, discharge and substitution of members**

- (1) Unless otherwise provided, members shall be appointed and discharged from committees by motion without notice.
- (2) A motion for the appointment of a committee may contain the names of the members to be appointed to serve on the committee and the name of the Chairperson and Deputy Chairperson.
- (3) Despite (1), a member may, by signed notice to the Speaker, resign from a committee and the Speaker shall, at the earliest opportunity, report the member's resignation to the House.
- (4) The member's resignation in (3), is effective when received by the Speaker.

**197. Ballot for committee members**

- (1) Any member may call for a ballot for the selection of committee members.
- (2) When a ballot for the selection of committee members has been called for, each member present shall deliver at the Table a list of the members whom they wish to be appointed to the committee not exceeding the number of members proposed for the committee.
- (3) Any list delivered to the Table that contains more names than the numbers of members proposed is invalid and shall not be considered further.
- (4) The Speaker shall appoint two members to be scrutineers, who, with the Clerk, shall ascertain the number of votes for each member proposed.
- (5) The members proposed who are reported to have the greatest number of votes shall be declared by the Speaker to be the members of the committee.
- (6) If in any case two or more members proposed have an equality of votes, the Speaker shall decide which of those members proposed shall serve on the committee.

**198. Meetings**

- (1) The date and time of the first meeting of a committee after its appointment by the House shall be set by the Chairperson.
- (2) If no Chairperson has been appointed, the date and time of the first meeting shall be set by the Committee Secretary assigned to the committee by the Clerk.
- (3) Subsequent meetings of the committee shall be set by the committee or may be called with notice by the Chairperson or their delegate.

**199. Appointment of Chairperson and Deputy Chairperson**

- (1) If the motion for the appointment of a committee does not specify the name of the Chairperson, then the committee shall at its first meeting, before proceeding to any other business, elect a member of the committee to be Chairperson.
- (2) If the motion for the appointment of a committee does not specify the name of the Deputy Chairperson, the committee shall at its first meeting elect a member of the committee to be Deputy Chairperson.
- (3) The Deputy Chairperson shall act as Chairperson when there is no Chairperson or the Chairperson is not present at a meeting of the committee.

**200. Instruction to committees**

If the House has referred a matter to a committee with a date appointed for the committee to report on the matter, on any day prior to the date appointed, notice of motion may be given for an instruction to the committee extending or restricting its terms of reference or altering the report date.

## CHAPTER 33 QUORUM AND PROCEDURE

### 201. Quorum

- (1) Where a quorum for a committee is not specified in the *Parliament of Queensland Act 2001* or another Act, a quorum for a committee is a majority of the members of the committee.<sup>28</sup>
- (2) When a quorum is not present at a meeting of a committee, the Chairperson shall suspend the proceedings of the committee until a quorum is present, or adjourn the committee.
- (3) If within 15 minutes after the time set for the meeting there is not a quorum, the members present may retire, after their names are recorded by the Committee Secretary attending the committee, and the Committee Secretary shall issue a notice for the next meeting.
- (4) A committee quorum may be constituted by members participating in the proceedings by way of telephone or video conference or other electronic means, so long as the committee members not physically present are able to participate in the committee's deliberations and take part in any vote.

### 202. Illness, inability to attend or standing down

- (1) In the case of illness or inability to attend by a member of a committee, or where a member decides to stand down from a committee for a period of time or for a particular inquiry, where the member is a Government member, the Leader of the House may appoint another member to attend that committee for a period of time or particular inquiry and where the member is a non-Government member, the Leader of the Opposition may appoint another member to attend that committee for a period of time or a particular inquiry.
- (2) Where a member is appointed in accordance with (1), that member has all the rights of the member replaced.
- (3) Where, in accordance with (1), the member of the committee who is replaced is the Chairperson, the Leader of the House may nominate another member to be Chairperson.

### 203. Casting vote

In the case of standing and select committees established by resolution of the House, the Chairperson of a committee, or the Deputy Chairperson when acting as Chairperson, shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

### 204. Times of sitting

- (1) A committee may adjourn from time to time and move from place to place and may sit during any adjournment, suspension of the House or prorogation of the Parliament.
- (2) A committee which has been specifically permitted by statute to continue in existence after the dissolution of the Parliament may, during such dissolution, adjourn from time to time and move from place to place.
- (3) Unless otherwise provided, a committee may meet when the House is sitting.
- (4) A committee may meet only within the parliamentary precinct when the House is sitting.

<sup>28</sup> The *Parliament of Queensland Act 2001* provides that a quorum for the **Committee of the Legislative Assembly** is—(a) if the committee includes a cross bench member under section 81(2)—5 members; or (b) otherwise—4 members (see s.83). A quorum for a **Portfolio Committee** depends on the non-government membership of the Assembly. When there is 13 or less non-government members the committee comprises 8 members and a quorum is 5 members including at least 1 non-government member (see s.91). When there are 14 to 23 non-government members, the committee comprises 7 members and a quorum is 4 members including at least 1 non-government member (see s.91A). When there are 24 to 46 non-government members, the committee comprises 6 members and a quorum is 4 members (see s.91B). When there are 47 or more non-government members the committee comprises 6 members and a quorum is 4 members (see s.91C). The **Ethics Committee** comprises 6 members and a quorum is 4 members (see ss.103 and 4A). The *Crime and Corruption Act 2001* provides that the **Parliamentary Crime and Corruption Committee** comprises 7 members and a quorum is 4 members (see ss.300 and 302).

**204A. Resolution may be determined outside of meeting by vote on circulated, written motion**

- (1) The Chairperson of a committee may authorise the committee's Committee Secretary to circulate a vote outside committee meeting document to all members of the committee.
- (2) A vote outside committee meeting document ("the document") must:
  - (a) be in writing;
  - (b) be circulated to each member of the committee in person, by post, facsimile transmission, email, or other electronic means;
  - (c) contain an explanation by the Chairperson as to why the motion or motions are being put to the committee outside of a formal meeting;
  - (d) contain the motion or motions put by the Chairperson or another member;
  - (e) contain a choice for the member to indicate whether they are voting Aye or No to each motion proposed;
  - (f) contain a place for the member to sign or to authorise their vote via electronic means; and
  - (g) indicate the time by which the member must return the completed document, which must not be less than 72 hours after which the document should, in the normal course of business, have been received by the member.
- (3) A member of a committee may signify whether they are voting Aye or No to each motion proposed on the document by indicating in the place provided in accordance with subsection 2(f) and returning the document to the Committee Secretary, in person, by post, facsimile transmission, email, or other electronic means.
- (4) The rules regarding voting entitlements and determination of questions that apply to the committee by virtue of statute or standing orders apply and a motion in a vote outside committee meeting document is resolved in the affirmative only if:
  - (a) the number of members who return a completed vote outside committee meeting document is equal to or exceeds the number of members that constitute the normal quorum of the committee for a meeting; and
  - (b) the number of votes in the affirmative are equal to or exceed the majority of votes required.
- (5) The result of any vote outside a committee meeting shall be confirmed and minuted at the committee's next meeting.
- (6) A vote outside of committee meeting cannot be conducted in respect of the following:
  - (a) a motion to appoint a Chairperson or Deputy Chairperson;
  - (b) a motion to support or approve an appointment required by statute;
  - (c) a motion to adopt or amend a committee report; and
  - (d) a motion to call for persons, papers or things or summons any person or thing.

**205. Powers**

- (1) The House may give a committee power to send for persons, documents and other things, and a committee with that power may summon witnesses, examine witnesses (including on oath or affirmation), and require the production of documents and things.
- (2) The Chairperson and the Committee Secretary of a committee are authorised to administer an oath or affirmation to witnesses.
- (3) Any powers that the House may give a committee under (1) are, in the case of a committee which is a statutory committee within the meaning of the *Parliament of Queensland Act 2001*, in addition to any powers conferred on the statutory committee by that Act.<sup>29</sup>

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<sup>29</sup> Section 25(2) of the *Parliament of Queensland Act 2001* provides an authorised committee may order a person, other than a

(4) Any powers that the House may give a committee under (1) are, in the case of a committee which is created by statute (including the *Crime and Corruption Act 2001*), in addition to any powers conferred on the committee by that Act.

#### **206. Methods of receiving evidence**

(1) A committee may take evidence from witnesses by any means the committee resolves, including by telephone, video conference or other electronic means.

(2) A committee may receive submissions and other documents by any means the committee resolves, including electronic means.

#### **207. Public and private meetings**

Persons other than members and officers of a committee may attend a public meeting of a committee but shall not attend a private meeting except by express invitation of the committee, and shall always withdraw when the committee is deliberating.

#### **208. Admission to hearings**

Any person admitted to a public hearing of a committee may be excluded at the discretion of the Chairperson or by order of the committee.

#### **209. Other members may participate**

A member, although not a member of a committee, may, by leave of that committee, participate in both its public and private meetings and question witnesses. However, a participating member shall not have any voting rights.

#### **210. Broadcasting of committee proceedings**

A committee may authorise the broadcasting of its public hearings, so long as the committee complies with any rules that the House may approve for the broadcasting of committee proceedings.

#### **211. Confidentiality of proceedings<sup>30</sup> for Portfolio Committees and the Committee of the Legislative Assembly**

(1) The proceedings of a portfolio committee, the Committee of the Legislative Assembly or a select committee or a subcommittee of any of those committees that is not open to the public or authorised to be published remains strictly confidential to the committee until the committee has reported those proceedings to the House or otherwise published the proceedings.

(2) Paragraph (1) does not prevent—

(a) the disclosure, by a committee in (1) or by a member of the committee or an officer of the committee, of proceedings to a member of Parliament or to the Clerk or another officer of the House in the course of their duties;

(b) the disclosure, by a member of the committee or an officer of the committee, to an electorate officer, opposition officer or ministerial officer engaged to assist a member of the committee;

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member, to attend before the committee and also to produce to the committee any document or other thing in the person's possession.

<sup>30</sup> See section 9 of the *Parliament of Queensland Act 2001*: Meaning of proceedings in the Assembly and also Schedule 1 (Dictionary) of these Standing Orders for what is included in "Proceedings" for Standing Orders 211, 211A and 211B.

(c) a public servant or an officer of a public entity informing their immediate supervisor, Director General or Chief Executive Officer, or responsible Minister of the evidence they have provided to a committee in (1) or evidence sought by a committee; and

(d) the disclosure of proceedings otherwise in accordance with these Standing Orders.

(3) Despite (2), a committee in (1) may resolve that some or all of its proceedings relating to an inquiry or report remain confidential to the committee, its members and officers until the committee has reported those proceedings to the House or otherwise published the proceedings.

(4) Despite (2), no member shall in the House refer to any proceedings of a committee in (1) until the committee has reported those proceedings to the House or otherwise published the proceedings.

(5) A committee in (1) may authorise a submission to it to be published at any time after receiving it.

(6) A submission in (5), if not already authorised to be published, is deemed authorised to be published on the committee hearing oral evidence from the witness who made the submission subject to any express resolution of the committee to the contrary.

(7) Paragraph (1) does not prevent the release of a submission by the person who submitted it.

### **211A. Confidentiality of proceedings for Parliamentary Crime and Corruption Committee**

(1) The proceedings of the Parliamentary Crime and Corruption Committee or a subcommittee of that committee that is not open to the public or authorised to be published remains strictly confidential to the committee until the committee has reported those proceedings to the House or otherwise published the proceedings.

(2) No member shall in the House refer to any proceedings of a committee in (1), until the committee has reported those proceedings to the House or otherwise published the proceedings.

(3) A member who wishes to refer to *in camera* evidence or unpublished committee documents of a committee in (1) in a dissenting report shall advise the committee of the evidence or documents concerned, and all reasonable effort shall be made by the committee to reach agreement on the disclosure of the evidence or documents for that purpose.

(4) A committee in (1) may elect for this Standing Order to not apply to a particular proceeding or a particular inquiry of the committee, and adopt its own rules in relation to the confidentiality of its proceedings for that proceeding or inquiry.

### **211B. Confidentiality of proceedings—Ethics Committee**

(1) The proceedings of the Ethics Committee or a subcommittee of that committee on a matter before the Committee that is not open to the public or authorised to be published remains strictly confidential to the committee until the committee has reported to the House or otherwise published the proceedings.

(2) No member shall in the House refer to any proceedings of a committee in (1), until the committee has finally reported to the House or otherwise published the proceedings.

(3) When the Ethics Committee makes its final report to the House on a matter, the Committee shall at the same time, table in the House:

(a) The minutes of its proceedings relevant to the matter; and

(b) Any submissions received or evidence taken in respect of the matter (including transcripts of hearings)

unless the committee resolves that some or all of its proceedings remain confidential.

(4) The Ethics Committee shall only resolve that some or all of its proceedings remain confidential if valid grounds exist, such as:

(a) Publication of the proceedings is not in the public interest;

(b) Publication of the proceedings would be procedurally unfair to any person; or

(c) Publication of the proceedings is irrelevant to the matter.

(5) Any member of the committee is able to refer to any proceeding of the committee in a dissenting report or statement of reservation, unless the committee has resolved in accordance with (3).

### **212. Minutes**

(1) The Committee Secretary of a committee is responsible for recording the minutes of the proceedings of the committee.

(2) The minutes of the proceedings of a committee shall include:

(a) the names of the members attending each committee meeting;

(b) every motion or amendment proposed in the committee and the mover; and

(c) the names and votes of the members voting in any division.

(3) The committee shall confirm the minutes of its proceedings.

(4) The Chairperson or Committee Secretary shall sign the minutes of proceedings after the committee has confirmed the minutes.

## **CHAPTER 34 REPORTS OF COMMITTEES**

### **213. Draft report**

(1) When a committee is required to or has resolved to report to the House on a matter, the Chairperson shall prepare and table at a committee meeting a draft report for consideration by the committee.

(2) Any other committee member may also table at a committee meeting a draft report about the matter for consideration by the committee.

(3) If any member other than the Chairperson tables a draft report at a committee meeting, the committee shall first decide upon which report it will proceed.

(4) The committee shall consider the draft report and may amend or adopt the report.

(5) After the committee has considered, amended or adopted a draft report, the whole or any part of it may be reconsidered and amended prior to it being tabled in the House or prior to the committee adopting it as a report of the committee and authorising its publication.

### **214. Dissenting reports and statements of reservation**

(1) Any member who does not agree with the report, or any part of the report, must give the Committee Secretary notice that they intend to add a dissenting report or statement of reservation to the committee's report.

(2) A dissenting report or statement of reservation must be provided to the Committee Secretary within seven calendar days of the committee adopting the report and must be signed by the member.

(3) When a committee is required by the House or statute to report on a matter on or before a certain date, a dissenting report or a statement of reservation must be provided to the committee's Committee Secretary by 5.00pm on the day prior to the reporting date, despite (2).

### **215. Progress reports**

A committee may report to the House on its deliberations and present its minutes, evidence and other documents from time to time prior to reporting to the House on a particular matter.

**216. Tabling of committee reports or other documents when the House is sitting**

Once a committee adopts a report, the Chairperson shall sign the report and, if the House is sitting, table the report (together with any dissenting report or statement of reservation) in the House.

**217. Tabling of committee reports or other documents when the House is not sitting**

If the House is not sitting when a committee has prepared a report for tabling or has authorised for release any other documents (including documents prepared by the committee, submissions received by the committee or the transcripts of any hearings conducted by the committee), the committee may provide the report or any other documents authorised for release by the committee to the Clerk, and, in that event:

- (a) the report or any such document shall be deemed to have been tabled in the House on the date it is received by the Clerk;
- (b) the publication of the report or the publication of any such document is deemed to be ordered by the House; and
- (c) the tabling shall be included in the Record of Proceedings on the first sitting day after receipt by the Clerk.

**218. Presentation of committee reports or other documents after dissolution of the House**

If a committee, which has been specifically authorised by statute to continue in existence after the dissolution of the House, has prepared a report for tabling or has authorised for release any other documents (including documents prepared by the committee, submissions received by the committee or the transcripts of any hearings conducted by the committee), the committee may provide the report or any other documents authorised for release by the committee to the Clerk, and, in that event:

- (a) the report or any such documents shall be deemed to have been tabled in the House on the date it is received by the Clerk;
- (b) the publication of the report or the publication of any such documents is deemed to be ordered by the House; and
- (c) the tabling shall be included in the Record of Proceedings on the first sitting day after receipt by the Clerk.

**219. Committee reports and other documents deemed to be published**

- (1) Committee reports and other documents are deemed to be published when tabled in the House.
- (2) Committee reports and other documents may be published in electronic format.

**220. Ministerial responses to committee reports**

- (1) A ministerial response to a committee report<sup>31</sup> received by the Clerk, whether in accordance with s.107 of the *Parliament of Queensland Act 2001* or not, is deemed to have been tabled in the Legislative Assembly on the date it is received by the Clerk.
- (2) The day of receipt and tabling of the ministerial response shall be included in the Record of Proceedings on the first sitting day after receipt by the Clerk.

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<sup>31</sup> Section 107(2) of the *Parliament of Queensland Act 2001* provides that the Minister who is responsible for the issue the subject of a committee report must provide the Assembly with a response to the report.

