



MATTERS OF PROCEDURAL INTEREST

No. 15 — July to December 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.

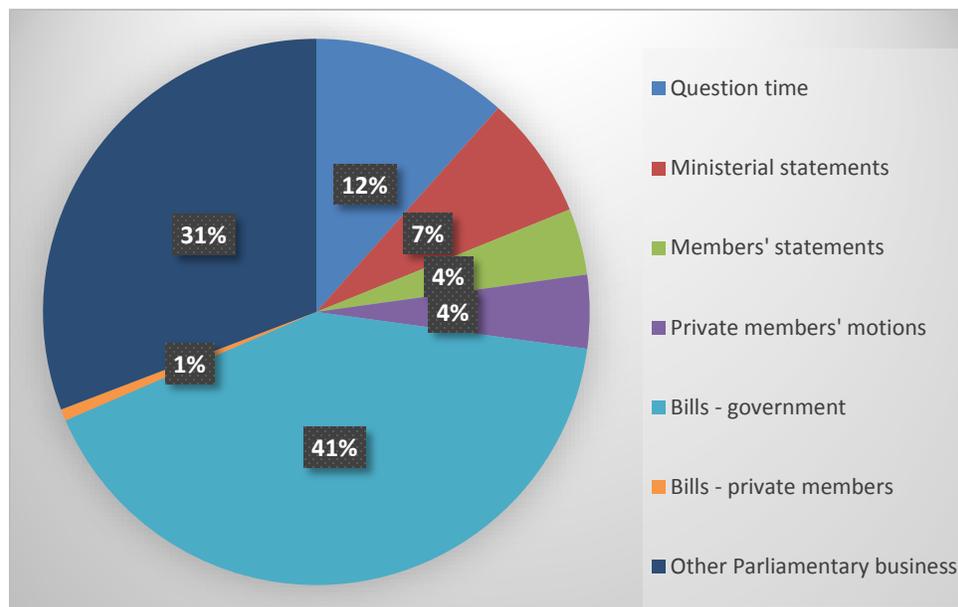
Click here to view: [Work of the House statistics](#)

Overview comparison

	1 Jul to 31 Dec 2018			1 Jan to 30 Jun 2018		
Sittings						
Sitting days	18			19		
Average duration per sitting day [hrs:mins]	9:49			9:28		
Legislation						
	1 Jul to 31 Dec 2018	1 Jul to 31 Dec 2018	1 Jul to 31 Dec 2018	1 Jan to 30 Jun 2018	1 Jan to 30 Jun 2018	1 Jan to 30 Jun 2018
	Govt	PMB	Total	Govt	PMB	Total
Bills introduced	16	5	21	29	4	33
Bills passed	17	0	17	13	0	13
Bills referred to committees	15	5	20	27	4	31
Bills reported on by committees	13	4	17	22	0	22

Business conducted

The following chart shows a breakdown of the business conducted during the period 1 July to 31 December 2018.





MATTERS OF PROCEDURAL INTEREST

No. 15 – July to December 2018

MEMBERS

Warnings and suspension of members

During the period from July to December 2018, the Speaker issued a number of warnings to members about their conduct and ordered members to withdraw from the Chamber for a specified period on ten occasions.

This was an increase on recent years, with two orders to withdraw from January to June 2018, two orders to withdraw in 2017 and six orders to withdraw in 2016.

Record of Proceedings: 22 August 2018, 1958
19 September 2018, 2580
20 September 2018, 2677
18 October 2018, 2977
31 October 2018, 3178
1 November 2018, 3276, 3280
13 November 2018, 3372
14 November 2018, 3486, 3487
Standing Order 253A

Rules of debate – seeking the call and addressing the Chair

On 6 September 2018, the Speaker emphasised to Members some of the basic rules for debate in the Chamber

The Speaker, emphasised that speaking lists are guides only. Standing Order 247 provides that members wishing to speak shall rise and address the Speaker. The Speaker stated that if more than one member rises, the Speaker shall call upon the member who, in the Speaker's opinion rose first.

