



MATTERS OF PROCEDURAL INTEREST

No. 10 — January to June 2016

Prepared by Chamber and Procedural Services Office

QUEENSLAND LEGISLATIVE ASSEMBLY PROCEDURAL BULLETIN

WORK OF THE HOUSE

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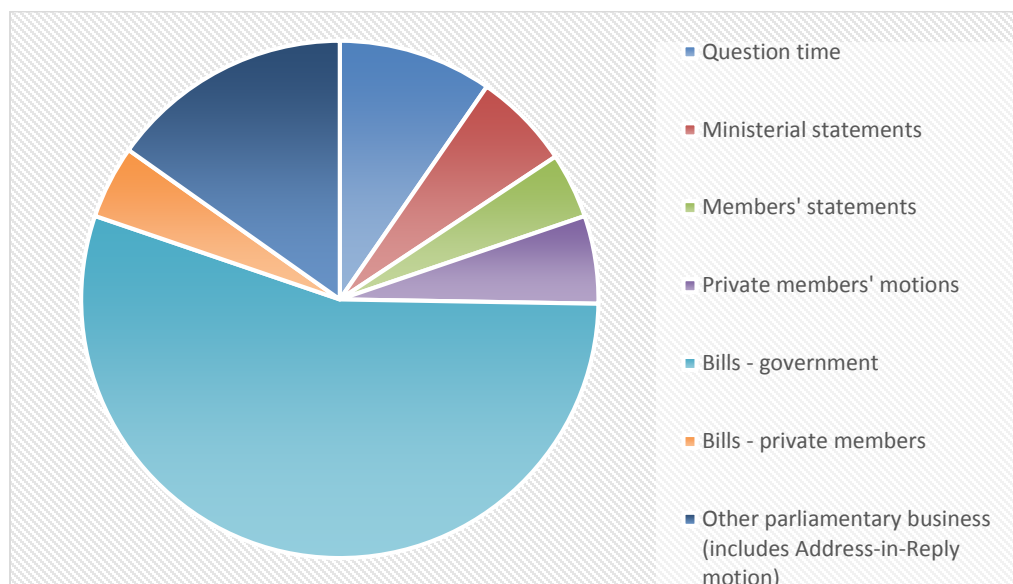
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Overview comparison

	1 Jan to 30 June 2016			1 Jul to 31 Dec 2015		
Sittings						
Sitting days	22			20		
Average duration per sitting day [hrs:mins]	12:03			10:38		
Legislation						
	1 Jan to 30 Jun 2016	1 Jul to 31 Dec 2015		1 Jan to 30 Jun 2016	1 Jul to 31 Dec 2015	
	Govt	PMB	Total	Govt	PMB	Total
Bills introduced	27	4	31	43	9	52
Bills passed	36	2	38	26	3	29
Bills referred to committees	25	3	28	48	2	50
Bills reported on by committees	36	7	43	26	11	37

Business conducted

The following chart shows a breakdown of the business conducted during the period 1 January to 30 June 2016.





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MOTIONS

Motion to amend Standing Orders regarding the same question rule

On 25 February 2016, the Leader of Opposition Business moved a Private Member's Motion to amend the Standing Orders in relation to the same question rule. The motion proposed the insertion of a new Standing Order 87A:

87A. Substantially the Same Bill

(1) A Bill that is substantially the same as any other Bill that has already been introduced and read a first time shall not be introduced.

(2) If the Speaker is of the opinion that a Bill that contravenes (1) has been introduced and read a first time, the Speaker shall at the earliest opportunity order the discharge of the Bill from the Notice Paper and from any committee to which it has been referred.

The 55th Parliament has seen an unusually large number of rulings from the Speaker on the same question rule, largely due to the situation outlined in (1) of the proposed new standing order. At the time of the member's motion, this had resulted in private members' bills being made cognate with government bills on six occasions. On five of those occasions, the Speaker had made a ruling about the application of the same question rule.

When this occurs, the second reading question for the government bill is put first, resulting in the private member's bill being discharged from the Notice Paper.

The Opposition members argued that the current practice meant private member's bills were never voted on, and allowed for private member's bills to be 'rebadged' as government bills and that the change to the standing orders would encourage more private members to introduce legislation to the House.

The House divided on the motion, and the numbers being equal, the Speaker was required to use his casting vote. He voted with the noes, stating that he believed the matter should have been referred to the Committee of the Legislative Assembly.

Record of Proceedings: 25 February 2016, 634-640
Standing Order 87

Disallowance motion-provisions of subordinate legislation

Section 50 of the *Statutory Instruments Act 1992* provides for how the House may disallow subordinate legislation. The disallowance can include a provision of subordinate legislation.