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**CHAPTER 35 SUB-COMMITTEES****220A. Establishment of sub-committees**

- (1) Subject to (2) and (3), a committee has power to appoint by resolution a sub-committee consisting of three or more of its members, and to refer to any such sub-committee any of the matters which the committee is empowered to consider.
- (2) If the committee is a statutory committee, the matters referred to a sub-committee may include any matter which falls within the committee's areas of responsibility under the *Parliament of Queensland Act 2001*. However, the committee must continue to have final responsibility for the consideration of matters referred to a sub-committee and for reporting on any such matters, and making recommendations about any such matters, to the House.
- (3) If the committee is a committee established under any other statute (including the *Crime and Corruption Act 2001*), the matters referred to a sub-committee may include any matter which falls within the committee's areas of responsibility under that statute. However, the committee must continue to have final responsibility for the matters referred to a sub-committee and for reporting on any such matters, and making recommendations about any such matters, to the House.
- (4) In appointing a sub-committee, a committee shall be taken to be exercising by delegation the powers of the House in respect of the appointment of committees and, subject to SO 220B, such a sub-committee shall be taken for all purposes to be a committee of the House.
- (5) The quorum of a sub-committee shall be a majority of the members of the sub-committee.
- (6) The committee shall appoint a Chairperson and Deputy Chairperson of the sub-committee in the resolution that establishes the sub-committee.

**220B. Powers, rights and immunities of sub-committees**

- (1) A sub-committee, as a committee of the House, shall have the same powers, rights and immunities as the committee responsible for its appointment.<sup>32</sup>
- (2) Notwithstanding that a sub-committee appointed by a committee is taken for all purposes to be a committee of the House, the provisions of these Standing Orders relating to the tabling and consideration of committee reports shall not apply to sub-committees, and any report of a sub-committee shall be presented to and considered by the committee responsible for its appointment.

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<sup>32</sup> Generally, the powers, privileges and immunities of the House of Commons apply to the Legislative Assembly and its members and committees by virtue of s.9 of the *Constitution of Queensland 2001*. Section 25 of the *Parliament of Queensland Act 2001* provides that an authorised committee may order a person, other than a member, to attend before the committee and also to produce to the committee any document or other thing in the person's possession.



## **PART 8 EXAMINATION OF WITNESSES<sup>33</sup>**

### **CHAPTER 36 MEMBERS AS WITNESSES**

#### **221. Member as witness before the House**

When the House desires to examine a member, the House shall order the member to attend and shall examine them in their place.

#### **222. Member as witness before a committee**

- (1) If a committee desires the attendance of a member as a witness, the Chairperson shall request them to attend in writing.
- (2) If a member of the House refuses or neglects, upon being requested, to attend or to give evidence or information as a witness to a committee, the committee shall report the refusal or neglect to the House.
- (3) The House may order the member to attend as a witness before a committee.

#### **223. Committee to acquaint the House of charges against member**

If information comes before a committee (other than the Ethics committee) that alleges a contempt by a member, the committee shall either report the matter to the House or not proceed further in respect of the matter.

### **CHAPTER 37 OTHER WITNESSES**

#### **224. Examination of witnesses**

- (1) The House may establish procedures for committees to observe in their dealings with witnesses, in addition to the procedures contained in these Standing Orders.
- (2) Procedures in (1) shall continue to apply despite any adjournment, suspension, prorogation or dissolution of the House or until amended or repealed by the House.
- (3) Until otherwise ordered by the House, the procedures contained in Schedule 3 apply to committees.

#### **225. Payment of witnesses<sup>34</sup>**

A witness appearing before a committee, either by order of the committee or by operation of statute, may be paid for their attendance at a rate determined by the Speaker.

#### **226. Witnesses not attending**

- (1) When a witness, having been summoned does not attend pursuant to the order of the House or a committee, their absence shall be reported and the House may order them to attend.
- (2) An order to attend in accordance with (1), may be withdrawn if the witness duly attends.

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<sup>33</sup> Section 25 of the *Parliament of Queensland Act 2001* provides: The Assembly may order any person to attend before the Assembly or an authorised committee and also to produce to the Assembly or an authorised committee any document or other thing in the person's possession. Section 26 provides subject to section 28, a person who is ordered to attend must be given a summons issued by – (a) if ordered to attend by the Assembly – The Speaker; or (b) if ordered to attend by an authorised committee – the Clerk on notification by the committee's chairperson.

<sup>34</sup> Section 27 of the *Parliament of Queensland Act 2001* provides a person, other than a member, ordered to attend before the Assembly or an authorised committee is entitled to be paid a reasonable amount for expenses of attendance as decided by the Speaker.

**227. Witness examined by the House**

- (1) When a witness appears before the House, the Speaker shall examine the witness, and no other member shall put any question otherwise than through the Speaker, except by leave of the House.
- (2) If a witness objects to a question, or other matter of debate arises, the witness shall withdraw while the House considers the matter.<sup>35</sup>

**228. Threats to committee witnesses**

- (1) Where a committee has any reason to believe that any person has been improperly influenced in respect of evidence which has been given before the committee, or has been subjected to or threatened with any penalty or injury in respect of any evidence given, the committee shall take all reasonable steps to ascertain the facts of the matter.
- (2) Where the committee considers that the facts disclose that a person may have been improperly influenced or subjected to, or threatened with penalty or injury in respect of evidence which may be or has been given before the committee, the committee shall report the facts and its conclusions to the House.

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<sup>35</sup> Section 33 and 34 of the *Parliament of Queensland Act 2002* refers to grounds for objection and section 35 to matters that the Assembly must consider.

## **PART 9      RULES OF DEBATE, ORDER, BEHAVIOUR AND DECLARATIONS OF INTERESTS**

### **CHAPTER 38    RULES OF DEBATE**

#### **229. When a member may speak**

Except as otherwise provided in these Standing Orders, a member may speak to:

- (a) any question (including any amendment) before the House which is open to debate;
- (b) ask or answer a question seeking information;
- (c) a question of order arising out of the debate; or
- (d) a matter suddenly arising (SO 267) raised by that member.

#### **230. When member can no longer speak**

- (1) When a debate on a question is concluded, the Speaker must put the question.
- (2) A member cannot speak to a question once it has been put by the Speaker and voices given in the affirmative and negative.

#### **231. Anticipating discussion**

- (1) A member may not anticipate the discussion of any subject which appears on the Notice Paper.
- (2) The Speaker when determining whether a discussion is out of order on the ground of anticipation, shall have regard to the probability of the matter anticipated being brought before the House within a reasonable time and the degree to which debate of that matter is likely to be anticipated.
- (3) This rule shall not apply to prevent questions or debate which anticipate debate of the annual Appropriation Bills.

#### **232. Question may be required to be read**

- (1) Any member may require the question or matter in discussion to be read by the Speaker any time during the debate, but not so as to interrupt a member speaking.
- (2) This Standing Order shall not apply when the terms of the question or matter have been circulated to members in the House.

#### **233. Sub judice rule**

- (1) In general, members should exercise care to avoid saying inside the House that which would be regarded as contempt of court outside the House and could jeopardise court proceedings.
- (2) Members should not refer to in the House matters awaiting or under adjudication in all courts exercising a criminal jurisdiction (including in motions, debate or questions) from the moment the charge is made against the relevant person. This Standing Order shall cease to have effect when the verdict and sentence have been announced or judgment given, but shall again have effect should a Court of Criminal Appeal order a new trial.
- (3) Members should not refer in the House to civil cases in courts of law where a jury is to be empanelled (including in motions, debate or questions) within the period of four (4) weeks preceding the date fixed for trial. (Not from the time a writ is issued.)
- (4) The sub judice rule does not apply to civil proceedings other than those referred to in (3).

- (5) The sub judice rule does not apply to the proceedings of royal commissions and similar commissions and tribunals.
- (6) The sub judice rule does not apply to in camera committee proceedings. However, committees should ensure that any evidence taken in camera is not published until after the criminal or civil proceedings are finalised, unless the committee believes that there is an overwhelming public interest in the release of the evidence.
- (7) The sub judice rule is always subject to the right of the House to consider and legislate on any matter.

### **233A. Protection of whistleblowers**

- (1) Members should exercise care to avoid saying anything inside the House about a public interest disclosure which would lead to the identification of persons who have made public interest disclosures (“whistleblowers”), which may interfere in an investigation of a public interest disclosure, or cause unnecessary damage to the reputation of persons before the investigation of the allegations has been completed.
- (2) Schedule 5 contains guidelines for members about when and how public interest disclosures should be revealed in a parliamentary proceeding.

### **234. Personal reflections on members**

- (1) Imputations of improper motives and all personal reflections on members shall be considered highly disorderly and a member shall not use unbecoming or offensive words in reference to another member of the House.
- (2) If the offended member objects to the words used the words must be withdrawn by the offending member without qualification or further comment.
- (3) The offended member must take objection to the words at the time they are spoken.
- (4) A member who is called to order must resume their seat but may again rise to withdraw their words and then continue their speech.

### **235. Apologies and retractions**

- (1) A member required under these standing orders, or pursuant to any other order of the House or the Speaker, to make an apology or retraction in the House shall make an unreserved and unqualified apology or retraction.
- (2) An apology or retraction is not unreserved or unqualified if it is phrased in a manner that:
  - (a) in the case of an apology, indicates the member does not regret their statement; or
  - (b) in the case of a retraction, does not accept that the words were offensive, unparliamentary or disorderly.

### **236. Irrelevance or tedious repetition**

- (1) A member shall not refer to matters irrelevant to the subjects of the debate or engage in tedious repetition during debate.
- (2) Having called the attention of the House to the conduct of a member who persists in irrelevance or tedious repetition, the Speaker may direct the member to cease speaking.
- (3) The member directed to cease speaking under (2) may require the Speaker to put the question that they be further heard, such question to be put without amendment or debate.

**237. Adjournment of debate**

- (1) A debate may be adjourned to a later hour on the same day, or to any other day.
- (2) Except for a member who has spoken to the question, any member may move the adjournment of the debate, which question shall be put forthwith without amendment or debate.
- (3) A member who has only moved the adjournment may speak subsequently to the main question.
- (4) If a question for the adjournment of a debate is resolved in the affirmative, the resumption of debate at the stage which it was adjourned, is deemed to be an order of the day for a later hour or the next sitting day, unless another time for the resumption of the debate is ordered.

**238. Members cannot speak twice**

- (1) Unless these Standing Orders otherwise provide, a member who has spoken to a question cannot speak again to the same question.
- (2) When a debate has been adjourned, a member who has already completed their speech (or speeches) to the question may not speak again to the same question when the debate is resumed.
- (3) A member who has only moved the adjournment has not, for this Standing Order, spoken to the question.

**239. May speak again to new question**

A member who has spoken to a question may speak to any other new question which may arise upon the debate being resumed.

**240. Member who has spoken may not move motion, but may speak to amendment**

A member who has spoken may not move an amendment, or the adjournment of the debate, or any similar motion, but may speak on any amendment when it is moved by another member.

**241. Motion for adjournment negatived**

- (1) If a member has moved a motion for the adjournment of the debate and it has been negatived, it shall not be proposed again, without the leave of a majority of the House, until some other question has intervened.
- (2) If a member has moved a motion for the adjournment of the debate, and the motion has been negatived, that member is not entitled to speak afterwards to the main question.

**242. Member moving adjournment entitled to call**

- (1) The member, upon whose motion a debate is adjourned, shall be entitled to speak first on the resumption of the debate.
- (2) If the member in (1) does not speak immediately upon the resumption, the member is not debarred from speaking later in the debate.

## **CHAPTER 39 ORDER AND CONDUCT OF MEMBERS**

**243. Order maintained by Speaker**

The Speaker shall maintain order in the House.

**244. Conduct in the Chamber**

- (1) The Speaker shall determine any question with regard to the seats to be occupied by members.
- (2) A member must acknowledge the Speaker on entering and leaving the Chamber.
- (3) Whenever the Speaker rises during proceedings, members shall be silent and be seated so that the Speaker may be heard without interruption.
- (4) A member must not pass between the Chair and a member who is speaking, nor between the Chair and the Table, except during consideration in detail.
- (5) Once members have entered the Chamber they must take their seats and not stand in any of the passages or gangways.
- (6) Members shall acknowledge the Chair in passing to or from their seats when crossing the Chamber.
- (7) A member shall only refer to another member by their parliamentary title or electoral district.

**245. Member unable to stand may speak sitting**

A member unable conveniently to stand, by reason of sickness or disability, is permitted to speak sitting.

**246. Quarrels not permitted**

A member shall not at any time quarrel with another member during proceedings of the House.

**247. Members to address the Speaker**

- (1) Members wishing to speak shall rise and address the Speaker.
- (2) If more than one member rises, the Speaker shall call upon the member who, in the Speaker's opinion, rose first.
- (3) A member may move that any member who has risen "be now heard".
- (4) A member may move that a member speaking "be not heard" or "be not further heard".
- (5) A question in (3) or (4) shall be put without amendment or debate.

**248. Point of order and matter concerning powers, rights and immunities**

A member may at any time rise to speak to a point of order, or upon a matter concerning the powers, rights and immunities of the House suddenly arising, which shall, until disposed of, suspend the debate of every other question.

**249. Point of order, how dealt with**

- (1) When a point of order or other matter is raised by a member in accordance with SO 248, the member called to order shall cease speaking and resume their seat. Once the point of order or other matter has been stated, the Speaker may then rule upon the point of order or other matter.
- (2) The Speaker may also hear the opinion of any other members on the point of order or other matter.

**250. Dissent from rulings of Speaker**

- (1) A member may dissent from a ruling of the Speaker only by motion on notice.
- (2) Notice of motion in (1) must be given within one sitting day from the day on which the ruling was given.

(3) The motion in (1) shall be considered within three sitting days of that on which the notice of motion was given.

**251. Member speaking not to be interrupted except in certain circumstances**

When a member is speaking, no other member may converse or make any noise or disturbance to interrupt that member unless it is:

- (a) to call attention to a point of order or a matter concerning the powers, rights and immunities of the House suddenly arising;
- (b) to call attention to lack of a quorum;
- (c) to call attention to the presence of strangers in the House; or
- (d) to move a closure motion pursuant to SO 88.

**252. Power to order withdrawal of disorderly member from the Chamber for day**

- (1) The Speaker may, after warning a member who in the Speaker's opinion continues to be grossly disorderly, order that member to withdraw immediately from the Chamber.
- (2) A member ordered to withdraw immediately from the Chamber under this Standing Order must do so forthwith, and must, during the remainder of the day's sitting, absent themselves from the Chamber.
- (3) Any member who having been ordered to withdraw under this Standing Order fails to comply, may without further warning, be named by the Speaker under SO 254.

**253. Power to order withdrawal of disorderly member from the Chamber for day except for divisions**

- (1) The Speaker may, after warning a member who in the Speaker's opinion continues to be grossly disorderly, order that member to withdraw immediately from the Chamber.
- (2) A member ordered to withdraw immediately from the Chamber under this Standing Order must do so forthwith, and must, during the remainder of the day's sitting remain absent from the Chamber. However, the member may enter the Chamber during the ringing of the bells for the purpose of voting in a division. Once the Speaker has declared the numbers, the member must withdraw immediately from the Chamber.
- (3) Any member who having been ordered to withdraw under this Standing Order fails to comply, may without further warning, be named by the Speaker under SO 254.

**253A. Power to order withdrawal of disorderly member from the Chamber for up to one hour**

- (1) The Speaker may, after warning a member who in the Speaker's opinion continues to be grossly disorderly, order that member to withdraw immediately from the Chamber for up to one hour.
- (2) A member ordered to withdraw immediately from the Chamber under this Standing Order must do so forthwith, and must, during the period nominated by the Speaker (up to one hour) remain absent from the Chamber.
- (3) Any member who having been ordered to withdraw under this Standing Order fails to comply, may without further warning, be named by the Speaker under SO 254.

**254. Member named by Speaker for obstructing business**

- (1) Whenever any member or members persist, after warning by the Speaker, in disregarding the authority of the Chair, or abusing the Rules of the House by persistently and wilfully obstructing the business of the House, or otherwise, the Speaker may name such member or members.
- (2) The Speaker shall not name more than one member at one time, unless two or more members, present together, have acted jointly in the relevant conduct.
- (3) The Speaker shall forthwith put the question on a motion being moved, to be decided without debate, amendment, or adjournment, that such member or members as named be suspended from the House for such time as may be specified in the motion, not exceeding seven sitting days.
- (4) If any member, or members, who have been suspended under this order from the service of the House, shall refuse to obey the direction of the Speaker, (when severally summoned under the Speaker's orders by the Sergeant-at-Arms to obey such direction), the Speaker shall call the attention of the House to the fact that recourse to force is necessary in order to compel obedience to the Speaker's direction. The member or members named as having refused to obey the Speaker's direction shall thereupon, and without further question put, be suspended from the House for a period of 14 sitting days.

**255. Consequences of suspension under SO 254**

When a member is suspended from the House under SO 254 they shall be excluded from the parliamentary precinct from the time the motion has been passed until the suspension is completed.<sup>36</sup>

**256. Speaker may suspend sitting**

In the case of grave disorder arising in the House, the Speaker may without any question being put, suspend any sitting to a time to be determined by the Speaker.

**257. Disorderly person may be removed<sup>37</sup>**

- (1) Where in the opinion of the Speaker, a person other than a member behaves in an offensive or disorderly manner or otherwise disrupts the proceedings of the House or any of its committees, the Speaker may require the person to leave the Chamber and the parliamentary precincts or the place of meeting of the committee and may authorise the removal of the person.
- (2) Where in the opinion of a Chairperson of a committee, a person other than a member behaves in an offensive or disorderly manner or otherwise disrupts the proceedings of a committee, the Chairperson may require the person to leave the place of meeting of the committee and may authorise the removal of the person from the place of meeting.