If members do not rise and address the Speaker, the Speaker is entitled to call any member who has risen and if no member has risen to call on the next item of business or the member in charge of the matter under consideration to close the debate as the case may be.

Standing Order 247 provides that "Members wishing to speak shall rise and address the Speaker". This means that members should not address each other directly across the chamber – all statements should be made through the chair.

The Speaker stated that this standing order, among others, is designed to promote civilised debate in the chamber by having statements and questions directed through the chair, rather than personally towards other members. As such, reference to another member needs to be in the third person such as "the minister" or "the Member for". When a second-person personal pronoun, such as "you", is used it is indicative that the member is not addressing the House through the Speaker.

Record of Proceedings: 6 September 2018, 2355
Standing Order 247



MATTERS OF PROCEDURAL INTEREST

No. 15 – July to December 2018

Disrespecting the Chair

On 13 November 2018, the Speaker reminded members that when the Speaker or Deputy Speaker makes a decision or a ruling on a matter, points of order or matters of privilege, seeking clarification or restating the issue risk being actual disrespect to the Chair.

The Speaker noted that in this regard, the tone taken by the member is significant. The Speaker advised that he had observed a member's actions when rising on a matter of privilege questioning a ruling by the Deputy Speaker.

The Speaker stated that the tone taken by the member was not one of genuine query, but of defiance. The Speaker warned the member, and all members, that regardless of the merit of the point, he would not tolerate disrespect to the chair.

Record of Proceedings: 13 November 2018, 3444

Motion – moving amendments

On 23 August 2018, during the debate on a motion moved by the Leader of the House, the Member for Maiwar spoke about an amendment he proposed to move. The member did not, however, move the amendment.

The Speaker stated that any motion or amendment put to the House should be clear and unequivocal. In other words, the House must know what it is being asked to do.

The Speaker stated that practice was for members to state that they move a motion or an amendment, usually by reference to an amendment circulated or reading the full amendment. In this way it is clear when the House is asked to make a decision on a matter

Accordingly, the Speaker ruled that the member did not move the amendment that he spoke to and therefore the question on the amendment was not put to the House.

Record of Proceedings: 23 August 2018, 2109
Standing Order 93

Motion – reference to incorrect notice of motion and inclusion of extra words in seeking leave to move motion

On 1 November 2018, the Leader of the Opposition mistakenly sought leave to move general notice of motion number no. 1 (standing in the name of the Member for Maiwar), rather than the general notice of motion no. 2 standing in the Leader of the Opposition's name.

While leave was not granted, following a division, the Speaker noted that if leave had been given it would have been for the Member for Maiwar's motion to be moved.

The Speaker also noted that the Leader of the Opposition, in seeking leave, added words that were out of order under general rules and offended Standing Order 271 – restriction on debating in the House matters referred to the Ethics Committee.

The Speaker warned members that he viewed all attempts to breach Standing Order 271 as highly disorderly, and drew members' attention to Standing Order



MATTERS OF PROCEDURAL INTEREST

No. 15 – July to December 2018

266(22) which provides that it is a contempt to willfully disobey an order of the House.

Record of Proceedings: 23 August 2018, 2109
Standing Orders 271 and 266

Motion – Inquiry into aged care, end-of-life and palliative care

The Premier and Minister for Trade sought, and was granted, leave to move a motion without Notice, that the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee inquire into and report to the Legislative Assembly by 30 November 2019 aged care, end-of-life and palliative care.

Record of Proceedings: 14 November 2018, 3477
Standing Order 63

PRIVILEGE

The Ethics Committee considered and reported on a complaint relating to the use of parliamentary broadcast footage for the purposes of satire or ridicule, in contravention of the terms and conditions of broadcast.