On 15 June 2016 an Opposition motion to disallow Part 15 of the Transport (Fees) Amendment Regulation (No. 1) 2016 was debated but resolved in the negative, 42 to 41.

Record of Proceedings: 15 June 2016, 2348



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PRIVILEGE

Unauthorised disclosures of Committee proceedings and deliberate misleading of Committees

[Ethics Committee Report no. 162](#) tabled on 17 February 2016 recommended a finding of contempt be made against the Member for Warrego for:

1. making an unauthorised disclosure of committee proceedings of the Parliamentary Crime and Corruption Committee (PCCC) by including the Premier's generic and electorate office email addresses in an email of 12 July 2015 to the PCCC;
2. making an unauthorised disclosure of committee proceedings of the PCCC by involving the Leader of the Opposition's Chief of Staff in the preparation of the email to the PCCC of 12 July 2015;
3. deliberately misleading the PCCC in her response to the Acting Chair of the PCCC of 12 August 2015 by not disclosing the assistance provided by the Chief of Staff to the Leader of the Opposition, in the preparation of the email sent to the PCCC members, secretariat and the Premier's generic email addresses on 12 July 2015; and
4. deliberately misleading the Ethics Committee in her responses to questions at the private hearing held by the Ethics Committee by not disclosing the assistance provided by the Chief of Staff to the Leader of the Opposition, in the preparation of the email sent to the PCCC members, secretariat and the Premier's generic email addresses on 12 July 2015.

In terms of penalty the committee considered that the findings of contempt for deliberately misleading the PCCC and the Ethics Committee were serious findings of contempt, which had the effect of compounding the original errors of unauthorised disclosure. The committee considered the cumulative effect of all four findings of contempt, and made its recommendations for penalty on that basis.

On 18 February 2016 the House agreed to the committee recommendations in regards to unauthorised disclosure of committee proceedings and deliberate misleading and the recommended penalty. Accordingly the House:

- ordered the member be suspended from the service of all committees for a period of six months
- requested the Speaker admonish the member for her lack of regard for the rules of the PCCC and lack of respect for the Ethics Committee and that the member listen to that admonishment standing in her place in the chamber and
- noted the Ethics Committee conclusion that the member should not be appointed to the PCCC for the remainder of the 55th Parliament.

The member was immediately admonished by the Speaker.

Prior to the House considering the matter, the member for Warrego resigned from the PCCC and the Communities, Disability Services and Domestic and Family Violence Prevention Committee, of which she was also a member, and apologised unreservedly to the House, PCCC, Ethics Committee and officers of the Parliament.



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Unauthorised disclosure of committee proceedings and deliberate misleading of the Agriculture and Environment Committee (AEC)

[Ethics Committee Report No. 168](#) was tabled on 17 June 2016. The committee recommended that the member for Burnett be charged with contempt for making an unauthorised disclosure of proceedings of the AEC by disclosing the Chair's draft report recommendations on a bill to witnesses who appeared at the committee's public hearing prior to the AEC reporting or publishing those proceedings, resulting in an improper interference with the AEC's authority and functions.

On 17 June 2016 the House noted the committee's report and found the member guilty of contempt and ordered the member to stand in their place and make an unqualified apology to the House and the committee. Immediately after the motion was agreed to the member apologised accordingly.

Record of Proceedings: 17 June 2016, 2657-2658
Standing Order 211

LEGISLATION

Time Limit for Speeches

Sessional Orders provide additional speaking time in the second reading debate for members of the relevant committee. However the orders are silent in regards to when there are member substitutions under Standing Order 202. The issue of which member is a member of a committee for the purposes of the time limits has been raised.

The Speaker has ruled that ruling the members listed in the committee's report for the relevant bill are to be the members considered to be members of the committee for extended speaking times in sessional orders. Substituted members are not considered committee members for the purpose of the report.

Record of Proceedings: 25 February 2016, 596

Division called on First Reading

On 17 March 2016, the government introduced the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill. In a precedent for the Legislative Assembly, the House divided on the first reading question. The numbers were equal, and the Speaker, being required to exercise his casting vote, voted with the government. The Speaker provided an explanation for his vote.

Record of Proceedings: 17 March 2016, 922-923

Committee Reporting Date

Standing Order 131 provides that if the first reading of the bill succeeds the bill stands referred to the nominated portfolio committee. On 17 March 2016, following the first reading of the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill, the Deputy Premier moved to set the committee's reporting date on the bill to 15 April 2016. The Opposition opposed the motion on the basis that the timeframe for review was too short. The debate on the motion lasted almost five hours. During the



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debate the Leader of Opposition Business moved an amendment to the motion to change the proposed reporting date to 30 June 2016. The House divided on that amendment, which was resolved in the affirmative, and the amended motion was agreed to.