**258. Wilful disobedience**

- (1) A member who wilfully disobeys any order of the House may be ordered by the House to attend to answer for their conduct.
- (2) If a member fails to attend despite an order to attend in (1), or if their explanation for failing to attend is deemed unsatisfactory by the House, the House may either:
  - (a) if the member is in the parliamentary precinct, direct the Sergeant-at-Arms or another officer of the House to take such member into custody and bring that member before the House; or
  - (b) consider the member's conduct in their absence.

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<sup>36</sup> Section 4 of the *Parliamentary Service Act 1988* defines the term parliamentary precinct.

<sup>37</sup> Section 50(1) of the *Parliamentary Service Act 1988* provides: All persons entering or upon the parliamentary precinct shall comply with the directions of the Speaker as to the behaviour, demeanour and conduct of such persons. Section 51 provides: A prosecution for an offence against s.50 shall be by way of summary proceedings under the *Justices Act 1886* upon the complaint of the Clerk.



## CHAPTER 40 DECLARATIONS OF INTEREST

### 259. No member pecuniarily interested may vote

- (1) No member shall be entitled to vote in any division upon a question (not being a matter of public policy) in which they have a direct pecuniary interest, not held in common with the rest of the subjects of the Crown.
- (2) The vote of a member may not be challenged except on a substantive motion moved immediately after the division is completed, and the vote of a member determined to be so interested shall be disallowed.

### 260. Declaration of pecuniary interest in debate and other proceedings

- (1) Notwithstanding compliance with any other order of the House concerning the disclosure of interests, a member shall, in respect of any question in the House or a committee, declare any pecuniary interest (of which the member is aware) (whether or not it is a matter of public policy) that the member or a related person has in the question, if such pecuniary interest is greater than the interest held in common with subjects of the Crown or members of the House generally.
- (2) The declaration in (1) shall be made:
  - (a) at the beginning of their speech if the member participates in debate on the matter in the House or a committee;
  - (b) as soon as practicable after a division is called for on the matter in the Legislative Assembly, or a committee, if the member proposes to vote in that division.
- (3) The member's declaration shall be included and indexed in the Record of Proceedings or the minutes of proceedings of the committee and in any transcript of those proceedings of that division.
- (4) It shall not be necessary for a member to declare an interest when directing a question seeking information.

### 261. Conflict of interest in committee proceedings

A member of a committee shall disclose to the committee any conflict of interest the member may have in relation to a matter before the committee.

### 262. Disclosure in representations or communications of pecuniary interest

In any representation or communication which a member may have with other members or with Ministers or servants of the Crown, a member shall disclose any pecuniary interest (of which the member is aware) that the member or a related person, as defined in Schedule 2 (Registers of Interests), has in the subject matter of the representation or communication, if such pecuniary interest is significantly greater than the interest held in common with subjects of the Crown or members of the House.

## CHAPTER 41 REGISTERS OF INTERESTS

### 263. Register of Members' Interests and Register of Related Persons' Interests

- (1) A Register of Members' Interests and a Register of Related Persons' Interests are established.
- (2) Schedule 2 contains the rules for registration and procedures for the establishment and maintenance of the registers.

## CHAPTER 42 ABSENCE OF MEMBERS

### 263A. Notification of absence of member for more than four consecutive sitting days

(1) If a member is absent, or intends to be absent, from the Legislative Assembly for more than four consecutive sitting days, the member shall notify the Speaker in writing of their absence or intended absence. The notification must state the length of the absence, the reason for the absence and be supported by a medical certificate or any other evidence that is acceptable to the Speaker.

(2) If a member is absent, or intends to be absent, from the Legislative Assembly for more than four sitting days within any period of nine consecutive sitting days, the member shall notify the Speaker in writing of their absence or intended absence. The notification must state the length of the absence, the reason for the absence and be supported by a medical certificate or any other evidence that is acceptable to the Speaker.

(3) Upon receipt of a written notification by a member in accordance with (1) or (2), the Speaker shall, on the next sitting day, report the member's absence, or intended absence, to the House.

### 263B. Leave of absence of member for 12 consecutive sitting days or more<sup>38</sup>

(1) The House may, by motion without notice, grant a member a leave of absence from attending the Legislative Assembly for 12 consecutive sitting days or more. The motion must state the length of leave of absence.

(2) A member shall be excused from attending sittings of the House, or any committee, so long as they have a leave of absence in accordance with (1).

(3) A leave of absence shall cease if the member attends a sitting of the House or any committee before the expiry of the period of leave.

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<sup>38</sup> Section 72(1)(m) of the *Parliament of Queensland Act 2001* provides that a member's seat becomes vacant if the member is absent without the Assembly's permission from the Assembly for more than 12 consecutive sitting days, whether over one or more sessions.

## PART 10 POWERS, RIGHTS AND IMMUNITIES

### CHAPTER 43 CONTEMPT<sup>39</sup>

#### 264. Definitions in part

In this part:

- (a) the term “ethics committee” means the Ethics Committee established by the *Parliament of Queensland Act 2001*; and
- (b) the term “matter” means a matter concerning the powers, rights and immunities of the House and includes:
  - (i) any interference with or breach of the powers, rights and immunities of the House; or
  - (ii) an alleged contempt.

#### 265. Proceedings for contempt

Proceedings for contempt of the House except for matters of disobedience in the House, shall be brought only upon the adoption by the House of a report from the Ethics Committee recommending that such proceedings be instituted.

#### 266. Examples of contempt

Without limiting the power of the House, it may treat as a contempt any of the following:

- (1) breaching or interfering with any of the powers, rights and immunities of the House;
- (2) deliberately misleading the House or a committee (by way of submission, statement, evidence or petition) (See also s.57 Criminal Code);
- (3) serving legal process or causing legal process to be served within the precincts of Parliament, without the authority of the House or the Speaker;
- (4) removing, without authority, any documents or records belonging to the House;
- (5) falsifying or altering any documents or records belonging to the House;
- (6) as a member, receiving or soliciting a bribe to influence the member’s conduct in respect of proceedings in the House or a committee;
- (7) as a member, accepting fees for professional services rendered by the member in connection with proceedings in the House or a committee;
- (8) offering or attempting to bribe a member to influence the member’s conduct in respect of proceedings in the House or a committee (see also Example 5 s.37 Parliament of Queensland Act and ss.59 and 60 Criminal Code);

<sup>39</sup> Section 37 of the *Parliament of Queensland Act 2001* provides a definition of contempt of Parliament as a breach or disobedience of the powers, rights or immunities, or a contempt, of the Assembly or its members or committees. Section 9 of the *Constitution of Queensland 2001* provides that the powers, rights and immunities of the Assembly and its members and committees are – (a) as are defined under an Act; and (b) until defined under an Act – the powers, rights and immunities, by custom, statute or otherwise, of the Commons House of Parliament of the United Kingdom and its members and committees at the establishment of the Commonwealth [1 January 1901]. Section 39 of the *Parliament of Queensland Act 2001* provides: (1) the Assembly has the same power to deal with a person for contempt of the Assembly as the Commons House of Parliament of the United Kingdom had at the establishment of the Commonwealth to deal with contempt of the Commons House [1 January 1901]; (2) To remove doubt, it is declared that the power includes power to fine the person and impose imprisonment on the person in default of the payment of the fine, as provided for under sections 40 to 45. Section 57 (False Evidence before Parliament) and section 58 (Witness refusing to attend, answer question or produce a thing before Legislative Assembly or authorised committee) of the *Criminal Code* provide penalties for some matters that may be dealt with as a contempt under this Chapter.

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- (9) assaulting, threatening or intimidating a member or an officer of the House acting in the discharge of the member's or the officer's duty (see also Example 2 s.37 Parliament of Queensland Act);
  - (10) obstructing or molesting a member or an officer of the House in the discharge of the member's or the officer's duty;
  - (11) misconducting oneself in the presence of the House or a committee;
  - (12) divulging the proceedings or the report of a committee or a subcommittee contrary to Standing Orders;
  - (13) publishing a false or misleading account of proceedings before the House or a committee;
  - (14) failing to attend before the House or a committee after being summoned to do so by the House or the committee;
  - (15) intimidating, preventing or hindering a witness from giving evidence or giving evidence in full to the House or a committee (see also Example 9 s.37 Parliament of Queensland Act);
  - (16) refusing to answer a question or provide information required by the House or a committee except as permitted by the House's rules or statute;
  - (17) assaulting, threatening or disadvantaging a member on account of the member's conduct in the House or a committee (see also Example 2 s.37 Parliament of Queensland Act);
  - (18) assaulting, threatening or disadvantaging a person on account of evidence given by that person to the House or a committee (see also Examples 9 and 10 s.37 Parliament of Queensland Act);
  - (19) assaulting, obstructing or insulting a member coming to or going from the House or a committee proceeding (see also Example 1 s.37 Parliament of Queensland Act);
  - (20) sending to a member a threatening letter on account of the member's conduct in the House or a committee (see also Examples 2 and 4 s.37 Parliament of Queensland Act);
  - (21) sending a challenge to fight a member (see also Example 4 s.37 Parliament of Queensland Act);
  - (22) wilfully disobeying an order of the House or disrupting the orderly conduct of the business of the House or a committee;
  - (23) except by a substantive motion of censure, 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;
  - (24) contravening the requirements and orders imposed by operation of the Parliament of Queensland Act (see also Examples 7 and 8 s.37 Parliament of Queensland Act and s.58 Criminal Code);
  - (25) a member or officer involving themselves in planning or executing a disruption of a proceeding of the Legislative Assembly or its committee; and  
(For the purpose of (25), "officer" includes Parliamentary Service or Ministerial Service officers or any other permanent parliamentary precinct pass holder with privileged access to the precinct)
  - (26) making public statements (either orally or in writing) inciting or encouraging disruption of the Legislative Assembly by bringing the proper proceedings of the Legislative Assembly or its committees into disrepute.

## **CHAPTER 44 PROCEDURES FOR RAISING AND CONSIDERING COMPLAINTS**

### **267. A matter suddenly arising**

A matter suddenly arising may be raised by a member at any time in the House under SO 248.

**268. Committee reports and Speaker's initiative**

- (1) A committee of the House may report that a matter involving its proceedings has arisen and recommend that the matter be referred to the ethics committee, in which case the matter stands referred to the ethics committee.
- (2) The Speaker may draw the attention of the House to a matter and recommend that the matter be referred to the ethics committee, in which case the matter stands referred to the ethics committee.

**269. Procedure for other matters**

- (1) In circumstances other than outlined in SO 267 and SO 268, the procedure in this Standing Order shall be followed.
- (2) A member should write to the Speaker at the earliest opportunity stating the matter and requesting that the matter be referred to the ethics committee.
- (3) A member must formulate as precisely as possible the matter, and where a contempt is alleged, enough particulars so as to give any person against whom it is made a full opportunity to respond to the allegation.
- (4) In considering whether the matter should be referred to the committee, the Speaker shall take account of the degree of importance of the matter which has been raised and whether an adequate apology or explanation has been made in respect of the matter. No matter should be referred to the ethics committee if the matter is technical or trivial and does not warrant the further attention of the House.
- (5) The Speaker in considering the matter may request further information from the complainant, the person the subject of the allegations or any other person.
- (6) The Speaker is to inform the House either:
  - (a) that the matter stands referred to the ethics committee; or
  - (b) that no matter arises or that it is technical, trivial or vexatious and the Speaker is not going to refer the matter to the ethics committee.
- (7) If the Speaker makes a determination in accordance with 6(b) and informs the House, a member may immediately move that the matter be referred to the ethics committee.
- (8) If a motion is moved in accordance with (7), the Speaker must put the question immediately without amendment or debate.

**270. Procedures of the ethics committee**

- (1) Where a matter is referred to it, the committee:
  - (a) may summarily dispose of the matter if it believes it is trivial, technical or vexatious or does not warrant further attention by the committee; or
  - (b) shall, if the matter is not disposed of under (a), request any person the subject of complaint in the matter to provide a written explanation of any allegations contained in the complaint; and
  - (c) shall, if the person the subject of complaint disputes the allegation:
    - (i) give the person the opportunity to be heard; and
    - (ii) give any persons that the person nominates the opportunity to be heard; and
  - (d) may obtain information from such other persons, and make such inquiries, as it thinks fit.
- (2) The ethics committee shall hear any evidence in a private hearing, unless the ethics committee determines that it is in the public interest to hold the hearing in public.
- (3) Witnesses shall be heard by the ethics committee on oath or affirmation.
- (4) The ethics committee must make a report to the House in respect of any matter referred to it, if any person concerned:

- (a) disputes the allegation the subject of the complaint in the matter – on completion of its consideration of the complaint;
  - (b) confirms the allegation the subject of the complaint – on receiving notice to that effect;
  - (c) does not, within a reasonable period, respond to a request given to them under (1)(b) – on the expiration of the period.
- (5) The ethics committee must, with the report, recommend the action that should be taken.
- (6) The ethics committee must not, in any report, make a finding that is adverse to any person unless it has given the person:
- (a) full particulars of the complaint; and
  - (b) the opportunity to be heard in relation to the complaint.

### **271. Restriction on debating matter in the House**

A matter referred to the ethics committee must not be debated in the House until such time as the ethics committee has reported on the matter if, in the opinion of the Speaker, such debate could prejudice the matter.

### **272. Impartiality and conflicts of interest**

- (1) Any member of the ethics committee who is directly concerned in a matter referred to the ethics committee or who has made any statements in the House revealing a prior judgement in the matter shall not be involved in any consideration of that matter.
- (2) The Speaker shall appoint another member to replace a member who has stood down in accordance with (1) and shall notify the ethics committee in writing.
- (3) A member who is stood down is replaced for the duration of that inquiry.
- (4) Before appointing a replacement member, the Speaker may consult with the Leader of the House and the Leader of the Opposition regarding the member to be appointed.
- (5) The appointment in (2) is effective from when the appointment in writing is communicated to the ethics committee.

### **273. Other offences disclosed**

Where a matter that is referred to the ethics committee discloses a possible criminal offence, or it appears to be a matter more appropriately investigated by another agency, the ethics committee may refer the matter to the Director of Public Prosecutions, the Queensland Police Service, the Crime and Corruption Commission or other appropriate agency.

## **CHAPTER 45 PROCEDURE ON CHARGE OF CONTEMPT IN THE HOUSE<sup>40</sup>**

### **274. Person charged with contempt to be summoned**

- (1) When the ethics committee reports to the House that a person has committed a contempt and recommends that the person be charged with that contempt by the House, a question shall be put, that such person be ordered to attend at the Bar of the House, at a specified date and time.
- (2) If the House passes the question in (1) in the affirmative, a copy of the order of the House, specifying the charge of contempt and requiring the attendance of the person, and certified by the Clerk,

<sup>40</sup> Chapter 3 Part 2 of the *Parliament of Queensland Act 2001* deals with contempt. Section 40(1) provides that proceedings for punishment of contempt are to be taken in the way stated in the Standing Rules and Orders.

shall be served upon them either personally or by prepaid post letter addressed to them at their usual or last known place of residence in Queensland.

(3) If at the date and time appointed the person charged attends according to the order, the Speaker shall inform them of the charge of contempt, and they shall be heard in their defence, either personally or by counsel, after which the House may adjudge them to be guilty of the charge of contempt or direct that they be discharged.

(4) If the person charged does not attend, then, upon proof to the satisfaction of the House of due service of a copy of the order upon the person, the House may proceed to deal with the matter, despite their non-attendance.

### **275. Limits on charges of contempt**

(1) Any charge of contempt in the House shall be dealt with in accordance with Chapters 44 and 45.

(2) No allegation or charge of contempt is to be considered by the House until such time as the matter has been referred to the committee and dealt with in accordance with Chapters 44 and 45.

### **276. Member to withdraw while conduct under consideration**

A member against whom a charge of contempt has been made, having been heard in their place, shall withdraw while the House considers the charge.

### **277. Punishment of person adjudged guilty of contempt**

(1) When the House has adjudged a person guilty of a charge of contempt, the House may adjudge them to pay a fine not exceeding two thousand dollars and require payment of that fine within a specified, reasonable period of time.<sup>41</sup>

(2) In the event of the person not paying the fine within the time set by the House, the House may order that the person be imprisoned in the custody of the Sergeant-at-Arms in such place as the House may direct, or in the custody of the Department of Corrective Services, until the fine has been paid, or until the end of the existing session, or for such shorter period as the House by the same or any subsequent order may direct.

### **278. Warrant<sup>42</sup>**

(1) When the House in accordance with SO 277 orders a person to be imprisoned, the Speaker shall sign a warrant for the apprehension and imprisonment of the person and committing the person to the custody of the Sergeant-at-Arms, or as the House has resolved.

(2) The warrant shall specify that the person has been found by the House to have committed a contempt of the House.

## **CHAPTER 46 CITIZEN'S RIGHT OF REPLY**

### **279. Reference to a person includes a corporation**

(1) In this chapter a reference to a person includes a corporation.

<sup>41</sup> Section 40(2) of the *Parliament of Queensland Act 2001* provides that the House may order a person found to have committed a contempt to pay a fine not more than an amount found in Standing Orders. Section 40(3) provides that if the fine is not paid within a reasonable time stated by the House, the House may order the person to be imprisoned.

<sup>42</sup> Section 43 of the *Parliament of Queensland Act 2001* provides for the form of the warrant. The warrant need not be in any particular form, but it must state in effect that the person has been found by the House to have committed a contempt.

(2) A corporation making a submission under this chapter is required to make it under their common seal (if it has a common seal).

### **280. Affected person may make a submission**

(1) A person who has been referred to in the Legislative Assembly or a committee by name, or in such a way as to be readily identified may make a submission to the Speaker:

- (a) claiming that the person 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 incorporate an appropriate response in the Record of Proceedings or the relevant committee report.

