



MATTERS OF PROCEDURAL INTEREST

No. 13 — July to December 2017

Prepared by Chamber and Procedural Services Office

QUEENSLAND LEGISLATIVE ASSEMBLY PROCEDURAL BULLETIN

WORK OF THE HOUSE

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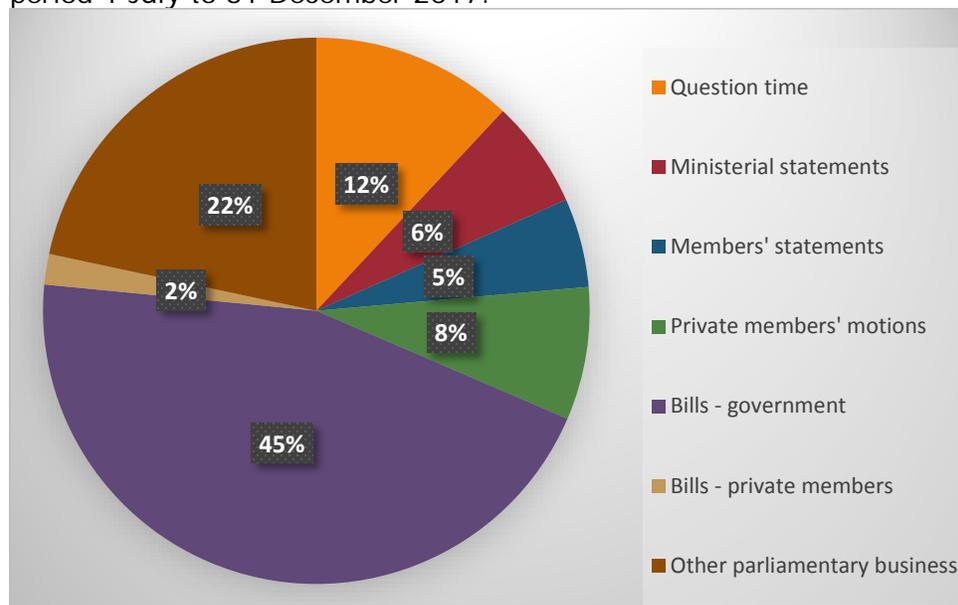
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Overview comparison

	1 Jul to 31 Dec 2017			1 Jan to 30 Jun 2017		
Sittings						
Sitting days	15			19		
Average duration per sitting day [hrs:mins]	10:29			10:23		
Legislation						
	1 Jul to 31 Dec 2017			1 Jan to 30 Jun 2017		
	Govt	PMB	Total	Govt	PMB	Total
Bills introduced	18	3	21	28	9	37
Bills passed	24	0	24	19	1	20
Bills referred to committees	19	2	21	27	8	35
Bills reported on by committees	28	3	31	19	3	22

Business conducted

The following chart shows a breakdown of the business conducted during the period 1 July to 31 December 2017.



MEMBERS



MATTERS OF PROCEDURAL INTEREST

No. 13 – July to December 2017

Order and conduct of members

On 6 September 2017, the Speaker made a statement about the security of the parliamentary precinct and reiterated a warning issued in June that he would consider forwarding any breaches of security procedures to the Ethics Committee for consideration.

On 7 September 2017, the Speaker referred an alleged security breach regarding guests, signed in by a Member, being left unattended in the parliamentary precinct. The guest was on bail for a stalking charge against a member of the assembly and a bail condition prohibited the guest from contacting the member or going to her home or electorate office. The Speaker advised the House that he decided to refer the matter to the Ethics Committee for its consideration because (1) breaches of security procedures are serious given the potential risks to members, staff and the public; (2) there was a prima facie breach of security procedures; (3) further examination of the facts were required; and (4) this matter involves wider issues of policy, including what sanctions are appropriate to be instituted against members for failing to follow security procedures whilst also taking into account the rights of members.

Record of Proceedings: 7 September 2017, 2779
Standing Orders 269(5) and 271

MOTIONS

Motion to take note

Sessional Order 2A provides that the subject matter of every petition tabled in the House and announced by the Clerk as having been signed by 10,000 or more persons, shall be set down on the notice paper by the Clerk that the House is to take note of the petition, provided it meets certain criteria set out in the sessional order.

