



MATTERS OF PROCEDURAL INTEREST

No. 14 — January to June 2018

Prepared by Chamber and Procedural Services Office

QUEENSLAND LEGISLATIVE ASSEMBLY PROCEDURAL BULLETIN

WORK OF THE HOUSE

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

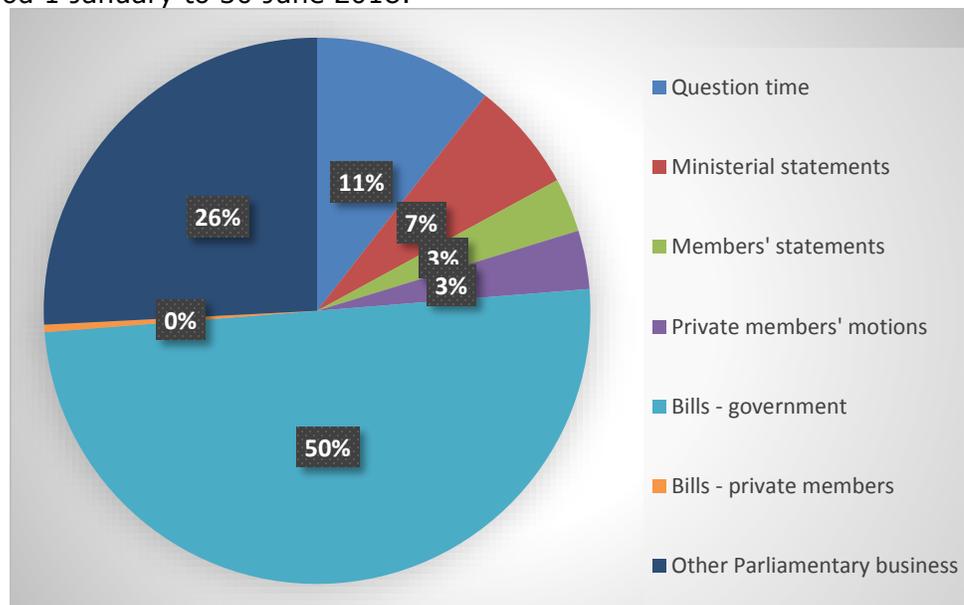
Click here to view: [Work of the House statistics](#)

Overview comparison

	1 Jan to 30 June 2018			1 Jul to 31 Dec 2017		
Sittings						
Sitting days	19			15		
Average duration per sitting day [hrs:mins]	9:28			10:29		
Legislation						
	1 Jan to 30 June 2018	1 Jul to 31 Dec 2017		1 Jan to 30 June 2018	1 Jul to 31 Dec 2017	
	Govt	PMB	Total	Govt	PMB	Total
Bills introduced	29	4	33	18	3	21
Bills passed	13	0	13	24	0	24
Bills referred to committees	27	4	31	19	2	21
Bills reported on by committees	22	0	22	28	3	31

Business conducted

The following chart shows a breakdown of the business conducted during the period 1 January to 30 June 2018.





MATTERS OF PROCEDURAL INTEREST

No. 14 – January to June 2018

MEMBERS

Order and conduct of members

Standing Order 284(3) provides that on any day when the House is sitting, no member shall bring any stranger onto the floor of the Chamber. After consultation with members, Mr Speaker noted the collective will of Members that the Standing Order not be enforced in the case of a parent and child when care is required. Provided there is no disruption to the House, the Standing Order will not be enforced.

Record of Proceedings: 15 February 2018, 34
Standing Order 284(3)

Code of Ethical Standards

On 15 June 2018, Mr Speaker tabled the updated Code of Ethical Standards and associated Guide to the Code of Ethical Standards and Rules Relating to the Conduct of Members. This followed a review by the Committee of the Legislative Assembly of the 56th Parliament, in accordance with s86 of the *Parliament of Queensland Act 2001*. The Code and related documents were tabled for the information of members.