(2) The Speaker may refer the submission to the ethics committee if the Speaker is satisfied:

- (a) 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 ethics committee; and
- (b) that it is practicable for the ethics committee to consider the submission under this chapter.

(3) A person shall ensure a submission is received by the Speaker within four years from the date on which the person has been adversely referred to in the Legislative Assembly or a committee.

### **281. Submissions**

(1) A submission under this chapter shall be succinct and strictly relevant to the questions in issue and shall not contain anything offensive in character.

(2) A submission under this chapter shall not contain any matter the publication of which would have the effect of:

- (a) unreasonably adversely affecting or injuring a person or corporation, or unreasonably invading a person's privacy, in the manner referred to in SO 280(1); or
- (b) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person.

### **282. Action by the ethics committee**

(1) The ethics committee may decide not to consider a submission referred to it under this chapter 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 House.

(2) If the ethics committee decides to consider a submission under this chapter, the ethics committee may confer with the person who made the submission and any member who referred in the House to that person or corporation or where the submission relates to another committee's proceeding, the relevant committee.

(3) In considering the submission under this chapter, the ethics committee shall deliberate in a private meeting.

(4) The ethics committee shall not publish a submission referred to it under this chapter or its proceedings in relation to such a submission, but may present minutes of its proceedings and all or part of such submission to the House.

(5) In considering a submission under this chapter and reporting to the House the ethics committee shall not consider or judge the truth of any statements made in the House or the submission.

(6) If a person making a submission does not respond to a communication from the committee within three months, the committee may consider the matter to be closed.



- (7) Public servants seeking a right of reply must do so as private citizens.
- (8) Persons making their submission through a representative must personally sign the response.

**283. Recommendation and report by the ethics committee**

In its report to the House on a submission under this chapter, the ethics committee may make either of the following recommendations and no other recommendations:

- (a) that no further action be taken by the ethics committee or the House 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 ethics committee, be incorporated in the Record of Proceedings or published in some other manner.

## **PART 11 MISCELLANEOUS**

### **CHAPTER 47 STRANGERS**

#### **284. Admission of strangers**

- (1) Only the Speaker shall have the privilege of admitting strangers to the galleries of the House, while the House is sitting.
- (2) The Speaker shall have the power to set aside areas of the parliamentary precinct for use by members.
- (3) A member must not bring a stranger into any part of the House that is set aside for members.
- (4) On any day when the House is sitting, no member shall bring any stranger on to the floor of the Chamber.

#### **285. Withdrawal of strangers**

- (1) The Speaker may order the withdrawal of strangers from any part of the Chamber or parliamentary precinct.
- (2) If at any sitting of the House, any member takes notice that a stranger is on the floor of the Chamber, the Speaker shall immediately order their withdrawal.

#### **286. Conduct of strangers**

Strangers must not:

- (a) be on the floor of the Chamber while the House is sitting;
- (b) be in an area of the parliamentary precinct reserved for members only;
- (c) misbehave in any way in any part of the House or the parliamentary precinct; or
- (d) disobey an order of the House or a direction by the Speaker to withdraw from the Chamber while the House is sitting.

#### **287. Arrest of strangers**

- (1) The Sergeant-at-Arms or any other officer of the House authorised by the Speaker or the Clerk is authorised to take a person in breach of SO 286 and who is disrupting or about to disrupt the proceedings of the House into custody or direct others to take a person into custody and shall report immediately to the Speaker.
- (2) The Speaker shall report to the House when any person has been taken into custody pursuant to (1).
- (3) A person taken into custody pursuant to (1) can only be discharged from custody by direction of the Speaker or order of the House.

### **CHAPTER 48 SENATE VACANCY**

#### **288. Casual vacancy in Senate**

- (1) If the Governor gives notification that a vacancy has occurred in the number of members for the State in the Senate of the Commonwealth, the Speaker shall summon members to a sitting of the House for the purpose of electing a Senator as provided in s.15 of the *Commonwealth of Australia Constitution Act*.

- (2) The Speaker shall issue summonses to members in accordance with (1) within 14 calendar days of receiving the notification.
- (3) The sitting in (1) is to be held at a time that is no more than 14 days and no less than 7 days from the date of the summons in (2) to members.
- (4) The sitting shall be presided over by the Speaker.
- (5) A quorum of the House shall be necessary to constitute a sitting.<sup>43</sup>
- (6) If a quorum of the House is not present within 30 minutes after the hour specified, the meeting shall be adjourned for 7 calendar days, and fresh summonses shall be issued accordingly, and so on and as often as may be necessary until a quorum is obtained.

### **289. Declaration of qualification**

No name of any person shall be submitted to the vote unless a declaration of qualification and consent to be nominated and to act if elected is produced to the Speaker presiding at the meeting in the form or to the effect of Schedule 4.

### **290. Voting**

- (1) The method of election of a new Senator shall be by the open voting of the members present at the meeting.
- (2) Every member present shall vote.
- (3) The Speaker has no deliberative vote, but if the votes are equal, shall have a casting vote.
- (4) The same candidate may be again nominated, but not until after the names of other candidates previously nominated have been voted upon.
- (5) The voting shall take place as often as may be necessary until a Senator has been elected, and, if necessary, the meeting may be adjourned until a later date, when further nominations may be made and fresh votes taken.

## **CHAPTER 49 TRANSITIONAL**

### **291. Repeal of previous Standing Orders and Sessional Orders**

All Standing and Sessional Orders previously made are repealed.

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<sup>43</sup> Section 12 of the *Parliament of Queensland Act 2001*.

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**SCHEDULE 1 – DICTIONARY**

“**Address-in-Reply**” means the Address to the Governor to convey the thanks of the House and response of the House to the Governor’s speech addressed to the Parliament at the opening of a session of the Parliament.

“**Annual Appropriation Bill**” means a Bill for the ordinary annual service of the Government or the Parliament.

“**Assembly**” means the Legislative Assembly.

“**Business**” means, in respect of the ordinary business of each day, notices of motion and orders of the day.

“**Chair**” means the Speaker, or in a committee the Chairperson, or whoever may be performing the duties of such offices, respectively.

“**Chamber**” means the Legislative Assembly Chamber.

“**Chief Executive Officer**” includes a Commissioner or other person responsible for the entity.

“**Clerk**” means (a) the Clerk of the Parliament; or (b) if the Clerk is absent or if the office is vacant, the Deputy Clerk or other officer for the time being performing the duties of the Clerk; or (c) any officer authorised by the Clerk to perform any functions or exercise any powers of the Clerk under these Standing Orders; or (d) the Clerk’s delegate.

“**Closure motion**” see SO 88(1) (“That the question be now put”).

“**Command Papers**” are papers that the Governor or a Minister desires to table in the House.

“**Committee**” means a committee defined in Part 7.

“**Committee records**” include minutes, transcripts of proceedings, submissions, correspondence, tabled documents and briefing material provided to the committee.

“**Committee Secretary**” means a parliamentary officer that the Clerk or their delegate has appointed to attend a committee and includes an Inquiry Secretary or a person acting as Committee Secretary or Inquiry Secretary.

“**Contempt**” includes a breach of privilege or a breach or interference with the powers, rights, and immunities of the House, a committee or member.

“**Dissenting report**” where a member disagrees with one, some or all of a committee’s recommendations contained in the committee’s report and attaches their own report containing their findings and reasons.

“**Division**” a vote of the House counted by separating the members of the House voting “Aye” and “No”.

“**Division bells**” bells rung in order to alert members of a Division.

“**Document**” includes (a) any account, paper, report or other material on which there is writing; and (b) any paper or other material on which there are marks, figures, symbols or perforations having a meaning for a person qualified to interpret them; and (c) any disc, tape or other article or any material from which sounds, images, writings or messages are capable of being produced or reproduced (with or without the aid of another article or device).

“**E-Petition**” see Chapter 21 especially SO 119(4).

“**General business**” means business on the Notice Paper that is not Government Business.

“**General business notice of motion**” or “**General business orders of the day**” means notice of motion or orders of the day moved or introduced by members or Ministers not in their capacity as Ministers.

“**General election**” an election held after the dissolution of a Parliament.

“**Government Bill**” means a Bill introduced by a Minister in that capacity.

“**Government business notice of motion**” or “**Government business orders of the day**” means notices of motion or orders of the day moved or introduced by a Minister in that capacity.

“**Government Owned Corporation (GOC)**” means a government entity that is established as a body corporate under an Act or the Corporations Law and declared by regulation to be a GOC. For the purposes of Chapter 31, it also includes a statutory authority or special purpose vehicle.

“**House**” means the Legislative Assembly.

“**Judiciary of Queensland or the Commonwealth**” includes all judges of District Court level or equivalent or higher.

“**Lapsed order of the day**” see SO 79.

“**Leave**”, “**leave of the House**” or “**leave of the committee**” means permission granted by a majority of members present. Leave is an informal way of obtaining permission of the House to do things not strictly in conformance with Standing and Sessional Orders.

“**Lot**” in SO 40 means the drawing of one object of a set of objects from a receptacle to decide a question by chance.

“**Member of the judiciary**” means a judge of the District Court or higher or equivalents in other jurisdictions.

“**Minister**” means a Minister of the State.

“**Motion**” is a form of words that is moved, debated and if agreed to becomes an order or resolution of the House.

“**New member**” a member not elected at a by-election or otherwise (such as by order of the Court of Disputed Returns). See SO 38(1).

“**Notice of motion**” is a notice indicating the terms of a motion to be moved.

“**Notice Paper**” see SO 23.

“**Officer of the House**” includes the Clerk, the Deputy Clerk, the Sergeant-at-Arms, any Table Officer and the Chief Attendant.

“**Officers of a committee**” includes the Committee Secretary, any other parliamentary officers nominated by the Clerk or their delegate to assist a committee.

“**Order of the day**” means a Bill, notice of motion or other item of business which the House has ordered to be taken into consideration on a particular day, some other day in the future or a later hour.

“**Paper**” include statutes, subordinate legislation.

“**Paper petition**” see Chapter 21 especially SO 119(3).

“**Paper presented by command**” include papers considered by the Governor or a Minister to be of interest to the Parliament, but the tabling of which is not required by statute.

“**Petition**” see Chapter 21 SO 119 – SO 125.

“**Presented**” includes submitted.

“**Presiding member**” see SO 39(2)(a).

“**Printed**” includes deemed to be printed.

“**Private Members Bill**” is a Bill, not a Government Bill, introduced by a member during time set aside for Private Members Bills.

“**Proceedings**” for Standing Order 211, 211A and 211B includes:

- (a) evidence taken by the committee by way of hearings;
- (b) written or oral submissions presented to the committee;
- (c) written briefing papers and other documents prepared for the committee by its Committee Secretary, other expert advisors or departmental advisors;

- (d) draft reports by the committee;
- (e) correspondence between the committee and witnesses, departments and Ministers; and
- (f) private deliberations of the committee and the records of those proceedings.

“**Publish**” or “**Publication**” includes print, printed and deemed to be printed or published.

“**Recess**” means a period in which the House is not sitting, but does not include a period when the House is prorogued or dissolved.

“**Record of debates (Hansard)**” an official record of the debates of the House. The Record of Proceedings replaced the record of debates (Hansard) on 12 February 2008. A reference to the record of debates (Hansard) from 12 February 2008 is now a reference to the Record of Proceedings.

“**Record of Proceedings**” an official record of the debates and proceedings of the House that includes both a transcript of debates in the House and a record of the proceedings of the House. From 12 February 2008, the Record of Proceedings replaced and incorporates two earlier official records, the Votes and Proceedings and the record of debates (Hansard). A reference to either the Votes and Proceedings or the record of debates (Hansard), is now a reference to the Record of Proceedings.

“**Reports**” include, in the case of a committee, other publications such as issues papers, discussion papers or position papers.

“**Revocation**” means the cancellation of a prior act.

“**Roll of members**” means a roll required to be kept by the Clerk showing the names of the members elected and the dates of the making of an oath or affirmation.

“**Session**” means a period when the House sits until it is prorogued or dissolved.

“**Sessional Order**” means an order of the House for a particular purpose which supersedes or complements any Standing Orders named in the order or deals with matters not covered by these Standing Orders.

“**Sitting day**” means a day that the House sits and conducts business.

“**Sitting week**” means a week in which the House sits and conducts business.

“**SO**” means a Standing Order of the Legislative Assembly and “**SOs**” has the corresponding meaning in the plural.

“**Speaker**” means:

- (a) the member elected to be Speaker pursuant to Standing Orders and in the absence of that member means the Deputy Speaker or any other member acting in the office of the Speaker during the Speaker’s office; and
- (b) in respect of the powers of the Speaker while occupying the Chair, the Deputy Speaker or any Temporary Speaker in the Chair.

“**Statement of Reservation**” means a statement by a member that agrees with one, some, or all of a committee’s recommendations, but in which the member wishes to qualify or clarify their support or separately provide their reasons.

“**Standing Orders**” means these Standing Rules and Orders as adopted or amended by the House.

“**Statutory committee**” means a committee of the House established by the *Parliament of Queensland Act 2001*.

“**Statutory instrument**” has the same meaning as in the *Statutory Instruments Act 1992* and also includes a guideline under s.296 of the *Crime and Corruption Act 2001*.

“**Stranger**” means person who is not a member or officer of the House.

“**Suspended**” includes dispensed with.

“**Sworn**” means members taking the Oath or Affirmation as required by law.

“**Table**” means the Table of the House.

**“Tabled”** includes:

- (a) the laying of a document on the Table of the House and includes presenting a document to the House or a committee; and
- (b) providing a document to the Clerk for tabling pursuant to these Standing Orders.

**“Tabled document”** means any document tabled in the House.

**“Table office”** means the office supporting the Clerks at the Table.

**“Table officer”** means an officer that works in the table office or at the Table of the House.

**“Tellers”** means members selected to count a division.

**“Votes and Proceedings”** – an official record of the proceedings of the House. The Record of Proceedings replaced the Votes and Proceedings on 12 February 2008. A reference to the Votes and Proceedings from 12 February 2008 is now a reference to the Record of Proceedings.

## **SCHEDULE 2 – REGISTERS OF INTERESTS**

### **Establishment**

Chapter 4, Part 2A of the *Parliament of Queensland Act 2001* establishes a statutory requirement for a Register of Members' Interest and a Register of Related Persons' Interest. This schedule to Standing Orders provides for the administrative arrangements for the registers and the particulars of interests that must be disclosed.<sup>44</sup>

### **Purpose**

The purpose of the Register of Members' Interests is to place on the public record any pecuniary or other relevant interests of a member which may give rise to a conflict of interest or a perception of a conflict of interest between a member's private interests and the public interest. The register seeks to provide information which might be thought by others to affect a member's public duties, or to influence their speeches or votes in the Legislative Assembly.

### **Preamble**

1. It is vital that in a representative democracy the public have confidence in the integrity of their elected representatives.
2. It is also vital that elected representatives be continually reminded that they exercise a public trust which should not be subject to any private interest.
3. It is also in the interests of elected representatives that they be able to demonstrate that at all times they have made scrupulous disclosure of their private interests.
4. The Legislative Assembly requires its members to demonstrate a commitment to maintain the highest possible standard of propriety and to avoid, or where required to disclose, register or declare, any potential conflict of interest.
5. The Register of Members' Interests and Register of Related Persons' Interests are mechanisms to encourage and foster transparency, accountability and openness.
6. The Register of Members' Interests is a continually evolving primary record of members' registrable interests as submitted by members under the Standing Orders.
7. The tabled Register of Members' Interests gives public notification of members' registrable interests as at the date of publication.
8. The following provisions are the minimum registration required by members and are not intended to be an exhaustive list of all possible financial arrangements which are required, in the spirit of the Standing Orders, to be registered.

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<sup>44</sup> Section 69B(3) of the *Parliament of Queensland Act 2001* provides that a statement of interests and any change in the particulars of the interests must be given in accordance with the Standing Rules and Orders.



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**PART 1 – PRELIMINARY**

**Definitions**

1. In this schedule, unless the contrary intention appears—

“**asset**” means an item of property or an investment or interest owned by a person, trust or company, regarded as having value but does not include:

- (a) household and personal effects;
- (b) motor vehicles unless those motor vehicles have been purchased primarily for an investment purpose;
- (c) industry, public offer and employer superannuation entitlements;
- (d) stock, plant or equipment related to an occupation or business activity otherwise disclosed under this Schedule; and
- (e) a loan to a family member.

“**calendar month**” means a period commencing at the beginning of a day of one of the 12 months of the year and ending immediately before the beginning of the corresponding day of the next month or, if there is no such corresponding day, ending at the end of the next month;

“**child**”, in relation to a member, is defined by s.69A of the *Parliament of Queensland Act 2001*;<sup>45</sup>

“**Clerk**” means the Clerk of the Parliament;

“**company**” means a company, whether a private company or a public company;

“**debenture**” includes debenture stock, bonds, notes and any other document evidencing or acknowledging indebtedness of a company in respect of money that is deposited with or lent to the company;

“**de facto partner**”, in relation to a member, has the same meaning as s.32DA of the *Acts Interpretation Act 1954*;

“**donation**”, includes a donation in cash or property and a donation sourced from an allowance provided to a member;

“**gift**” means—

- (a) the transfer of money, property or other benefit—
  - (i) without recompense; or
  - (ii) for a consideration substantially less than full consideration; or
- (b) a loan of money or property made on a permanent, or an indefinite, basis;

but does not include:

- (a) a tangible gift received in an official capacity and which has been dealt with in accordance with the Ministerial Handbook, Opposition Handbook or Speaker’s Guidelines;
- (b) hospitality or sporting or cultural entertainment received when a member who is an office holder, or a member who is representing an office holder, attends an event in an official capacity;
- (c) upgraded travel provided by an airline, or upgraded accommodation;
- (d) a gift received from a family member or family friend where the gift made by the family member or family friend is received in a purely personal capacity, and there is no connection or possible conflict of interest between the member’s duties and the interest of the person providing the gift.