The committee found that the subject of the complaint, a member of the public, had committed a contempt of Parliament in breaching the broadcast terms and conditions when she 'retweeted' official broadcast footage of a Member of Parliament with accompanying words that were deemed to constitute ridicule of that Member. The subject had declined to remove the offending 'tweet' after several requests from the Clerk, and from the Office of the Speaker, for it to be removed.

In its report to the Assembly, the committee noted its disappointment at the deliberate disregard shown to a democratically elected parliament; and strongly encouraged individuals who disagree with parliamentary rules to use appropriate means to raise their concerns.

The committee recommended no further action be taken, but did note that it may be timely for the parliament to review its prohibition on the use of parliamentary footage for satire or ridicule.

LEGISLATION

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.

On 21 August 2018, the Local Government (Dissolution of Ipswich City Council) Bill was declared urgent upon its introduction and not referred to a committee for examination. The Bill was considered immediately, with time limits applying to the remaining stages of the Bill. The Bill was passed on 21 August 2018.



MATTERS OF PROCEDURAL INTEREST

No. 15 – July to December 2018

The Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs had previously provided a draft of the Local Government (Dissolution of Ipswich City Council) Bill to the Economics and Governance Committee for its consideration.

The committee resolved to undertake an inquiry into the draft Bill and reported to the House on 17 August 2018.

Record of Proceedings: 21 August 2018, 1868
Standing Order 137

Conscience vote - Termination of Pregnancy Bill

On 22 August 2018, the Attorney-General and Minister for Justice introduced the Termination of Pregnancy Bill.

The Bill proposed to remove sections of the Criminal Code which prohibited unlawfully attempting to procure a termination of pregnancy and establish a framework for the legal provision of termination of pregnancy services. The Bill also provided for health practitioners to conscientiously object to terminations and establishes safe access zones around facilities.

On 16 October 2018, following receipt of advice from the party whips, the Speaker informed the House that, in accordance with Standing Order 104, all divisions on questions on the Bill would be conducted via the personal vote process, rather than the party vote process.

Divisions were held on the second reading (51 Ayes and 41 Noes), on amendments during Consideration-in-Detail and Third Reading (50 Ayes and 41 Noes). The Bill was passed on 17 October 2018 and received Royal Assent on 25 October 2018.

Record of Proceedings: 22 August 2018, 1961-1966
16 October 2018, 2758, 2788-2805, 2815-2859
17 October 2018, 2889-2900, 2904-2936, 2947-2958
Standing Orders 104, 107 and 129

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.

On 12 February 2018, the Minister for Police and Minister for Corrective Services, introduced the Police Powers and Responsibilities and Other Legislation Amendment Bill 2018. During consideration-in-detail of the Bill on 18 September 2018, the House agreed to amendments moved by the Minister aimed at ensuring the police have sufficient powers to continually monitor certain offenders who have committed sexual offences against children.

The Bill was passed, with the Minister's amendments, on 18 September 2018. The *Police Powers and Responsibilities and Other Legislation Amendment Act 2018* (the Act) received Royal Assent on 20 September 2018.

On 19 September 2018, the Member for Toowoomba South introduced the Protecting Queenslanders from Violence and Child Sex Offenders Amendment Bill 2018 (the Private Members' Bill), which also seeks to ensure the continued monitoring of certain sex offenders.



MATTERS OF PROCEDURAL INTEREST

No. 15 – July to December 2018

The Speaker noted that both the Act and Private Members' Bill seek to address the issue of how to monitor and regulate the conduct of certain sexual offenders. However, Mr Speaker considered that the Act and Private Members' Bill attempt to effect these matters in substantially different ways. In addition, Mr Speaker considered that if both pieces of legislation were enacted, they would have significantly different legislative outcomes.

Accordingly, on 7 November 2018, the Speaker ruled that the Member for Toowoomba South's Bill put forward a genuinely alternative proposition to the Act, and does not, therefore, offend the same question rule.

Speaker's Ruling tabled: 7 November 2018
Standing Order 87

QUESTIONS AND ANSWERS

Questions on Notice - application of anticipation rule

Under Standing Order 231, a member may not anticipate discussion of a subject on the Notice Paper.