Record of Proceedings: 15 June 2018, 1685

Member ordered to withdraw from Chamber

On 17 May 2018, Mr Speaker ruled that a point of order made by the Member for Kawana was frivolous and noted that the Member for Kawana had already been warned under Standing Orders. Mr Speaker ruled that the Member for Kawana should leave the chamber for a period of 10 minutes, with which the Member complied.

Record of Proceedings: 15 June 2018, 1317
Standing Order 253A

MOTIONS

Address in Reply to Governor's opening speech

Ms Cynthia Lui MP, Member for Cook, moved the Motion that the Address in Reply to the speech delivered by His Excellency, the Governor of Queensland, at the opening of the First Session of the 56th Parliament, be presented to the Governor. The debate of the Member's motion is included on the Notice Paper as an order of business before the House.

Record of Proceedings: 15 February 2018, 93
Standing Order 46 and 47

Citizen's Right of Reply

The Legislative Assembly provides a right of reply to persons and corporations who are the subject of adverse comment in Parliament. The Ethics Committee advises the Assembly regarding submissions for a right of reply. Standing Order 282(5) provides that the committee is not to consider or judge the truth of any statements made in the House or the submission when considering a submission for a right of reply. Under Standing Order 283, the committee may recommend that no further action be taken by the committee or the House or that a response by the person who made the submission (in terms specified in the committee's report and agreed to by the person or corporation and the committee) be incorporated in the Record of Proceedings or published in some other manner.



MATTERS OF PROCEDURAL INTEREST

No. 14 – January to June 2018

During the period 1 January to 30 June 2018, the House considered two Ethics Committee reports on a citizen's right of reply regarding statements made in the previous parliament. In both cases the House accepted the Committee's recommendation that the citizens' rights of reply be incorporated into the Record of Proceedings.

Record of Proceedings: 6 March 2018, 165
21 March 2018, 553
Standing Order 283

Inquiry into establishment of Pharmacy Council

On 3 May 2018, the House referred an inquiry to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee into the establishment of a pharmacy council, and all transfers of pharmacy ownership in Queensland over the past two years to ensure compliance with existing legislation. The Committee is to report to the Legislative Assembly by 30 September 2018. Information on the Committee's inquiry, including the terms of reference, is available on the Committee's webpage at: <http://www.parliament.qld.gov.au/work-of-committees/committees/HCDSDFVPC/inquiries/current-inquiries/Pharmacy>.

Record of Proceedings: 3 May 2018, 1000

Inquiry into wage theft in Queensland

On 17 May 2018, the Premier and Minister for Trade, Hon Palaszczuk, moved a motion without notice, by leave, requiring the Education, Employment and Small Business Committee to inquire into the problem of wage theft in Queensland. The member for Kawana moved an amendment to extend the terms of reference of the inquiry. During debate, the Minister for Education and Minister for Industrial Relations moved that the question be put. The House divided and the motion that the question be put was resolved in the affirmative. The question on the member for Kawana's amendment was put, a division was called and the question was resolved in the negative. The Premier's motion was then put, the House again divided and the question was resolved in the affirmative. The Committee is due to report on 16 November 2018. Information on the inquiry, including the terms of reference, is available on the Committee's inquiry webpage at:

<http://www.parliament.qld.gov.au/work-of-committees/committees/EESBC/inquiries/current-inquiries/Wagetheft>

Record of Proceedings: 17 May 2018, 1364-70

Motion – Cognate Bills after introduction – separate questions

The House resolved that the Local Government (Councillor Complaints) and Other Legislation Amendment Bill and the Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Bill be treated as cognate Bills for their remaining stages, with (a) separate questions being put in regard to the second readings, (b) the consideration of the Bills in detail together and (c) separate questions being put for the third readings and long titles. The Bills were passed, with amendments, on 17 May 2018.

Record of Proceedings: 15 May 2018, 1089
Standing Order 172



MATTERS OF PROCEDURAL INTEREST

No. 14 – January to June 2018

Estimates 2018

The House agreed to a motion, moved by the Leader of the House, setting the dates for each portfolio committee Estimates Hearing and date for the committees to report to the House. Standing Order 189(4) provides that one whole sitting day must elapse between the committee's report or reports being tabled and consideration of the Bill in detail. The motion further sought to suspend Standing Order 189(4) for the consideration in detail of the 2018 Appropriation Bills.