<sup>45</sup> Section 69A of the *Parliament of Queensland Act 2001* provides that **child**, in relation to a member, includes an adopted child, ex-nuptial child or stepchild of the member.

“**joint venture**” means an undertaking carried on by two or more persons in common otherwise than as partners;

“**liability**” means—

An obligation that legally binds a member, or related person to settle a debt and includes a loan of money or guarantee and any instrument pursuant to that loan (such as a mortgage) but does not include:

- (a) department store and credit card accounts;
- (b) a liability arising from the supply of goods or services supplied in the ordinary course of any occupation of the member or business of the trust or private company or partnership in which the member or related person has an interest which is not related to the member’s duties as a member of the Legislative Assembly; or
- (c) a loan owing to or a guarantee from or for a family member where the liability relates to a purely personal matter, and there is no connection or possible conflict of interest between the member’s duties and the interest of the person providing the loan or guarantee.

“**member**” means a member of the Legislative Assembly;

“**month**” means a calendar month;

“**nominee company**” means a company whose principal business is the business of holding marketable securities as a trustee or nominee;

“**officer**”, in relation to a company, means—

- (a) director or secretary of the company; or
- (b) any other person who is concerned, or takes part, in the management of the company.

“**partnership**” includes a joint venture;

“**private company**” means a proprietary company, whether incorporated in Queensland or elsewhere;

“**private superannuation fund**” means a superannuation fund which meets the definition of a self-managed superannuation fund (SMSF) under the *Superannuation Industry (Supervision) Act 1993* (Cth);

“**public company**” means a company, other than a private company, whether incorporated in Queensland or elsewhere;

“**published indexed threshold**” means—

- (a) An amount periodically published by the Registrar (at least every two years) which sets the dollar amounts over which a matter is required to be declared in 7(5).
- (b) The Registrar is to determine the amount by identifying the dollar amount for declaration of the matter at the introduction of the registers in 1990 (the cost base) and increasing the dollar amount by an indexation factor.
- (c) The indexation factor is to be calculated by using the consumer price index (CPI) and the formula:

$$\text{Indexation factor} = \frac{\text{CPI for beginning quarter ending}}{\text{CPI for last quarter}}$$

- (d) The Registrar is to ensure that the published indexed threshold is published to members, tabled in the House and appears on all Forms issued to members.

“**Register**” means the register defined by s.69A of the *Parliament of Queensland Act 2001*;<sup>46</sup>

“**Registrar**” means the Registrar of Members’ Interests;

<sup>46</sup> Section 69A of the *Parliament of Queensland Act 2001* provides that *register* means— (a) the register of members’ interests; or (b) the register of related persons’ interests.

**“related person”**, in relation to a member, is defined by s.69A of the *Parliament of Queensland Act 2001*;<sup>47</sup>

**“reporting period”** means a period commencing immediately after the annual report of the register is tabled in accordance with 11(2) and ending when the next annual report is tabled;

**“share”** means—

- (a) a share in the share capital of a company;
- (b) stock;
- (c) a convertible note; or
- (d) an option.

**“sitting day”**, in relation to the Parliament, means a day on which the Parliament meets;

**“sponsored travel or accommodation”** means any travel undertaken, including accommodation incidental to the travel, or any accommodation benefit received, by the member or a related person in respect of which a contribution (whether in cash or kind) to the cost of the travel (including incidental accommodation) or the accommodation is made by a person other than the member or a related person but does not include:

- (a) travel or accommodation received in an official capacity;
- (b) upgraded travel provided by an airline, or upgraded accommodation;
- (c) meals or sporting or cultural entertainment;
- (d) a benefit received from a family member or family friend where the contribution made by the sponsor is received in a purely personal capacity, and there is no connection or possible conflict of interest between the member’s duties and the interest of the sponsor.

**“spouse”**, in relation to a member, includes a de facto partner of a member;

**“statement of interests”** is defined by s.69A of the *Parliament of Queensland Act 2001*;<sup>48</sup>

**“statement of interests (member)”** see s.69B(1)(a) of the *Parliament of Queensland Act 2001*;<sup>49</sup>

**“statement of interests (related persons)”** see section s.69B(1)(b) of the *Parliament of Queensland Act 2001*;<sup>50</sup>

**“trade or professional organisation”** means a body (whether incorporated or unincorporated) of—

- (a) employers or employees; or
- (b) persons engaged in a profession, trade or other occupation;

being a body the object, or an object, of which is the furtherance of its own professional, industrial or economic interests or those of any of its members.

**“year”** means a period of 12 months commencing on 1 January.

<sup>47</sup> Section 69A of the *Parliament of Queensland Act 2001* provides that *related person*, in relation to a member, means—

- (a) the member’s spouse; or
- (b) a person who is totally or substantially dependent on the member and—
  - (i) the person is the member’s child; or (ii) the person’s affairs are so closely connected with the member’s affairs that a benefit derived by the person, or a substantial part of it, could pass to the member.

<sup>48</sup> Section 69A of the *Parliament of Queensland Act 2001* provides that *statement of interests* means—

- (a) a statement of interests (member); or (b) a statement of interests (related persons).

<sup>49</sup> Section 69B(1)(a) of the *Parliament of Queensland Act 2001* provides that a member must, within 1 month after taking the member’s seat, give to the Registrar a statement of the interest, as at the date of the election, of the member (a *statement of interests (member)*).

<sup>50</sup> Section 69B(1)(b) of the *Parliament of Queensland Act 2001* provides that a member must, within 1 month after taking the member’s seat, give to the Registrar a statement of the interest, as at the date of the election, of which the member is aware of each person who is a related person of the member (a *statement of interests (related persons)*).

**Interpretation – terms relating to companies**

- 2.(1) A person is taken to have a controlling interest in shares in a company if the person is able—
- (a) to dispose of, or to exercise control over the disposal of, the shares; or
  - (b) where the shares are voting shares – to exercise, or to control the exercise of, any voting powers attached to the shares.
- (2) The question whether a company is a subsidiary of another company is to be determined in the same manner as the question whether a corporation is a subsidiary of another corporation is determined for the purposes of the Corporations Law of Queensland.
- (3) A reference in this schedule to the holding company of another company is a reference to a company of which that other company is a subsidiary.

**Interpretation – forms**

- 3.(1) In this schedule, a reference to a form by number is a reference to the form so numbered in Part 6.
- (2) Strict compliance with a form in Part 6 is not necessary and substantial compliance, or such compliance as the circumstances of a particular case allow, is sufficient.

**Registrar**

4. In accordance with s.69C of the *Parliament of Queensland Act 2001*, the Clerk is to be the Registrar of Members’ Interests and keep the register of members’ interests and the register of related persons’ interests up to date.<sup>51</sup>

**PART 2 – STATEMENTS OF INTERESTS**

**Giving of statements**

- 5.(1) Members are required in accordance with s.69B(1) of the *Parliament of Queensland Act 2001* to give to the Registrar statements of interests of the member and related persons within 1 month of taking their seat.<sup>52</sup>
- (2) Members are required in accordance with s.69B(2) of the *Parliament of Queensland Act 2001* to notify the Registrar within 1 month of any changes to their interest or the interests of related persons.<sup>53</sup>

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<sup>51</sup> Section 69C of the *Parliament of Queensland Act 2001* provides:

- (1) There is to be a Registrar of Members’ Interests (**Registrar**).
- (2) The Clerk is to be the Registrar.
- (3) The Registrar must keep—
  - (a) a register of members’ interests; and (b) a register of related persons’ interests.
- (4) The Registrar must, in accordance with the Standing Rules and Orders, enter the following particulars in the relevant register and keep the registers up to date—
  - (a) the particulars of the interests given by a member in a statement of interests (member) and any changes to the particulars notified by the member; (b) the particulars of the interests given by a member in a statement of interests (related persons) and any changes to the particulars notified by the member.

<sup>52</sup> Section 69B(1) of the *Parliament of Queensland Act 2001* provides that a member must, within 1 month after taking the member’s seat, give to the Registrar the following statements—

- (a) a statement of the interest, as at the date of the election, of the member (a **statement of interests (member)**); (b) a statement of the interest, as at the date of the election, of which the member is aware of each person who is a related person of the member (a **statement of interests (related persons)**).

<sup>53</sup> Section 69B(2) of the *Parliament of Queensland Act 2001* provides that a member must, within 1 month after becoming aware of a change in the particulars contained in the last statement of interests given by the member, notify the Registrar in writing of the change.

- (3) In addition to the requirements in s.69B of the *Parliament of Queensland Act 2001*, each member shall within 1 month of the 30<sup>th</sup> day of June in each subsequent year during the life of that Parliament, provide to the Registrar a confirmation of correct particulars.

**Form of statements and notice of change of details<sup>54</sup>**

- 6.(1) A statement of interests (member)—
- (a) must be in accordance with clause 7 (Form 1); and
  - (b) is to relate only to interests held by the member—
    - (i) alone; and
    - (ii) jointly or in common with a related person.
- (2) A statement of interests (related persons)—
- (a) must be in accordance with clause 7 (Form 2); and
  - (b) is to relate only to interests held by related persons otherwise than jointly or in common with the member.
- (3) A notice of change of details contained in a statement of interests must be in accordance with clause 5 (Form 3).
- (4) A confirmation of correct particulars must be in accordance with clause 5 (Form 4).
- (5) The Committee of the Legislative Assembly may, by resolution, alter any forms for use under this schedule, and such forms are to be tabled in the Legislative Assembly by the Chairperson of the Committee of the Legislative Assembly within five sitting days.

**Registration of interests**

- 7.(1) A member shall not in any declaration specify:
- (a) the number or monetary value of shares;
  - (b) the monetary value of investments or beneficial interests;
  - (c) the full street address of property;
  - (d) the financial amount of liabilities, donations or other income;
  - (e) the account number of, or financial amounts held in, savings or investment accounts; or
  - (f) the monetary value of assets, sponsored travel or accommodation, or gifts.
- (2) The Registrar is authorised to return to a member any declaration contrary to 7(1) or any other requirement of this Schedule and request that the member resubmit the declaration in a manner that complies with this Schedule.
- (3) The disclosures required to be given by a member under 7(5) operate concurrently, but a member need only declare the same interest once.
- (4) Transitory disclosures required to be given by a member under 7(5) such as gifts (7(5)(i)), sponsored travel or accommodation (7(5)(j)) income (7(5)(k)) and donations (7(5)(m)) need only be disclosed in the reporting period in which they occurred and may be removed from the register published on the Parliament’s internet website (12(2)) once they have been included in a tabled annual report (11(1)).
- (5) A statement of interests required to be given by a member must contain the following details—
- (a) in respect of any company in which the member or a related person is a shareholder or officer or has a controlling interest in shares—

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<sup>54</sup> Section 69B(3) of the *Parliament of Queensland Act 2001* provides that a statement of interests and any change in the particulars of the interests must be given in accordance with the Standing Rules and Orders.

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- (i) the name of the company (if the company is a listed company, the Company Code is sufficient);
  - (ii) the nature of any office held;
  - (iii) where the shareholding or interest is held in a private company, the investments or beneficial interests of the company; and
  - (iv) where the shareholding or interest is held in a private company—
    - (A) the nature of the activities of the company;
    - (B) the assets or beneficial interests of the company;
    - (C) the name of any subsidiary companies; and
    - (D) the assets or beneficial interests of those subsidiary companies;
  - (b) in respect of any family or business trust or nominee company in which the member or a related person is a trustee, office holder or holds a beneficial interest—
    - (i) the name or a description of the trust, or the name of the nominee company, as the case requires;
    - (ii) the nature of the activities of the trust or company;
    - (iii) the nature of the interest of the member; and
    - (iv) the investments or beneficial interests of the trust or company (of which the member is aware);
  - (c) in respect of any private superannuation fund in which the member or a related person is a trustee or director—
    - (i) the name or a description of the fund;
    - (ii) the nature of the activities of the fund;
    - (iii) the investments or beneficial interests of the fund (of which the member is aware);
  - (d) in respect of any partnership in which the member or a related person has an interest—
    - (i) the name or a description of the partnership;
    - (ii) the nature of the activities of the partnership; and
    - (iii) the nature of the interest;
    - (iv) the assets or beneficial interests of the partnership (of which the member is aware);
  - (e) in respect of any real estate in which the member or a related person has an interest—
    - (i) the location of the relevant property, by reference to suburb or locality;
    - (ii) the approximate size of the property;
    - (iii) the purpose for which the property is, and is intended to be, used; and
    - (iv) the nature of the interest;
  - (f) in respect of any liability exceeding the published indexed threshold of the member or a related person or a trust of which a member or a related person is a beneficiary or a private company of which a member or a related person is a shareholder or partnership of which a member or related person is a partner—
    - (i) the nature of the liability; and
    - (ii) the name of the creditor concerned;
  - (g) any debenture, managed fund, or similar investments held by the member or a related person;
  - (h) in respect of any savings or investment account of the member or a related person held with a bank, building society, credit union or other institution—

- (i) the nature of the account; and
- (ii) the name of the institution concerned;
- (i) the source and nature of any gifts valued at more than the published indexed threshold from one source, or where two or more gifts are made from one source during a reporting period exceed, in aggregate, the published indexed threshold;
- (j) in respect of any sponsored travel or accommodation received by the member or a related person—
  - (i) the source of the contribution concerned; and
  - (ii) the nature and purpose of the travel;
- (k) the source of any other income over the published indexed threshold received during a reporting period by—
  - (i) the member or a related person;
  - (ii) a private company, or a trust, in which the member or a related person holds an interest; or of any other income under the published indexed threshold, where the source of that income raises, appears to raise, or could foreseeably raise, a conflict between the member’s private interest and their duty as a member;
- (l) the nature of any other asset of the member or a related person the value of which exceeds more than the published indexed threshold;
- (m) the name of any political party, trade or professional organisation of which the member or related person is a member, or the name of any other organisation of which the member is an officeholder or any organisation or person to whom the member makes a donation exceeding the published indexed threshold during the reporting period;
- (n) any other interest (whether or not of a pecuniary nature) of the member or a related person—
  - (i) of which the member is aware; and
  - (ii) that raises, appears to raise, or could foreseeably raise, a conflict between the member’s private interest and their duty as a member.
- (6) A Minister or other Office Holder (recognised by s.112 of the *Parliament of Queensland Act 2001*<sup>55</sup>) is not required to include in a statement of interests details of interests that are imposed upon them in their capacity as Minister or Office Holder.

**Example—**

Shares held by a Minister in a statutory or company government owned corporation on behalf of the State under the *Government Owned Corporations Act 1993* are not required to be registered.

**Questions concerning statements, and explanatory notes**

- 8.(1) If a question relating to whether a matter should or should not be included in a statement of interests is raised by a member with the Registrar, the Registrar must—
  - (a) subject to the terms of any Standing Order or resolution of the Legislative Assembly affecting the matter – attempt to resolve the matter without referring it to the Committee of the Legislative Assembly; and
  - (b) if the matter is not so resolved – refer the matter to the Committee of the Legislative Assembly.
- (2) A reference of a matter to the Committee of the Legislative Assembly—
  - (a) must be made in general terms; and
  - (b) except with the consent of the member, must not disclose the name of the member.

<sup>55</sup> Now s.42 of the *Queensland Independent Remuneration Tribunal Act 2013*.



- (3) The Committee of the Legislative Assembly must—
- (a) consider any matter referred to it; and
  - (b) if the name of the member has been disclosed to it – give the member the opportunity to be heard;
- after which it must decide whether the matter should or should not be included by the member in the statement of interests concerned.
- (4) The Registrar must immediately notify the member of the decision of the Committee of the Legislative Assembly.
- (5) If the member informs the Committee of the Legislative Assembly in writing that they do not agree with the decision of the Committee, the Committee must—
- (a) make a report to the Legislative Assembly; and
  - (b) with the report, recommend the action that should be taken in relation to the matter.
- (6) A report under subclause (5)—
- (a) must be made in general terms; and
  - (b) must not disclose the name of the Member.
- (7) The Committee of the Legislative Assembly, both on its own initiative or upon the request of the Registrar, may produce and publish explanatory notes to further explain the requirements of this schedule and the information to be included in the Registers.

### **PART 3 – REGISTERS**

#### **Keeping of registers**

- 9.(1) The Registrar must keep, in such forms as the Registrar considers appropriate—
- (a) a Register of Members’ Interests; and
  - (b) a Register of Related Persons’ Interests.
- (2) As soon as practicable after receiving a statement of interests from a member, the Registrar must—
- (a) in the case of a statement of interests (member) – enter in the Register of Members’ Interests the relevant details contained in the statement; and
  - (b) in the case of a statement of interests (related persons) – enter in the Register of Related Persons’ Interests the relevant details contained in the statement.
- (3) As soon as practicable after receiving a notice of change of details under subclause 5(2), the Registrar must make such alteration to the details entered in the relevant Register as is necessary to reflect the change.
- (4) As soon as practicable after a member resigns, dies or is removed from office during the course of a parliament, the Registrar must—
- (a) in the case of the member – remove from the Register of Members’ Interests details of the member’s interests; and
  - (b) in the case of the member’s related persons – remove from the Register of Related Persons’ Interests details of the related persons’ interests.
- (5) As soon as practicable after the dissolution of a parliament, the Registrar must—
- (a) in the case of members of that parliament – remove from the Register of Members’ Interests details of all members’ interests; and
  - (b) in the case of the members’ related persons – remove from the Register of Related Persons’ Interests details of all related persons’ interests.