Record of Proceedings: 17 March 2016, 922-923
Standing Order 131

Reconsideration of Bills

Standing Order 159 provides that after consideration in detail, but before the third reading of the bill, a motion for the reconsideration of the bill may be moved. The reconsideration motion must state what is to be reconsidered, that is, the whole bill, a particular clause or clauses, a particular schedule or schedules or the preamble.

Standing Order 159

Racing Integrity Bill

On 21 April 2016, the House reconsidered a clause of the Racing Integrity Bill that failed as a result of a minister's absence from a division. A division on clause 56 was originally resolved in the affirmative (with the Speaker's casting vote). On a point of order, a member recognised that a minister was absent from the division. The Speaker ordered a recount and the question was then resolved in the negative.

Consideration in detail continued until the Leader of the House adjourned the debate prior to the third reading question. The Leader of the House then moved a motion without notice to suspend standing and sessional orders to enable the House to reconsider clause 56. The motion was agreed to with the Speaker's casting vote.

The Leader of the House moved a motion for the House to reconsider clause 56. The motion was agreed to with the Speaker's casting vote. Consideration in detail resumed and the minister moved that clause 56 as read stand part of the bill. The clause was agreed to with the Speaker's casting vote. The bill then proceeded to its third reading stage and was passed.

Record of Proceedings: 21 April 2016, 1432-1433, 1461-1462

Tackling Alcohol-Fuelled Violence Legislation Amendment Bill

On 24 February 2016, the House reconsidered a clause of the Tackling Alcohol-Fuelled Violence Legislation Amendment Bill that was inadvertently not considered during consideration in detail on 17 February. As the third reading of the bill had already been agreed to, a motion was put to the House that the bill, on the passing of the motion, was taken to have been reconsidered by the House and the clause was deemed to stand part of the bill. The motion also specified that the bill was taken to have been read a third time with the clause and confirmed the long title. The motion was agreed to without division.

Record of Proceedings: 17 February 2016 257 – 258, 24 February 2016, 549

Transport Legislation (Taxi Services) Amendment Bill

The private members bill was passed with amendment on 20 April 2016. The following sitting day, the House, being appraised of the unintended consequences of amendments that inserted new clauses to the bill, agreed to a motion moved by the Leader of the House that, notwithstanding anything contained in standing and sessional orders:



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- the third reading of the bill be rescinded and that the bill be reconsidered by the House in consideration in detail for the particular purposes of reconsidering the clauses inserted by particular amendments
- reconsideration of the clauses may include omitting or inserting words, and
- following the reconsideration of the clauses, the questions for the third reading and long title be re-put.

The motion was agreed to and the House reconsidered the particular clauses. An amendment to omit the particular clauses was agreed and the third reading and long title questions were put again and agreed on 21 April 2016.

Record of Proceedings: 20 April 2016, 1252-1275; 21 April 2016, 1463-1465

Referendum for four year terms

Following the passing of the Constitution (Fixed Term Parliament) Referendum Bill and the Constitution (Fixed Term Parliament) Amendment Bill (the Amendment Bill) in 2015, a referendum was held on 19 March 2016. The Amendment Bill was approved by 52.96% of electors. The bill was assented to on 5 May 2016.

Electoral (Improving Representation) and Other Legislation Amendment Bill

On 19 April 2016, the Shadow Attorney-General introduced the Electoral (Improving Representation) and Other Legislation Amendment Bill. The bill sought to change the representation on the Redistribution Commission and increase the number of electoral districts from 89 to 93. As noted in the last two Procedural Bulletins, two private members' bills dealing with the number of Assembly members and the composition of the Redistribution Commission had been introduced and dealt with in 2015. Both bills failed to pass the second reading stage.

Therefore, in order to introduce the bill, the Shadow Attorney-General moved a motion to suspend standing order 87 in relation to the same question rule. The motion was agreed to with the support of the Katter's Australian Party (KAP) members and the independent member for Cairns. At the conclusion of his introductory speech, the Shadow Attorney-General moved a motion to suspend standing orders to allow the bill to pass through its remaining stages that that week's sitting.

The motion was agreed to, and the bill was debated on 21 April 2016, passing its second reading with the support of the KAP members and the independent member for Cairns.

During consideration in detail, the Attorney-General was granted leave to move amendments outside the long title of the bill to reintroduce full preferential voting in Queensland elections. The amendments were supported by the KAP members and the independent members for Cairns and Cook.