Record of Proceedings: 17 May 2018, 1293
Standing Orders 177(5) and 189(4)

SPEAKER STATEMENTS AND RULINGS

Application of Anticipation rule

Under Standing Order 231, a member may not anticipate discussion of a subject on the Notice Paper (excluding the annual Appropriations Bills). In applying the rule, the Speaker considers the probability of the matter being brought before the House within a reasonable time and the degree to which debate of that matter is likely to be anticipated.

On 2 May 2018, Mr Speaker ruled that, in answers to questions on notice, brief references to current bills are acceptable but there should be no detailed discussion of the bill. As the Standing Order is directed to members, not petitioners, the rule has never applied to petitions. For ministerial responses to petitions (particularly relating to law reform), Mr Speaker will allow some lenience and scope in the application of the anticipation rule to allow a Minister to refer to bills before the House.

Record of Proceedings: 2 May 2018, 849-850
Standing Order 231

E-Petition – authentication of facts

In April 2018, the Clerk received a complaint from a Council that the grievance in an e-petition, which had been posted to the Parliament's website on 9 March 2018, contained inaccurate facts. The e-petition stated the Council provided a grant to a recipient to reopen a slaughterhouse and create a bird-to-beast abattoir.

The Speaker considered evidence from the petitioner including media and social media statements by the grant recipient about the grant and their intention with respect to the abattoir. On 2 May 2018, the Speaker ruled the e-petition would stand as it did not breach any Standing Order and the statements were not scandalous or misleading. Mr Speaker also noted that the Council did not clarify the purpose of the grant and noted that this matter may be clarified in the Minister's response to the e-petition.

Record of Proceedings: 2 May 2018, 850
Standing Orders 119-125



MATTERS OF PROCEDURAL INTEREST

No. 14 – January to June 2018

LEGISLATION

Bills re-introduced from previous parliament

On 15 February, 6 March and 20 March 2018, a total of 14 bills that had been introduced, and referred to committees to report in the 55th Parliament were re-introduced into Parliament.

Record of Proceedings: 15 February 2018, 79-93, 99-110, 114-123, 148-152
6 March 2018, 189-192
20 March 2018, 474-476
Standing Order 129

Bills declared urgent

A bill may be declared urgent and pass through all stages in a very short timeframe, e.g. 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 January and 30 June 2018, eight bills were declared urgent upon introduction and referred to a committee to report to the House in a period of less than six weeks. In addition, two bills were declared urgent and not referred to a committee for examination.

Record of Proceedings: 15 February 2018, 107, 116, 153-156
12 June 2018, 1435
Standing Order 137

Allocation of time orders

Standing Order 4 provides that the House may suspend or dispense with any Standing or Sessional Orders.

During the period 1 January and 30 June 2018, the House suspended the Standing and Sessional Orders on two occasions to enable bills to pass through their remaining stages by a specified time and to limit the amount of time for debate during each stage of the bills (allocation of time orders, also known colloquially as 'guillotine' motions).

On 3 May 2018, the Leader of the House moved that so much of the Standing and Sessional Orders be suspended to allow all remaining stages of the Vegetation Management and Other Legislation Amendment Bill to be completed by 10:30pm on that day's sitting. The motion also specified the amount of time for debate at each of the remaining stages of the Bill. In addition, the motion proposed temporary sessional orders for the House to enable it to sit past the automatic adjournment at 6:00pm. The House divided, and the motion was resolved in the affirmative. The Bill passed, with amendments, on 3 May 2018.

On 17 May 2018, the Leader of the House moved that so much of the Standing and Sessional Orders be suspended to allow all remaining stages of the Local Government (Councillor Complaints) and Other Legislation Amendment Bill and Local Government Electoral (Implementing Stage 1 of Belcarra) and Other



MATTERS OF PROCEDURAL INTEREST

No. 14 – January to June 2018

Legislation Amendment Bill to be completed by 5:00pm on that day's sitting. The motion specified the amount of time for debate at each of the remaining stages of the bill. The House divided, and the motion was resolved in the affirmative. The bills passed, with amendments, on 17 May 2018.