### **Custody of Registers**

- 10.** The Registrar is to have the custody of—
- (a) each Register;
  - (b) each statement of interests received by the Registrar under subclause 5(1);
  - (c) any notice of change of details received by the Registrar under subclause 5(2); and
  - (d) each confirmation of correct particulars received by the Registrar under subclause 5(3).

### **Tabling of Register of Members' Interests**

- 11.(1)** As soon as practicable after—
- (a) the first sitting day of each Parliament; and
  - (b) the 30<sup>th</sup> day of June in each subsequent year during the life of that Parliament;
- the Registrar must provide the Speaker with a copy of the Register of Members' Interests ("The Annual Report of the Register of Members' Interests") and the Speaker must table the report in the Legislative Assembly.
- (2)** The Annual Report of the Register of Members' Interests is a copy of the Register of Member's Interest as at a particular date specified in the report.

### **Publishing of Register of Members' Interests**

- 12.(1)** The Registrar is to ensure that a copy of the Annual Report of the Register of Members' Interests is published on the Parliament's internet website.
- (2)** The Registrar is to ensure that the Register of Members' Interest, as updated from time to time, is published on the Parliament's internet website as soon as practical after each update occurs and no later than one week after the latest update.
- (3)** The Registrar is to determine the form the publication on the Parliament's internet website will be in, taking into account factors such as accessibility, transparency and administrative efficiency.
- (4)** The publication of the Register of Members' Interest on the Parliament's internet website and the Annual Report of the Register of Members' Interests tabled in accordance with clause 11 above are deemed parliamentary records that the Legislative Assembly has authorised for publication.

### **Inspection of Registers**

- 13.(1)** The Registrar must, at the request of a person, permit the person to inspect the Register of Members' Interests during normal business hours of the office of the Clerk.
- (2)** The Registrar must, on request, make the Register of Related Persons' Interests available to—
- (a) the Speaker;
  - (b) the Premier;
  - (c) any other Leader in the Legislative Assembly of a political party;
  - (d) the Chairperson and members of the Ethics Committee;
  - (e) the Crime and Corruption Commission;
  - (f) the Auditor-General; and
  - (g) the Integrity Commissioner.
- (3)** The Registrar must, on request, make details removed from the registers in accordance with 9.(4) or 9.(5) available to—

- (a) the Speaker;
  - (b) the Premier;
  - (c) any other Leader in the Legislative Assembly of a political party;
  - (d) the Chairperson and members of the Ethics Committee;
  - (e) the Crime and Corruption Commission;
  - (f) the Auditor-General; and
  - (g) the Integrity Commissioner.
- (4) The Registrar must advise the relevant member or former member, in writing, that details removed from the registers have been inspected in accordance with 13.(3)(a)-(d), (f) or (g).

#### **PART 4 – COMPLAINTS**

##### **Allegations by members**

- 14.(1) A member may make an allegation against another member that the other member has failed to comply with the requirements relating to the registration of a matter.
- (2) The allegation must be made, in writing, to the Registrar.
- (3) The Registrar must—
- (a) refer the allegation to the Ethics Committee; and
  - (b) give the details of the allegation to the member against whom the allegation is made.

##### **Consideration of allegations**

- 15.(1) The Ethics Committee must consider each allegation referred to it and, for that purpose, may—
- (a) give each member concerned the opportunity to be heard; and
  - (b) obtain information from such other persons, and make such inquiries, as it thinks fit; after which it may—
  - (c) make a report to the Legislative Assembly; and
  - (d) with the report, recommend the action that should be taken in relation to the matter.
- (2) The Ethics Committee must not make a report unless—
- (a) it has given the member against whom the allegation has been made the opportunity—
    - (i) to be heard; and
    - (ii) to make written submissions; and
  - (b) it has given the persons that the member nominates the opportunity to be heard.

##### **Complaints by public**

- 16.(1) A person may make a complaint alleging that a member has failed to comply with the requirements relating to the registration of a matter.
- (2) The complaint must be made, in writing, to the Registrar.
- (3) The Registrar must, before taking any further action in relation to the complaint, inform the complainant in writing that parliamentary privilege does not extend to any communication between the complainant and the Registrar.
- (4) The Registrar may require the complainant to give to the Registrar—

- (a) details of the complainant's name and address;
  - (b) details, or further details, of the complaint; and
  - (c) copies of any documents or other material available to the complainant supporting the complaint.
- (5) The Registrar may refuse to take any further action in relation to the complaint if the complainant refuses or fails to comply with a requirement under subclause (4).
- (6) If the Registrar believes on reasonable grounds that there is evidence to support an allegation the subject of the complaint, the Registrar must—
- (a) refer the matter to the Ethics Committee; and
  - (b) give the details of the complaint to the member concerned.

### **Consideration of complaints**

- 17.(1) Where a complaint is referred to it, the Committee—
- (a) may request the member concerned to provide an explanation of the allegation the subject of the complaint; and
  - (b) must, if the member disputes the allegation—
    - (i) give the member the opportunity to be heard;
    - (ii) give the persons that the member nominates the opportunity to be heard; and
    - (iii) obtain information from such other persons, and make such inquiries, as it thinks fit.
- (2) The Ethics Committee must make a report to the Legislative Assembly in respect of the complaint—
- (a) if the member concerned disputes the allegation the subject of the complaint – on completion of its consideration of the complaint;
  - (b) if the member confirms the allegation – on receiving notice to the effect; and
  - (c) if the member does not, within a reasonable period, respond to a request given to them under subclause (1)(a) – on the expiration of the period.
- (3) The Ethics Committee must, with the report, recommend the action that should be taken in relation to the matter.
- (4) The Ethics Committee must not, in the report, make a finding that is adverse to the member concerned unless it has given the member—
- (a) full particulars of the complaint; and
  - (b) the opportunity to be heard in relation to the complaint.

## PART 5 – ENFORCEMENT

### Effect of failure to comply with requirements

18. A member who—
- (a) knowingly fails to give a statement of interests to the Registrar as required;
  - (b) knowingly fails to notify the Registrar of a change of details contained in a statement of interests; or
  - (c) breaches s.69B(4) of the *Parliament of Queensland Act 2001*<sup>56</sup>
- is guilty of a contempt of the Parliament and may be dealt with accordingly.

## PART 6 – FORMS

The following prescribed forms for the purpose of this schedule have been approved by the Legislative Assembly—

- Form 1 Statement of interests of a member
- Form 2 Statement of interests of a member's related person/s
- Form 3 Change of details of member / member's related person/s
- Form 4 Confirmation of correct particulars.

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<sup>56</sup> Section 69B(4) of the *Parliament of Queensland Act 2001* provides that a member must not give to the Registrar a statement of interests or information relating to a statement of interests the member knows is false or misleading in a material particular.

*Note—*

A contravention of subsection (4) constitutes contempt of the Assembly—see section 37.

**SCHEDULE 3 – INSTRUCTIONS TO COMMITTEES REGARDING WITNESSES<sup>57</sup>**

In dealing with witnesses, and subject to the specific terms under which any committee is established (particularly any power to summons witnesses or documents), all committees of the House should observe the following procedures–

- (a) A committee shall invite witnesses to attend a committee meeting to give evidence. A committee shall only summon a witness to appear (whether or not the witness was previously invited to appear) where the committee has made a decision that the circumstances warrant the issue of a summons.
- (b) A committee shall invite witnesses to produce documents relevant to the committee's inquiry. A committee shall only order that documents be produced (whether or not an invitation to produce documents has previously been made) where the committee has made a decision that the circumstances warrant such an order.
- (c) A committee shall give witnesses reasonable notice of a meeting at which the witness is to appear and supply an explanation of the matters expected to be dealt with during the witness's appearance, and a copy of the procedures contained within this Schedule. Where appropriate, as determined by the committee, a witness shall be supplied with a transcript of the relevant evidence already taken.
- (d) A committee shall, where practicable, give witnesses an opportunity to make a submission in writing before appearing to give oral evidence.
- (e) A committee shall give witnesses reasonable access to any documents that the witnesses have produced to a committee.
- (f) A committee shall offer all witnesses, before giving evidence, the opportunity to make application, before or during the hearing of the witness's evidence, for any or all of the witness's evidence to be heard in a private hearing, and shall be invited to give reasons for any such application. If the application is not granted, the witness shall be notified of reasons for that decision.
- (g) Before giving any evidence in private session, a committee shall inform witnesses whether it is the intention of the committee to publish or present to the House all or part of that evidence. The witness shall also be informed that it is within the power of the committee to decide to publish evidence, and that the House has the authority to order the production and publication of evidence given in a private hearing.
- (h) Before a committee publishes any evidence given in a private hearing, it shall provide a witness the opportunity to make a submission as to whether such evidence should be published.
- (i) A Chairperson of a committee shall take care to ensure that all questions put to witnesses are relevant to the committee's inquiry and that the information sought by those questions is necessary for the purpose of that inquiry. Where a member of a committee requests discussion of a ruling of the Chairperson on this matter, the committee shall deliberate in a private hearing and determine whether any question which is the subject of the ruling is to be permitted.
- (j) Where a witness objects to answering any question put to the witness on any ground, including the ground that the question is not relevant or that the answer may incriminate the witness, the committee shall invite the witness to state the ground upon which objection to answering the question is taken.<sup>58</sup> Unless the committee determines immediately that the question should not be pressed, the committee shall then consider in a private meeting whether it will insist upon an answer to the question, having regard to the relevance of the question to the committee's inquiry, the importance to

<sup>57</sup> Section 57 (False Evidence before Parliament) and section 58 (Witness refusing to attend, answer question or produce a thing before Legislative Assembly or authorised committee) of the *Criminal Code* provide penalties that may apply to witnesses.

<sup>58</sup> Section 34 of the *Parliament of Queensland Act 2001* provides a person may object to answering a question or producing a document under ss.32(3) and 33(3) on the grounds that – (a) the answer, document or thing is of a private nature and does not affect the subject of inquiry; or (b) giving the answer or producing the document or thing might tend to incriminate the person and the person would have a claim of privilege against self-incrimination in a Supreme Court action if the person were asked in the action to give the answer or produce the document or thing.

the inquiry of the information sought by the question and any statute regulating such questioning. Where a witness declines to answer a question to which a committee has required an answer, the committee shall report the facts to the House or follow any other statutory requirements.

(k) Where a committee has reason to believe that evidence about to be given may reflect adversely on a person, or where the witness otherwise requests, the committee shall give consideration to hearing that evidence in a private hearing.

(l) Where a witness gives evidence reflecting adversely on a person and the committee is not satisfied that the evidence is relevant to the committee's inquiry, the committee shall give consideration to expunging that evidence from the transcript of evidence, and to forbidding the publication of that evidence.

(m) Where evidence is given which reflects adversely on a person and action of the kind referred to in (l) above is not taken in respect of the evidence, the committee shall provide reasonable opportunity for that person to have access to that evidence and to respond to that evidence by written submission and appearance before the committee, as determined to be appropriate in all the circumstances by the committee.

(n) A witness may make application to a committee to be accompanied by a legal adviser and to consult the legal adviser in the course of a meeting at which the witness appears. In considering such an application, a committee shall have regard to the need for the witness to be accompanied by a legal adviser to ensure the proper protection of the witness. If the committee does not grant the application, the witness shall be notified of reasons for that decision. Unless the committee otherwise determines, the legal adviser is confined to advising the witness on their rights and may not address the committee.

(o) A committee shall not ask an officer of a department of the Commonwealth or of the State to give opinions on matters of policy, and any such officer shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a Minister.

(p) A committee shall afford reasonable opportunity to witnesses to make corrections of errors of transcription in the transcript of their evidence and to put before a committee additional material supplementary to their evidence.





**SCHEDULE 5 – GUIDELINES FOR THE PROTECTION OF PERSONS WHO MAKE PUBLIC INTEREST DISCLOSURES**

- (1) These guidelines apply when there is a public interest disclosure to a member pursuant to the *Public Interest Disclosure Act 2010*.
- (2) These guidelines seek to provide guidance to a member who receives and acts upon a public interest disclosure about whether a member should or should not reveal the disclosure in a parliamentary proceeding.
- (3) Compliance with these guidelines is not mandatory, and a breach of these guidelines is not a breach of privilege or a contempt, but members are called upon to adhere to these guidelines so as to ensure public interest disclosures are properly investigated, that those making disclosures are protected and that no person’s reputation is unnecessarily damaged before the investigation of the allegations has been finalised.
- (4) In general, members should exercise care to avoid saying anything inside the House about a public interest disclosure to a member which:
  - (a) could lead to the unnecessary identification of persons who have made public interest disclosures (unless such persons have consented to the disclosure of their identity);
  - (b) could cause unnecessary damage to any person’s reputation before allegations have been appropriately investigated; and
  - (c) may jeopardise the investigation of a public interest disclosure by the appropriate entities.
- (5) If a public interest disclosure is received by any member of the Legislative Assembly and the member refers that disclosure to a referral entity to investigate the disclosure in accordance with s.34 of the *Public Interest Disclosure Act 2010*, members should avoid disclosing the substance of the disclosure or the referral in any public parliamentary proceedings, unless:
  - (a) after inquiry with a referral entity in accordance with Chapter 3 of the *Public Interest Disclosure Act 2010*, a member is not satisfied that the matter is being investigated or otherwise resolved; or
  - (b) the disclosure has referred to a referral entity, but a member has a reasonable belief that further disclosure in a parliamentary proceeding is justified to prevent harm to any person; or
  - (c) the disclosure has been referred to a referral entity, but a member decides to also bring the disclosure to the attention of a committee of the House that has responsibility for the area about which the matter relates.
- (6) In these guidelines “referral entity” and “public interest disclosure” have the same meaning as in the *Public Interest Disclosure Act 2010*.

**SCHEDULE 6 – PORTFOLIO COMMITTEES**

- (1) In accordance with s.88 of the *Parliament of Queensland Act 2001*, the following table establishes the Portfolio Committees of the Legislative Assembly and identifies their primary areas of responsibility; and
- (2) A reference to a Minister is deemed to include departments, statutory authorities, government owned corporations and other administrative units reporting to the Minister and parts thereof that report to the Minister with respect to the Minister’s responsibilities as set out in the Administrative Arrangements.

<b>Portfolio Committee</b>	<b>Area of Responsibility</b>	<b>Ministers</b>	<b>Oversight Responsibility</b>
Economics and Governance Committee	Premier and Cabinet Trade	Premier and Minister for Trade	Auditor-General Integrity Commissioner
	Treasury Aboriginal and Torres Strait Islander Partnerships	Deputy Premier, Treasurer and Minister for Aboriginal and Torres Strait Islander Partnerships	Family Responsibilities Commission
	Local Government, Racing and Multicultural Affairs	Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs	
State Development Natural Resources and Agricultural Industry Development Committee	State Development, Manufacturing, Infrastructure and Planning	Minister for State Development, Manufacturing, Infrastructure and Planning	
	Natural Resources, Mines and Energy	Minister for Natural Resources, Mines and Energy	
	Agricultural Industry Development and Fisheries	Minister for Agricultural Industry Development and Fisheries	
Legal Affairs and Community Safety Committee	Justice and Attorney-General	Attorney-General and Minister for Justice	Electoral Commissioner Information Commissioner Ombudsman Queensland Family and Child Commission
	Police and Corrective Services	Minister for Police and Minister for Corrective Services	
	Fire and Emergency Services	Minister for Fire and Emergency Services	

SCHEDULE 6 – PORTFOLIO COMMITTEES

Transport and Public Works Committee	<p>Transport and Main Roads</p> <p>Housing, Public Works, Digital Technology and Sport</p>	<p>Minister for Transport and Main Roads</p> <p>Minister for Housing and Public Works, Minister for Digital Technology and Minister for Sport</p>	
Innovation, Tourism Development and Environment Committee	<p>Innovation, Tourism Industry Development and the Commonwealth Games</p> <p>Environment, Great Barrier Reef, Science and Arts</p>	<p>Minister for Innovation and Tourism Industry Development and Minister for the Commonwealth Games</p> <p>Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts</p>	
Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee	<p>Health and Ambulance Services</p> <p>Communities, Disability Services and Seniors</p> <p>Child Safety, Youth, and Women Domestic and Family Violence Prevention</p>	<p>Minister for Health and Minister for Ambulance Services</p> <p>Minister for Communities and Minister for Disability Services and Seniors</p> <p>Minister for Child Safety, Youth and Women and Minister for the Prevention of Domestic and Family Violence</p>	Health Ombudsman
Education, Employment and Small Business Committee	<p>Education Industrial Relations</p> <p>Employment and Small Business</p> <p>Training and Skills Development</p>	<p>Minister for Education and Minister for Industrial Relations</p> <p>Minister Employment and Small Business and Minister for Training and Skills Development</p>	

## SCHEDULE 7 – CHIEF EXECUTIVE OFFICERS

In accordance with Standing Order 181(c), the following table lists entities to which direct questioning of Chief Executives at Estimates is to apply.