Following a two hour debate on the Attorney-General's amendments, they were agreed to with the support of the KAP members and the independent members for Cairns and Cook. Amendments to clause eight moved by the Shadow Attorney-General were agreed to but the when it came to the question of the clause as amended being agreed to, the question



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failed. The numbers were equal and the Speaker cast his vote with the noes. While this procedural event does not occur frequently, the effect of the House agreeing to the amendments but not agreeing to the clause as amended, meant that the clause was removed from the bill. In other words, the clause as it was originally, did not exist anymore.

The bill, as amended, was assented to on 5 May 2016. Queensland was due to have a redistribution of electoral boundaries and the Redistribution Commission will now undertake this on the basis of 93 electoral districts.

Record of Proceedings: 19 April 2016, 1007-1011; 21 April 2016, 1361-1400
Standing Order 87

SESSSIONAL AND STANDING ORDERS

During this period, the House amended Standing Order 211 and Schedules 6 and 7.

Standing Order 211 deals with the confidentiality of proceedings for portfolio committees and the Committee of the Legislative Assembly. The amendments agreed to by the House on 14 June 2016 allow a committee to authorise a submission to it to be published at any time after receiving it, and if a submission has not already been authorised to be published, it is deemed to be so (subject to resolution to the contrary) after the committee has heard oral evidence from the submitter. The amendments also provide that the person who submitted the submission is not prevented from releasing it. This means that the author of a submission will not be subject to contempt proceedings by on-publishing their own submission prior to the committee authorising its publication. This is particularly reassuring to stakeholder groups who wish to inform their membership of the content of the submission made on behalf of those members.

Record of Proceedings: 14 June 2016, 2233
Standing Orders – 211 (5) (6) (7), Schedules 6 and 7

QUESTIONS AND ANSWERS

Questions to Chairperson of a committee

Under Standing Order 111(2), members may ask a question on notice of the Chairperson of a committee in lieu of a question to a Minister. However, parliamentary practice has been that these questions are very limited in their application and must relate to the committee's activities (such as when a report might be tabled or whether a committee would inquire into a matter). Questions cannot be about matters that are not before the committee or are no longer before the committee.

On 25 February 2016, five members each submitted a question on notice to the Chair of the Ethics Committee asking for information relating to the preparation of the Committee's recently tabled report relating to an alleged unauthorised disclosure of committee proceedings.

The Speaker ruled the questions out of order advising that as the Ethics Committee had reported on the matter, if the House required more information, the House had the power to require the committee to table further information. The Speaker stated that it



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was not appropriate that the information should be sought by way of questions from members, and ruled the questions from the five members out of order.

Record of Proceedings: 25 February 2016, 633-634
Standing Orders 111(2)

Answers to be relevant

Standing Order 118 requires that an answer shall be relevant to the question. Two ministerial answers to questions on notice were ruled out of order by the Speaker on 19 April 2016 for not being relevant. The Speaker noted that the Minister had answered the questions by reference to a press release, however, closer examination of that release revealed the questions asked were not addressed by the release and the release was in fact irrelevant to the question. The Minister tabled complying answers on 21 April 2016. Record of Proceedings: 19 April 2016, 978-979

Standing Orders 118

Rules for questions

Standing Orders 113, 114 and 115 set out the general rules that apply to both questions on notice and questions without notice. During the period, Mr Speaker ruled four questions out of order; one because it had no nexus with the Minister's portfolio, two because they contained imputations and one because it reflected on judicial appointments.

In a statement to the House on 25 May 2016 the Speaker advised the following:

Imputations

Speakers will generally not intervene where the imputation is directed to philosophy, viewpoint or policy but are likely to intervene where the imputation is a phrase imputing, attributing, ascribing or charging someone with a personal motive, crime, misconduct negligence or other fault.

Inference

In a parliamentary sense, an inference is essentially an assumption or supposition. It is difficult for the chair to assess whether a fact is being stated or an assumption or proposition is being made. Speakers will not generally intervene where the matters relate to philosophy, viewpoint or policy but are likely to intervene where the inference is about personal motive, adverse action, crime, misconduct, negligence or other fault.

Authentication of facts

Questions should not be phrased so as to state as fact that which is not fact but assumption or supposition. Questions should not directly impugn another member with a crime, misconduct, negligence or other fault. It is in order to ask a minister whether an allegation or charge is correct or what action they will take in respect of an allegation and, if some allegation is correct.

Record of Proceedings: 15 March 2016, 666; 20 April 2016, 1214-1215, 1219; 10 May 2016, 1516,
25 May 2016, 2016
Standing Orders 113 (1)(a), 115 (b)(iv), 115 (d)