Record of Proceedings: 3 May 2018, 1028-1035
17 May 2018, 1307-1318

Standing Order 4

Requirement for Governor's Message

Section 68 of the *Constitution of Queensland 2001* provides that the Assembly must not originate or pass a vote, resolution or Bill for the appropriation of an amount from the consolidated fund or an amount required to be paid to the consolidated fund that has not been recommended by a message of the Governor.

Standing Orders also require that no proposal for an appropriation that falls within the meaning of the constitutional provision shall be introduced unless first recommended by a message of the Governor.

On 20 March 2018, the Member for Hill introduced the Safer Waterways Bill 2018. The Bill is substantially similar to a bill of the same name that the Member introduced in the last parliament.

The Speaker ruled, on 2 May 2018, that the Safer Waterways Bill 2018 does not have an appropriation element and accordingly does not require a message for the Governor in terms of section 68 of the *Constitution of Queensland Act 2001* or Standing Order 174.

The Speaker concurred with Speaker Wellington's 2017 ruling regarding the previous bill that, while there would no doubt be cost implications if the proposed establishment of the Crocodile Management Authority was implemented, such costs would appear to be incidental to and not caused by the clauses. That is, the clauses of the Bill alone do not confer an authority to pay an amount from consolidated revenue, nor do they potentially have the effect of extending the objects or purposes or of altering the destination of an existing appropriation.

Record of Proceedings: 2 May 2018, 851
Constitution of Queensland 2001, s 68

Same question rule

Standing Order 87(1) states that unless the 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. This is known as the 'same question rule'.

On 8 March 2018, the Minister for Natural Resources, Mines and Energy, Hon. Lynham, introduced the Vegetation Management and Other Legislation Amendment Bill 2018 (government bill). Subsequently, on 21 March 2018, the Member for Traeger introduced the Vegetation Management (Clearing for Relevant Purposes) Amendment Bill 2018 (private members' bill), which contained certain provisions that related to matters also dealt with in the government bill. The government bill was passed, with amendment, on 3 May 2018.



MATTERS OF PROCEDURAL INTEREST

No. 14 – January to June 2018

On 17 May 2018, the Speaker ruled that the same question rule was enlivened in relation to Clause 4 of the private members' bill. Clause 4 of the private members' bill sought to amend the definition of high value agriculture clearing in the *Vegetation Management Act 1999*, which the House had already determined to remove when it passed the government bill. The Speaker ruled clause 4 of the Bill out of order as it offended the same question rule.

Record of Proceedings: 17 May 2018, 1283
Standing Order 87

QUESTIONS AND ANSWERS

Questions on Notice - multiple questions

On 14 June 2018, the Speaker ruled on a complaint that a Minister had not answered part of a Question on Notice which had multiple parts. As the Minister provided a detailed, responsive answer, the Speaker ruled the question was answered and cautioned that if members ask multi-part questions, they risk the question being ruled out of order or that parts may not be answered to their satisfaction. If a member requires further information, the member may ask further questions.

Record of Proceedings: 14 June 2018, 1527
Standing Orders 115 and 118

SESSIONAL AND STANDING ORDERS

Sessional orders

On 15 February 2018, new Sessional Orders were adopted resulting in changes to the days and hours of sittings and speaking time limits and the allocation of business in the House. On sitting days, the House sits from 9:30am with automatic adjournment at 7:00pm on Tuesday and Wednesday and 6:00pm on Thursday (Standing Order 56 suspended).

Record of Proceedings: 15 February 2018, 128
1 May 2018, 810
Standing Order 3

Standing Orders

On 15 February 2018, the House amended Schedule 6 of the Standing Rules and Orders of the Legislative Assembly to reflect the Portfolio Committees of the 56th Parliament.

Record of Proceedings: 15 February 2018, 59
Parliament of Queensland Act 2001, s 11
Standing Orders, Schedule 6