### Entities to which direct questioning of Chief Executives at Estimates is to apply

Anti-Discrimination Commission Queensland	QIC Limited
Building Queensland	Queensland Agricultural Training Colleges
Cairns and Hinterland Hospital and Health Service	Queensland Art Gallery
Central Queensland Hospital and Health Service	Queensland Audit Office
Central West Hospital and Health Service	Queensland Building and Construction Commission
Children’s Health Queensland Hospital and Health Service	Queensland Bulk Water Supply Authority (Seqwater)
Coordinator-General	Queensland Competition Authority
Crime and Corruption Commission	Queensland Curriculum and Assessment Authority
Cross River Rail Delivery Authority	Queensland Electricity Transmission Corporation Limited (Powerlink)
CS Energy Limited	Queensland Family and Child Commission
Darling Downs Hospital and Health Service	Queensland Institute of Medical Research
Electoral Commission of Queensland	Queensland Mental Health Commission
Energy and Water Ombudsman	Queensland Museum
Energy Queensland Limited	Queensland Performing Arts Centre / Queensland Performing Arts Trust
Family Responsibilities Commission	Queensland Productivity Commission
Far North Queensland Ports Corporation Limited (Ports North)	Queensland Racing Integrity Commission
GasFields Commission	Queensland Rail
Gladstone Ports Corporation Limited	Queensland Reconstruction Authority
Gold Coast 2018 Commonwealth Games Corporation	Queensland Rural and Industry Development Authority
Gold Coast Hospital and Health Service	Queensland Theatre Company
Gold Coast Waterways Authority	Queensland Treasury Corporation
Legal Aid Queensland	Racing Queensland Board
Mackay Hospital and Health Service	Residential Tenancies Authority
Metro North Hospital and Health Service	Screen Queensland Pty Ltd
Metro South Hospital and Health Service	South Bank Corporation
Motor Accident Insurance Commission	South West Hospital and Health Service
National Injury Insurance Agency, Queensland	Stadiums Queensland
Nominal Defendant	Stanwell Corporation Limited
North Queensland Bulk Ports Corporation Limited	State Library of Queensland / Library Board of Queensland
North West Hospital and Health Service	Sunshine Coast Hospital and Health Service
Office of Inspector General Emergency Management	SunWater Limited
Office of the Governor	TAFE Queensland
Office of the Health Ombudsman	The Public Trustee of Queensland
Office of the Information Commissioner	Torres and Cape Hospital and Health Service
Office of the Integrity Commissioner	Tourism and Events Queensland
Office of the Queensland Ombudsman	Townsville Hospital and Health Service
Port of Townsville Limited	Trade and Investment Queensland
Prostitution Licensing Authority	West Moreton Hospital and Health Service
Public Safety Business Agency	Wide Bay Hospital and Health Service
Public Service Commission	

**SCHEDULE 8 – CODE OF PRACTICE FOR PUBLIC SERVICE EMPLOYEES ASSISTING  
OR APPEARING BEFORE PORTFOLIO COMMITTEES**

**CONTENTS**

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Objections to producing material or answering questions  
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Threatening or disadvantaging a witness or assistant  
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## Introduction

1. This *Code of Practice for Public Service employees assisting or appearing before Portfolio Committees* (“Code”) provides guidance for public service employees dealing with portfolio committees (“committees”) as either an assistant or as a witness.
2. This Code does not provide guidance for a Public Service Chief Executive or other public service employee in a circumstance in which they receive an invitation from a committee to make a submission to a committee. Chief Executives and other public service employees should be aware that requests for assistance by a committee in relation to a Bill or another matter as outlined in this Code differ from instances where a committee invites a Chief Executive or their department to make a submission.
3. Guidance for public service employees in relation to submissions is provided in the *Queensland Cabinet Handbook* (“the Cabinet Handbook”). As part of the processes of Government, Chief Executives and other public service employees are required to ensure that the Cabinet Handbook is adhered to if preparing a submission to a committee.
4. This Code seeks to recognise the importance of the Legislative Assembly having a high standard of scrutiny over the executive government and legislation while recognising the duties owed by public service employees to their departments and Ministers, and to provide guidance on the public service employee’s role in this process.
5. This Code has been approved by both the Government and the Legislative Assembly.

## Application of the Code

6. This Code applies to employees (“public service employees”) of entities declared to be government departments in accordance with section 14 of the *Public Service Act 2008*. It may also be used by officers and employees of statutory authorities, government owned corporations and other government entities.

## General principles – factual or technical information, not policy

7. Public service employees may have dealings with committees as either an assistant or a witness. In both roles they can provide committees with detailed information about the processes and operations of departments and other entities to allow committees to effectively discharge their functions to scrutinise the executive, consider proposed legislation and conduct reviews and inquiries on behalf of the Legislative Assembly.
8. As assistants or witnesses, public service employees may be called upon to provide factual and technical background to Government legislation and administration. However, the responsibility for advocacy and defence of Government policy rests with the responsible Minister and not with public service employees. Therefore, when providing information to committees, public service employees may describe Government policies and the administrative arrangements and procedures involved in implementing those policies but should not:
  - advocate, defend or canvass the merits of government policies or alternate policy options (including the policies of other past and present local, state, federal and foreign governments);  
or

- identify considerations leading to Government decisions or possible decisions (such as Cabinet deliberations), unless those considerations have already been made public or the Minister authorises the department to identify them.
9. Most assistance by public service employees will be provided in person to committees. However, a committee may request that information be provided in writing. If this occurs, the public service employee should discuss this with their Chief Executive and obtain approval for the content and format of the written information to be provided.

### **General duties of public service employees**

10. Public service employees have an obligation to provide committees with full and honest answers and evidence. If public service employees are unable or unwilling to answer questions or provide information, they should advise the committee accordingly and provide reasons. Committees have a corresponding duty to consider the reasons and provide reasonable opportunity for public service employees to obtain advice and assistance. (See Schedule 3 of the *Standing Rules and Orders of the Legislative Assembly* – Instructions to Committees Regarding Witnesses and sections 57 and 58 of the *Criminal Code*).
11. Public service employees appearing before committees must act in accordance with the *Code of Conduct for the Queensland Public Service*. In particular they must:
- act with integrity and impartiality, maintain the highest ethical standards and provide advice that is objective, independent, apolitical and impartial, including answering questions respectfully, truthfully and to the best of their ability;
  - promote the public good and be responsive to the requirements of the community and the government by ensuring the committee has access to the information they require, within their role as a representative of their department;
  - act with commitment to the system of government by upholding the law, and operating within the framework of Ministerial responsibility to the government, the Parliament and the community by understanding and acting within their role as a representative of the Minister;
  - act accountably and transparently by exercising proper diligence, care and attention and assisting committees with complete and accurate information, unless there are good reasons for withholding it.
12. In dealing with non-public information, public service employees have a duty to ensure their Chief Executive is aware of, and approves the provision of, non-public information to committees.
13. Public service employees should fully understand the provisions of this Code prior to assisting or appearing before a committee.
14. Chief executives are expected to appear in person for estimates, supported by other staff as necessary.
15. Public service employees may not in their official capacity provide written information to a committee on a Bill without it having the specific approval of their Chief Executive.

## **Powers and responsibilities of committees and communication with Chief Executives**

16. Committees have the power to summons witnesses to give evidence and order them to produce documents. Under the *Parliament of Queensland Act 2001* and *Standing Rules and Orders of the Legislative Assembly*, the powers of the Legislative Assembly and its committees to gather evidence are very extensive, with few legal exemptions. Therefore, careful consideration should be given to whether there are legitimate and recognised grounds, in the public interest, that could be argued to a committee to not provide the document or information (see paragraphs 39 to 44 regarding objections to producing material or answering questions).
17. The Legislative Assembly has adopted instructions for committees to follow in their dealings with witnesses. (See generally Schedule 3 of the *Standing Rules and Orders of the Legislative Assembly – Instructions to Committees Regarding Witnesses*.)
18. These instructions, among other matters, provide that committees are to:
  - Usually invite the production of documents and the appearance of witnesses, rather than order production or attendance;
  - Give reasonable notice for appearing and will provide an explanation of the matters to be considered and access to relevant documents;
  - Not question public service employees about Government policy;
  - Enable a witness an opportunity to object to questions asked or material sought, or to request that the material be kept private (see below for objections to material or evidence sought by a committee); and
  - Be generally fair and reasonable in their dealings with witnesses.
19. If a committee decides to conduct an inquiry into a Bill or another matter relating to a department, the committee should write to the responsible Chief Executive advising of the nature and scope of the inquiry and other details the committee deems appropriate. This advice should include an indication of whether or not the committee anticipates requiring the attendance of public service employees as either assistants or witnesses.
20. In response, the Chief Executive should, as soon as practicable, advise the committee in writing:
  - whether or not they consider that the subject matter of the inquiry falls within the department’s responsibility; and
  - the details of a suitable contact officer from the department, of appropriate seniority and subject knowledge, to coordinate requests from the committee for information or assistance.
21. All requests from the committee to the department for information and attendance are to be in writing and directed to the Chief Executive with a copy sent to the contact officer. Committee requests for information and assistance should be as specific as possible. The timeframe in which the information or attendance is required should also be specified.
22. It is the Chief Executive’s responsibility to ensure that public service employees appearing before a committee have sufficient experience and knowledge of the matter being considered and are thoroughly prepared for hearings. In practice, the Chief Executive may identify who should appear before a committee, taking into account the nature and subject of the committee’s considerations and judging when it is necessary to consult the Minister about proceedings.



23. All information and material supplied by a department in response to a committee's request should be accompanied by a covering letter. The covering letter should identify the request by the committee and the relevant information or material being supplied.
24. If the department is unable or unwilling to supply the information or material requested, the Chief Executive should write and inform the committee of this and give reasons.
25. Should the inability to provide the information result from the timeframes specified, a committee may then nominate a further period in which to supply the information and this granting of an extension should be confirmed in writing by the committee.

### **Public service employees as witnesses**

26. Public service employees may be called as witnesses for examination of estimates, proposed legislation and to review departmental performance. They may also be called for inquiries, including public hearings where the media may also be present, unless the committee agrees to hear evidence in private.
27. Public service employees should consult and inform their Chief Executive before and following appearing before a committee and advise of any significant matters which are likely to arise or do arise. The Chief Executive must in turn judge when it is necessary to consult the Minister about proceedings.
28. If a public service employee is unable to immediately answer a question asked by a committee, the employee should advise the committee of this and indicate that they will endeavour to ascertain the answer to the question.

### **Private evidence**

29. Committees can receive evidence in private sessions. This evidence will remain confidential unless the committee otherwise resolves. Before publishing information received in private, committees will provide the opportunity to submit that the material should not be published. Material that is not relevant to the committee's inquiry and reflects adversely on a person may be expunged from the transcript of evidence. (See generally Schedule 3 of the *Standing Rules and Orders of the Legislative Assembly* – Instructions to Committees Regarding Witnesses.)
30. While private meetings of committees are generally confidential and should not be revealed without permission of the committee, the *Standing Rules and Orders of the Legislative Assembly* exempt disclosure from a public service employee to their Chief Executive and Minister.

### **Public service employees assisting committees**

31. Public service employees may be asked to assist committees in relation to Bills, or in relation to an inquiry.
32. In relation to Bills, a public service employee may be asked to assist the committee by providing information about the Bill and how it will be implemented, clarifying how evidence received by the committee relates to the proposed legislation, producing departmental reports on submissions received by the committee, and identifying potential solutions to emerging issues, including possible amendments and sometimes assisting with negotiations between the Minister and the committee on the detailed content of the Bill.

33. Public service employees are to seek their Chief Executive's approval to provide assistance to a committee, and the form any assistance will take (including any limits there may be to that assistance). Any limitations placed on the involvement of public service employees should be made clear to the committee.
34. Where assistance is provided in relation to a Bill, public service employees need to ensure they understand the Government's position on the Bill and the extent to which the Government will consider amendments, so that they can work constructively with the committee.
35. Any conflicts of duty should be managed from the position that while the committee is entitled to expect the public service employee to assist them as far as their role permits, public service employees represent and are accountable to their Chief Executive and the Minister. Where committee members question government policy, the public service employee should clarify their role with the committee and seek leave to consult or defer to their CEO or Minister.
36. It is the committee's responsibility to clarify with the public service employee the nature of the meeting or proceedings – i.e. whether it is confidential or not. Where the proceedings are confidential, care must be exercised to ensure information remains confidential, unless otherwise authorised by the committee. Inappropriate disclosure of information or documents may be regarded as a contempt of the Parliament. However, the *Standing Rules and Orders of the Legislative Assembly* exempt disclosure from a public service employee to their Chief Executive and Minister.
37. In assisting a committee on a Bill, public service employees may be expected to undertake consultation with Ministers and other departments to ensure the advice represents Government policy rather than a narrow departmental view. Committee permission is not needed to do this, so long as confidential committee proceedings are not disclosed without the committee's permission. However, people consulted must understand the confidential nature of any committee proceedings under discussion.
38. If public service employees assisting a committee need to consult or obtain factual information outside the public service, they must obtain the committee's approval before disclosing any committee proceedings. Again, those involved must be cautioned about the confidential nature of committee proceedings.

### **Private Members' Bills**

39. Committees may request assistance with Private Members' Bills. Even when the Government is opposed to the policy in a Bill, it may make public service employees available to assist committees because of the public interest involved in producing good quality legislation. Assisting public service employees should clarify the Government's policy toward the legislation, the level of resources to be made available and the nature of the assistance to be provided.
40. The Government may decide to make a submission to a parliamentary committee on a Private Member's Bill, particularly when such Bills affect the interests of the State. However, as part of the processes of Government, Chief Executives and other public service employees are required to ensure that the Cabinet Handbook is adhered to if it is decided that a submission is to be made.

### **Objections to producing material or answering questions**

41. If a public service employee objects to producing material or answering a question from a parliamentary committee they will be invited to state the ground of the objection. (See section 34 of the *Parliament of Queensland Act 2001* and Schedule 3 of the *Standing Rules and Orders of the Legislative Assembly* – Instructions to Committees Regarding Witnesses).

42. Recognised grounds for objection to producing material or answering a question include:
- that the question is asking a public service officer to comment on Government policy (see Schedule 3 of the *Standing Rules and Orders of the Legislative Assembly – Instructions to Committees Regarding Witnesses*);
  - that the information sought or question asked is not relevant to the Committee’s inquiry;
  - that the information sought should be asked of another Department;
  - that the material sought is commercially sensitive information relating to a Government Owned Corporation and should only be given in private session (see sections 100-101 of the *Parliament of Queensland Act 2001*);
  - the material or question involve matters of a private nature that do not affect the subject of the inquiry (see section 34(a) *Parliament of Queensland Act 2001*);
  - the information or question might tend to incriminate a person and the person would be able to claim privilege against self-incrimination in a Supreme Court action (see section 34(b) *Parliament of Queensland Act 2001*);
  - the material sought or question asked relates to briefing, opinion or advice given to Ministers, unless the Minister has agreed to its release, as this may infringe the privileges of the Minister as a Member of the Legislative Assembly (see sections 8 and 9 of the *Parliament of Queensland Act 2001*); or
  - the information sought is subject to statutory confidentiality or some other legally recognised privilege, such as legal professional privilege, and it is not in the public interest to disclose the matter, particularly in public session.
43. The committee may choose not to seek the material or press the question, or will consider in private whether to insist upon the production of the material or an answer, having regard to the public interest of the information sought and whether the public interest requires that the person be provided with appropriate protection.
44. If public service employees are asked for information they believe should not be released, they should seek the committee’s leave to obtain their Chief Executive’s view on the issue, rather than refuse to produce the material or answer the committee.
45. In the event that the committee insists upon an answer, the committee may nonetheless decide that it is in the public interest for the answer to be heard in private.
46. If there is a significant or unreasonable cost associated with providing information, committees should be advised of the anticipated costs. The committee may revise its request, but if it does not the request must be complied with. A committee cannot, however, require public service employees to undertake new research or analysis as the power to call for papers and records relates to existing material.

**Potential Criminal consequences for refusing to attend, answer a question, or produce a thing before the Legislative Assembly or authorised committee**

47. Section 58 of the *Criminal Code* provides that a person who fails to attend before the Legislative Assembly or an authorised committee; or who fails to answer a question, or produce a document or

other thing to the Assembly or an authorised committee as required under the *Parliament of Queensland Act 2001* may face legal consequences. Specific reference in this regard should be made to sections 29, 30(4), 32(6) and 33(8) of the *Parliament of Queensland Act 2001*.

48. Section 58 of the *Criminal Code* does not extend to a circumstance under which a public sector employee, such as the Director-General of a Government department, is invited to make a submission to a parliamentary committee inquiry or is invited to appear at a public hearing, and the public sector employee declines to accept the invitation. This is because in these circumstances, the invitation is entirely voluntary.
49. Public service employees should seek the advice of their Chief Executive and/or their Minister if they are in any doubt regarding these matters, particularly as they relate to the objections to producing material or answering questions as outlined in paragraphs 41 to 46.
50. Also see paragraphs 57 to 58 regarding access to legal advisors by witnesses.

### **Threatening or disadvantaging a witness or assistant**

51. Parliamentary proceedings, including committee proceedings, are subject to absolute privilege, so that those participating in them can do so without fear of external consequences. There must be no pressure placed on public service employees appearing before a committee, in order to deter them from giving honest and impartial advice or evidence, nor should action be taken against them as a consequence of their giving evidence. Such conduct could be punished by the Parliament as a contempt.
52. The absolute nature of parliamentary privilege should not be seen to give public service employees the right to ignore the processes and expectations for their conduct set out in this Code or in the *Code of Conduct for the Queensland Public Service*. Inappropriate conduct before a committee may, along with either criminal proceedings or disciplinary actions within their department, result in actions for contempt by the Parliament.