On 24 August 2017, a motion was moved that the House take note of an e-petition signed by 11,345 petitioners requesting the House to designate the Toowoomba Second Range Crossing the Brett Forte Way in perpetuity. The motion was agreed to.

Record of Proceedings: 24 August 2017, 2475-2476
Sessional Order 2A

No Confidence Motion

On 24 August 2017, the member for Everton moved a motion of no confidence in the Minister for Corrective Services in relation to the Minister's treatment of the family of a homicide victim, whilst the debate on the Corrective Services (No Body, No Parole) Amendment Bill was underway in the House. The motion was tied at 42 votes, but was ultimately negated by the casting vote of the Speaker.

Record of Proceedings: 24 August 2017, 2523-2529



MATTERS OF PROCEDURAL INTEREST

No. 13 – July to December 2017

Notice of motion – same question rule

Standing order 87 provides that, unless the standing orders provide otherwise, a question shall not be proposed which is the same as any question which, during the same session, has been resolved in the affirmative or negative.

On 7 September 2017, the Speaker ruled that the notice of motion given by a member on that day raised substantially the same question as a motion agreed to by the House on 22 August 2017.

The Speaker ruled that the questions were substantially the same in that they both condemned the government for using electricity as a secret tax.

Record of Proceedings: 7 September 2017, 2808
Standing Order 87

Notice of motion - anticipation rule and authentication of facts

Standing order 231 provides that a member may not anticipate the discussion of any subject which appears on the notice paper.

On 11 October 2017, the Leader of Opposition Business tabled a statement from a member which related to the notice of motion in relation to childhood vaccination given by the Minister for Health and Minister for Ambulance Services earlier that day.

After examining the tabled statement, the Speaker ruled that the content of the statement anticipated the notice of motion. Accordingly, the statement was ruled out of order and deemed not to be tabled.

A long established rule is that the member giving a notice of motion must be able to authenticate the facts stated in the notice. The Speaker requested that the Minister authenticate the facts stated in the notice of motion, and the Minister provided information in response.

Record of Proceedings: 11 October 2017, 3044
Standing Order 231

Notice of motion – offends

Standing order 70 provides that a notice of motion is not to contain unbecoming expressions or offend against any standing order or practice of the House. The Speaker may amend a notice of motion that offends the standing orders or order that the notice of motion not be published.

On 12 October 2017, the Leader of the House raised objections to the terms of a notice of motion given by a member. The original notice was for a motion for the House to condemn the Palaszczuk government for its power rationing plan urging Queenslanders to put their air conditioners to 26 degrees or above to avoid blackouts. The notice of motion was, with the agreement of the member, subsequently amended and an amended version of the notice (changing 'power rationing plan' to 'Summer Preparedness Plan') was circulated to the House.

Record of Proceedings: 12 October 2017, 3144
Standing Order 70



MATTERS OF PROCEDURAL INTEREST No. 13 – July to December 2017

PRIVILEGE

False or misleading Account of Proceedings before the House

On 5 September 2017, the Speaker advised the House that he had considered a complaint from a member that certain government members had published false or misleading accounts of proceedings in the House, in either a media release or a Facebook post, in relation to a vote in the House on 10 August 2017. When considering whether a matter should be referred to the Ethics Committee, Standing Order 269(4) requires the Speaker to take account of the degree of importance of the matter and whether an adequate apology or explanation has been made in respect of the matter. As each of the members concerned had apologised to the House and the relevant Facebook posts had been deleted, the Speaker determined that the matter did not require referral to the Ethics Committee.

Record of Proceedings: 5 September 2017, 2574
Standing Order 269(4) and 269(6)(b)

Tabling of documents

On 8 August 2017, a member sought to table certain documents in the House and provided additional documents to the Clerk for tabling under Standing Order 32.

An issue arose as to whether the documents might contain material offensive to Standing Orders, particularly standing order 233, which prohibits mention of *sub judice* matters in the House. Following consideration of the documents by the Speaker and the Clerk, the Speaker reminded members that they should not table in the House material which contains words that if spoken in the House would be out of order or would enliven the rights of other members of parliament to have withdrawn. The Speaker ruled that the materials – with further relevant redactions – could be tabled.

Record of Proceedings: 8 August 2017, 1957
Standing Order 233

Subsequently, the Speaker advised the House of his increasing concern regarding members' unfettered right to table documents, stating that he believed the right to be open to abuse. In particular, the Speaker noted that documentation sought to be tabled under standing order 32 was often found to breach standing orders.