During the second half of 2018, a number of members submitted Questions on Notice which related to subjects which subsequently appeared on the Notice Paper, due to the introduction of government Bills on those particular topics. The members' Question on Notice were not included on the Notice Paper, pending rulings from the Speaker.

The Speaker, noted that the anticipation rule did not apply when the members lodged their Questions on Notice, but ruled the questions out of order for anticipating debate at the time the government Bills appeared on the Notice Paper. To ensure that the members were not disadvantaged by the ruling, the members were permitted to lodge replacement Questions on Notice.

Record of Proceedings: 23 August 2018, 2043
6 September 2018, 2418
15 November 2018, 3583
Speaker's ruling tabled: 22 November 2018, 1283
Standing Order 231

Questions on Notice – unreasonable number of sub-questions

Standing Order 115(a) provides that Questions on Notice shall be brief and relate to one issue.

During November 2018, the Speaker ruled a number of Questions on Notice asked by the Member for Maiwar out of order on the basis that they were not brief and contained an unreasonable number of sub questions.

The Speaker reminded all members that if they ask questions with multiple parts they run the risk that some parts will not be answered to their satisfaction or that their question will be ruled out of order, particularly where sub-questions amount to asking questions about separate issues.

Record of Proceedings:
13 November 2018, 3356
14 November 2018, 3469
15 November 2018, 3584
Standing Order 115



MATTERS OF PROCEDURAL INTEREST

No. 15 – July to December 2018

Questions on Notice – seeking opinion

Standing Order 115 provides that Questions on Notice shall not ask for an expression of opinion.

On 19 September 2018, the Member for Whitsunday asked a Question on Notice of the Premier and Minister for Trade. The member's question asked whether the Premier supported the comments and opinions expressed by another person.

The Speaker noted that there is clear precedent that questions which ask a Minister whether they support the opinions expressed, or comments made, by another person are, in effect, seeking an expression of opinion from the Minister. Accordingly, the Speaker ruled the Question on Notice out of order.

Record of Proceedings: 16 October 2018, 2758
Standing Order 115

Answers to Questions on Notice

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

On 15 November 2018, the Manager of Opposition Business, the Member for Kawana raised complaints about the relevance, or adequacy, of answers to five Questions on Notice provided by the Premier and Ministers.

In relation to three answers to Questions on Notice, the Speaker ruled that no further action was required. The Speaker wrote to the Premier and the Minister for Transport and Main Roads to seek further information about the remaining two Questions on Notice.

In his response, the Minister for Transport and Main Roads informed the Speaker that the information requested in the Question on Notice had now been included on Queensland Rail's website. The Premier, in her response, provided the information originally requested in the Question on Notice.

Speaker's ruling tabled: 26 November 2018
Standing Order 118

SESSIONAL AND STANDING ORDERS

Sessional orders – business committee and business program motions

On 23 August 2018 amendments to the sessional orders came into effect which established the Business Committee and provided for the consideration of Business Program Motions.

The Business Committee's role is to consider how the House will deal with government business, in particular Bills, during a sitting week.

The Business Committee meets on Mondays prior to the start of the sitting week. The Business Committee is chaired by the Leader of the House and comprises of the Premier, the Manager of Opposition Business and a cross-bench member, or a delegate. Decisions of the Business Committee are non-binding.

The amendments to the sessional orders also provide that on the Tuesday of each sitting week, following Question Time, the Leader of the House may move, without notice, a Business Program Motion. A Business Program Motion provides for the allocation of time for any proceedings on a government Bill or other government business and may include allocation of time orders.



MATTERS OF PROCEDURAL INTEREST

No. 15 – July to December 2018

The amendments to the sessional orders provide for the Business Program Motion to be debated on Tuesdays following question time, with a maximum of four speakers allocated five minutes each.

Sessional Orders 1, 2A and 2B