### **Contempt of Parliament**

53. The Parliament may treat any conduct which amounts to, or is intended to or likely to amount to, improper interference with the free exercise by the Parliament or a committee of its authority or functions as contempt. In certain circumstances a matter which amounts to a contempt may also amount to a misdemeanour or criminal offence (see sections 57 and 58 of the *Criminal Code*).
54. Examples of conduct involving committees which may comprise contempt include:
  - breaching or interfering with any of the powers, rights and immunities of the Parliament, (including its committees);
  - deliberately misleading a committee, noting that where a person deliberately misleads a committees during examination before the committee, the person may face criminal consequences (see section 57 of the *Criminal Code*);
  - removing or falsifying documents or records belonging to the Parliament (including its committees);
  - conduct not consistent with the Code of Conduct for the Queensland Public Service in the presence of a committee;

- divulging the proceedings or the report of a committee contrary to Standing Orders or orders of a committee;
- failing to attend before a committee after being summoned to do so (this may attract criminal consequences under section 58 of the Criminal Code);
- intimidating, preventing or hindering a witness from giving evidence to a committee; and
- refusing to answer a question or provide information required by a committee except as permitted (this may attract criminal consequences under section 58 of the Criminal Code).

(See sections 57 and 58 of the *Criminal Code*, and more generally section 37 of the *Parliament of Queensland Act 2001* and Standing Order 266.)

### **Potential criminal consequences for knowingly giving false evidence before the Legislative Assembly or committee during examination**

55. Section 57 of the *Criminal Code* provides that a person who, during an examination before the Legislative Assembly or a committee, knowingly gives a false answer to a lawful and relevant question put to the person during the examination commits a crime and may face a maximum penalty of seven years imprisonment.
56. Public service employees should seek legal advice if they are in any doubt regarding these matters. Also see paragraphs 57 to 58 regarding access to legal advisors by witnesses.

### **Access to legal advice**

57. Witnesses may request attending with a legal advisor. This is not usual where a witness is appearing in their capacity as a public service employee, although it is appropriate for a government legal officer to appear with other public service employees in order to provide their expertise to the committee, as opposed to as legal representation for the department.
58. The committee will consider requests for legal representation, taking into account the need to ensure proper protection of the witness. If leave is not granted, the witness will be advised of the reasons for the decision. If leave is granted, the legal advisor can advise the witness of their rights, but may not address the committee.

(See Schedule 3 of the *Standing Rules and Orders of the Legislative Assembly* – Instructions to Committees Regarding Witnesses.)

### **Correction of evidence**

59. Public service employees must inform the committee as soon as they become aware of any inaccuracies in information they have supplied to a committee, and supply the correct information, consulting with the Minister when necessary.

(See Schedule 3 of the *Standing Rules and Orders of the Legislative Assembly* – Instructions to Committees Regarding Witnesses.)

### **Attendance in a personal capacity**

60. Public service employees have the same political rights as other members of society, including the right to make submissions to, and appear as witnesses before parliamentary committees. Public service employees should be careful that their attendance in a personal capacity is consistent with their professional obligations. In particular, public service employees who appear in a private capacity should, in accordance with the *Code of Conduct for the Queensland Public Service*:
- make it clear to the committee that they appear in a private capacity;
  - avoid commenting on policy issues related to their own department or agency or which they have been professionally associated with;
  - maintain confidentiality of information they have access to due to their professional roles; and
  - advise their Chief Executive that they will be attending.

## **SCHEDULE 9 – CODE OF PRACTICE FOR ASSISTANCE TO PORTFOLIO COMMITTEES BY THE AUDITOR-GENERAL AND THE QUEENSLAND AUDIT OFFICE**

### **Purpose**

The purpose of this code is to outline the assistance that the Auditor-General and the Queensland Audit Office is able to provide to portfolio committees.

The code is not binding on the part of the Auditor-General or staff of the Queensland Audit Office. It is intended to be used as a guide to ensure that interactions between portfolio committees, Members of Parliament and the Auditor-General are appropriate, and that these interactions respect the independence of the Queensland Audit Office and the role and status of the portfolio committees.

### **Auditor-General's mandate**

The Auditor-General is an independent statutory officer appointed by the Governor in Council under the *Auditor-General Act 2009* (the Act). The Act makes it clear that the Auditor-General is not subject to direction by any person about the way in which the Auditor-General's powers in relation to audits are to be exercised.

The Act sets out the Auditor-General's mandate conferring on the Auditor-General and the Queensland Audit Office the functions and powers necessary to carry out independent audits of the Queensland public sector and related entities. These powers include conducting audits of the consolidated fund and of all public sector entities subject to certain exemptions.

The Act provides that the Auditor-General must report to the House on the audit of the consolidated fund accounts, audits of public sector entities and on each audit conducted at the request of the House. The Act also provides that the Auditor-General may report to the House on other matters such as in relation to specific issues arising from an audit where the Auditor-General considers it to be in the public interest to do so.

The Act places an obligation on staff of the Queensland Audit Office and others who receive information obtained in the conduct of audits or draft audit reports not to disclose this information unless in accordance with the provisions of the Act. The Act specifically provides that these obligations do not prevent the disclosure of this information to the parliamentary committee as defined under the Act.

Furthermore, where the Auditor-General considers it to be against the public interest to disclose certain sensitive information in a report to the House, the Auditor-General must not disclose the information and instead include it in a report to the parliamentary committee as defined under the Act.

### **Assistance to Portfolio Committees**

The Auditor-General and the Queensland Audit Office may provide assistance to a portfolio committee by:

- briefing a portfolio committee on the findings, opinions and observations contained in an audit report or a draft report;
- assisting a portfolio committee including by providing evidence at a public hearing, in relation to a strategic review of the Queensland Audit Office;
- providing advice to a portfolio committee for the purposes of a committee inquiry in relation to draft terms of reference, the conduct of the inquiry, lines of inquiry and relevant questions that could be asked of witnesses for the inquiry, if the inquiry relates to matters in which the Auditor-General and the Queensland Audit Office have particular responsibilities, knowledge or expertise; and

- providing advice to a portfolio committee in relation to a Bill that has been referred to the portfolio committee, where that Bill includes matters in which the Auditor-General and the Queensland Audit Office has particular responsibilities, knowledge or expertise.

The Auditor-General should normally be regarded as an adviser when providing assistance to a portfolio committee however, in certain circumstances, the Auditor-General may be regarded as a witness. In such circumstances, the Auditor-General or staff of the Queensland Audit Office (like any other witness) may be questioned. The committee must ensure that this is made clear to the Auditor-General or the member of staff before appearing as a witness.

Further guidance on each of the main ways that the Auditor-General may interact with portfolio committees is provided below:

### **Examination of Auditor-General reports**

The Auditor-General regularly presents various reports to the House in the exercise of the duties of the office.

In accordance with its public accounts and public works committee functions, after considering a report of the Auditor-General, a portfolio committee may decide to exercise its powers to examine a particular report of the Auditor-General, where it is relevant to the committee's subject area.

If a portfolio committee wishes to be provided with more information on an Auditor-General's report, the portfolio committee will first request the Auditor-General to provide a briefing to it on the report. A committee may also seek further assistance from the Auditor-General in deciding the nature and extent of the committee's consideration and report to the House. A committee could consider inviting the Auditor-General to provide advice on the key issues to be examined and the method by which the examination could be carried out.

Where a committee holds a hearing of evidence with another organisation as part of its examination of a report of the Auditor-General, it may request that the Auditor-General attend the hearing to advise the committee. When this occurs, questions should generally be directed at the organisation under examination as a witness, and not towards the Auditor-General as an adviser.

### **Assistance with portfolio committee inquiries**

A portfolio committee may have an issue referred to it by the House for examination and report.

In considering such referrals, portfolio committees may wish to seek specialist assistance for inquiries involving highly specialised topics. As the Auditor-General has particular expertise in public sector financial management and reporting systems, committees may wish to access the expertise and skills of the Auditor-General and the staff of the Queensland Audit Office when conducting an inquiry.

The Auditor-General may be able to advise on possible options or terms of reference for the inquiry; the approach the committee might take when conducting the inquiry; act as an adviser to the committee during the conduct of its inquiry; or provide advice requested by a committee in the preparation of its report to the House.

The committee will consult with the Auditor-General and agree on the extent of assistance to be provided, if any, and specific terms and conditions for providing assistance to the committee.



## **Consideration of Bills**

In accordance with Standing Orders, a Bill is referred by the House to the appropriate portfolio committee for consideration after its first reading.

The portfolio committee to which a Bill is referred examines the Bill and determines whether to recommend that the Bill be passed; whether amendments to the Bill should be recommended; and considers the application of fundamental legislative principles contained in Part 2 of the *Legislative Standards Act 1992* to the Bill and compliance with Part 4 of the *Legislative Standards Act 1992* regarding explanatory notes.

During consideration of a Bill, a portfolio committee may wish to request specialist technical advice from the Auditor-General on matters which the Auditor-General has particular responsibilities, knowledge or expertise.

## **Interpretation**

This code is intended to operate in conjunction with Standing Orders and statutory provisions, and should be interpreted accordingly.

**SCHEDULE 10 – PROTOCOLS FOR COMMITTEES REGARDING THE DOCUMENTS AND RECORDS OF A MEMBER**

- (1) When the documents and records of a member of the Legislative Assembly are sought by an investigative body ‘outside parliament’, the protections of parliamentary privilege may apply to the documents and records. Parliamentary privilege does not apply to protect the documents and records against proceedings ‘in parliament’, such as committee proceedings. These protocols seek to provide protection to the documents or records of a member of the Legislative Assembly from proceedings ‘in parliament’.
- (2) These protocols apply when, in the course of a committee of the Legislative Assembly’s inquiry, there is a need or desire to obtain the documents or records of a member of the Legislative Assembly.
- (3) The committee shall in the first instance determine whether the documents or records of the member are relevant to the inquiry and likely to assist the committee in its inquiry.
- (4) If the committee determines that the documents or records of the member are relevant to the inquiry and likely to assist the committee in its inquiry, the committee should invite the Member to provide the documents and records to the committee within a reasonable time.
- (5) If the documents or records are owned by a member but are in the possession or control of a third party (“custodian”), the committee should invite the Member to either:
  - (a) obtain the documents or records from the custodian and provide the documents or records to the committee; or
  - (b) consent to the custodian to provide the documents or records to the committee.
- (6) The committee should only summon the production of the documents or records of a member in the possession or control of a custodian if:
  - (a) the steps above have been undertaken by the committee and the member or custodian declines to provide the material voluntarily within a reasonable time; or
  - (b) the committee suspects, based on reasonable grounds that there is a risk to evidence being lost or destroyed; or
  - (c) the committee suspects, based on reasonable grounds that there has not been a complete disclosure of information.
- (7) If the committee decides to summon the production of documents or records of a member in the possession or control of a custodian, the committee shall:
  - (a) develop specific parameters, such as search terms and dates, with a view to ensuring that documents identified in the search are strictly relevant to the committee’s investigation;
  - (b) appoint an independent observer either nominated by the relevant member (i.e. the member the subject of the search) or, if the member does not nominate an observer in a reasonable period of time, a senior parliamentary officer, with a view to ensuring that the conduct of the search complies with the strict search parameters;
  - (c) settle any disputes between the custodian undertaking the search and the independent observer as to whether the document or record meets the parameters of the search.
- (8) In these protocols “documents or records” include:
  - (a) Any paper or other material on which there is writing or information; and/or
  - (b) A record of information held by way of a mechanical, electronic or other device.

- (9) In these protocols “documents or records of a member” are documents created by or for a member or directed to a member and which would generally be regarded as the property of the member and confidential and includes:
- (a) Correspondence, including emails, texts or other messages to and from a member;
  - (b) Briefings, information papers, draft reports or notes produced by or for a member; and
  - (c) Possible questions or answers for use in parliamentary proceedings produced by or for a member.

## **RESOLUTION OF THE HOUSE – USE OF ELECTRONIC DEVICES**

On 20 May 2015, the House adopted the following resolution regarding the use of electronic devices.

- (1) The House permits members' use of electronic devices in the chamber and parliamentary committees, provided that:
  - (a) the use of any device avoids interference with or distraction to other members, either visually or audibly, and does not interfere with proceedings—in particular, phone calls are not permitted and devices should be operated in silent mode;
  - (b) devices are not used to record the proceedings (by either audio or visual means);
  - (c) communication on social media regarding private meetings of parliamentary committees or in camera hearings will be considered a potential breach of privilege; and
  - (d) the use of devices is as unobtrusive as possible and is directly related to members' parliamentary duties; and
- (2) The House notes that:
  - (a) communication via electronic devices, whether in the chamber or not, is unlikely to be covered by parliamentary privilege; and
  - (b) reflections on the chair made by members on social media may be treated as a contempt, the same as any such reflections made inside or outside the chamber.

## PROTOCOL FOR CUSTODIANS IN THE POSSESSION OR CONTROL OF MEMBERS' DOCUMENTS

### Application

This protocol applies to custodians who are in the possession or control of members' documents. ("Applicable custodians")

### Who are likely to be "applicable custodians"?

Applicable custodians are likely to include:

- The Clerk of Parliament and their delegates and other Parliamentary staff
- Electorate Office staff
- Ministerial Service Branch staff
- Directors' General and departmental staff

### Documents over which applicable custodian likely to have control and possession?

<i>Applicable custodian</i>	<i>Documents likely to be within control and possession</i>
The Clerk of Parliament and their delegates and other Parliamentary staff	Electronic communications (emails of/to members on email servers) Electorate Office documents on parliamentary servers Briefings/advice to members Correspondence to and from Members
Electorate Office staff	Correspondence of members Research or planning documents Other documents created within the Electorate Office
Ministerial Service Branch staff	Electronic communications (emails of/to Leader of the Opposition and Ministers on email servers) Ministerial Office and Office of the Leader of the Opposition documents on parliamentary servers
Directors' General and departmental staff	Ministerial briefings for parliamentary proceedings (for example, possible parliamentary questions, estimates briefing material, draft ministerial statements, etc.)

### The proper approach for custodians

Applicable custodians should not publish or release control or possession of members' documents, without the consent of the member unless it is in accordance with law, for example:

- Right to information applications – in which case the views of the member should be sought in accordance with Chapter 3, Division 3 of the *Right to Information Act 2009*.
- For the purposes of an audit or report required under the *Auditor General Act 2009* and/or the *Financial Accountability Act 2009*.
- Pursuant to a coercive process such as a court order, a notice or a summons.

The proper approach for applicable custodians, should they be summoned by a non-parliamentary body (courts, commission of inquiry, Queensland Police Service, Crime and Corruption Commission) to produce documents is as follows:

Firstly, the custodian should seek the consent of the Member/Minister to release the documents to the investigating body. A custodian should only not seek the consent of the Member/Minister if the court order, notice or summons requires the custodian to not disclose the matter.

Secondly, if the Member/Minister consents, the documents should be provided.<sup>59</sup>

Thirdly, if the Member/Minister does not consent, the summons should be challenged if it appears that the document is a proceeding in parliament<sup>60</sup> and release of the document is likely to infringe the privileges of the member,<sup>61</sup> a committee or the Legislative Assembly. The challenge should be in accordance with the relevant legislation or otherwise in accordance with law. The ultimate claim will be determined by the courts in accordance with the law.

The proper approach for applicable custodians, should they be summoned by a parliamentary body (parliamentary committee or Legislative Assembly), is to comply with the summons and any relevant Standing Order.

In addition, the custodians should consent to the attendance of a committee appointed observer (i.e. either a person nominated by the relevant Member or a senior parliamentary officer) to be present with the custodian or delegate during the conduct of any searches under the summons with a view to ensuring that the conduct of the search complies with the strict search parameters and that there is no interference with the privileges of the Member outside of those strict parameters.

### Advice and assistance

Applicable custodians can obtain advice from the Office of the Speaker and/or the Clerk of the Parliament.

The Speaker is the traditional guardian of the privileges of the Legislative Assembly, its committees and members and may in some instances seek to intervene in a matter or appear in a matter as a friend of the court.

<sup>59</sup> Note that the provision of the documents to the non-parliamentary body will not affect the protection afforded the documents by s.9 of the *Parliament of Queensland Act 2001* as proceedings in the Assembly. That is, if they are a proceeding in parliament they will still not be able to be impeached or questioned in the absence of an overriding statutory provision applying.

<sup>60</sup> In Queensland s 9 of the *Parliament of Queensland Act 2001* provides the definition of proceedings in Parliament:

9 Meaning of “proceedings in the Assembly”

(1) “Proceedings in the Assembly” include all words spoken and acts done in the course of, or for the purposes of or incidental to, transacting business of the Assembly or a committee.

(2) Without limiting subsection (1), “proceedings in the Assembly” include—

(a) giving evidence before the Assembly, a committee or an inquiry; and

(b) evidence given before the Assembly, a committee or an inquiry; and

(c) presenting or submitting a document to the Assembly, a committee or an inquiry; and

(d) a document tabled in, or presented or submitted to, the Assembly, a committee or an inquiry; and

(e) preparing a document for the purposes of, or incidental to, transacting business mentioned in paragraph (a) or (c); and

(f) preparing, making or publishing a document (including a report) under the authority of the Assembly or a committee; and

(g) a document (including a report) prepared, made or published under the authority of the Assembly or a committee.

<sup>61</sup> It is important at all times to note the distinction between the use of a document (that is, if it is a proceeding in Parliament) and the release of the document to third parties. Whether a matter is a proceeding in Parliament does not necessarily mean it is protected from an order from a competent tribunal for production – for example, if the document is already public.

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