Given the frequency and nature of this issue, some fetter or accountability on tabling might need to be considered. The Speaker referred the matter to the Committee of the Legislative Assembly for its consideration and invited members to make submissions to that Committee.

Record of Proceedings: 7 September 2017, 2779-2780
Standing Order 233



MATTERS OF PROCEDURAL INTEREST

No. 13 – July to December 2017

LEGISLATION

Disallowance of subordinate legislation

On 11 October 2017, Katter's Australian Party moved a motion that the Weapons Legislation (Lever Action Shotguns) Amendment Regulation 2017 (No. 212 of 2017), be disallowed. A total of fourteen members spoke to the motion, which was defeated 76 to 5, which included one contrary vote by an LNP member.

Record of Proceedings: 11 October 2017, 3049-3071

Bills declared urgent

A bill may be declared urgent and pass through all stages in a very short timeframe, eg a bill may:

- not be referred to a portfolio committee for examination, or
- be referred to a portfolio committee to report to the House in a period less than six weeks.

A motion to declare a bill urgent may be debated.

During the period 1 July and 31 December 2017, three bills were declared urgent upon introduction and referred to a committee to report to the House in a period of less than six weeks.

QUESTIONS AND ANSWERS

Questions – frivolous points of order and checking facts

On 12 October 2017, the Speaker ruled out of order a question from the Leader of the Opposition to the Premier during Question Time.

After reviewing the Record of Proceeding, the Speaker conceded that his ruling had been in error and that the Leader of the Opposition's question should have been allowed. The Speaker apologised to the Leader of the Opposition.

The Speaker stated that a number of factors had contributed to the error, including: the member withdrawing and modifying his question; multiple points of order taken; number of interjections and overall noise in the House.

The Speaker warned members that rising on point of orders that have no substance and are essentially frivolous is disorderly and will be dealt with as such. The Speaker raised particular concerns about the number of points of order and interjections from members alleging imputations and/or inferences in questions. The Speaker, in reference to his ruling of 25 May 2016, advised that:

... Speakers will generally not intervene when the imputation or inference is directed to philosophy, viewpoint or policy, but Speakers 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 or the inference is about personal motive, adverse action, crime, misconduct, negligence or other fault. Importantly, the imputation or inference must be directed to or reference another member of parliament.

The Speaker also advised members to take extreme care to ensure that facts stated in their questions are correct.

Record of Proceedings: 12 October 2017, 3118



MATTERS OF PROCEDURAL INTEREST

No. 13 – July to December 2017

Standing Order 115

Answers to Questions on Notice

Standing order 118 requires that an answer shall be relevant to the question.

A number of members raised complaints about the relevance or adequacy of answers to questions on notice provided by Ministers.

The Speaker ruled that four questions had been answered and one question remained unanswered. In addition, the Speaker requested a replacement answer in respect of one question and requested additional information in relation to a further question. In summary, the Speaker ruled that:

- providing only an average figure in response to a question requesting a detailed breakdown of a total budget, without stating whether the requested information is available, is not a genuine and reasonable attempt to answer the question asked, and
- a reference in an answer to a report that is not yet released, without an adequate explanation, is not an answer to a question and is irrelevant to the question.

Record of Proceedings: 8 August 2017, 1924-5

9 August 2017, 2068-9

22 August 2017, 2231-32

6 September 2017, 2689-90

24 October 2017, 3172

Standing Order 118

SESSIONAL AND STANDING ORDERS

On 9 August 2017, the Leader of the House moved a motion, by leave, without notice, to amend the sessional orders as follows:

Order 1 (d): The order of business for each sitting day shall include the matter of 'Citizen's Right of Reply' after the matter of 'Petitions'.

Order 1 (i): If the House sits on any day other than Tuesday, Wednesday or Thursday, then unless otherwise ordered, the order of business for each sitting day shall include the matter of 'Citizen's Right of Reply' after the matter of 'Petitions'.

Insertion of Order 2B: Recommendations contained in Ethics Committee reports to the House regarding a Citizen's Right of Reply will be considered by the House on the next sitting day following the tabling of the committee's report, at the time in the order of business specified in Sessional Order 1.

The motion was agreed.

Record of Proceedings: 9 August 2017, 2078

Sessional Order 1(d) and (i) and Sessional Order 2B