



MATTERS OF PROCEDURAL INTEREST

No. 2 — January to June 2012

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.

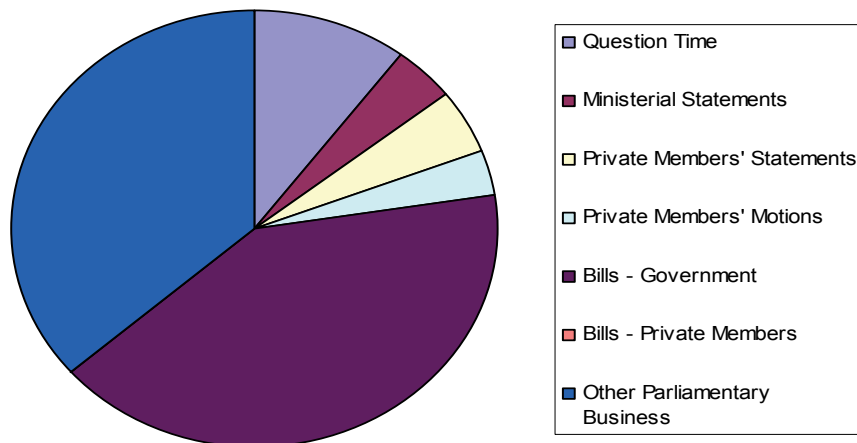
Click here to view: [Work of the House statistics](#)

Overview

	1 Jan to 30 Jun 2012			1 Jan to 30 Jun 2011		
Sittings						
Sitting days	15			22		
Average duration per sitting day [hrs:mins]	10:10			11:48		
Legislation						
	1 Jun to 30 Jun 2012			1 Jan to 30 Jun 2011		
	Govt	PMB	Total	Govt	PMB	Total
Bills introduced	15	1	16	24	3	27
Bills passed	12	0	12	21	0	21
Bills referred to committees	12	1	13	8	0	8
Bills reported on by committees	7	0	7	0	0	0

Business Conducted

The following chart shows a breakdown of the business conducted during the period 1 January to 30 June 2012





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54TH PARLIAMENT

The Opening of the 54th Parliament saw a return to the two day opening program (as per the Standing Orders) rather than the compressed one day program that had been adopted for the last two Parliaments.

All members were sworn in on 15 May 2012 with the Speaker then elected in accordance with Standing Order 39. The Member for Warrego, as the longest continually serving member, took the chair as Presiding Member for the election of Speaker. Queensland's first female Speaker of the Assembly, Hon Fiona Simpson MP was formally presented to the Governor on 16 May 2012 in accordance with Standing Order 44.

The Parliament was officially opened by the Governor on the second sitting day. For the first time since 2001, a 19 gun artillery salute was fired outside the parliamentary precinct at the conclusion of the Governor's opening speech. Over 700 people attended the opening.

51 new members were elected this time compared with 19 in the last parliament. In terms of parliamentary experience, Members of the Parliament have a combined 338 years of parliamentary experience (as compared with 589 years in the last parliament).

Session of Parliament

The life of a Parliament may be divided into a number of sessions. A session is defined in Standing Orders as a period when the House sits until it is prorogued or dissolved. (Prorogation is the formal ending of a session without dissolving the Parliament. When Parliament is prorogued, it is still constituted that is, all members remain as members and a general election is not necessary.)

Historically, it was usual for the Queensland Parliament to have three sessions (and in some cases five). However, this reduced to two sessions in the 46th Parliament (commencing in 1990). Since then, the practice has been to have just one continuous session. The only exception to this occurred in the 48th Parliament, when a change of government occurred in between general elections and the first session was prorogued.

Address-in-Reply

On the third sitting day of a new Parliament, a member moves a motion for an Address to the Governor in reply to the opening speech - this is known as the Address-in-Reply (Standing Order 46). Debate of the motion must be no longer than 28 hours. (Total debate time in 2012 was 26 hours and 53 minutes. This is reflected as Other Government Business in the graph above.) On completion of the debate a copy of the motion is formally presented to the Governor by the Speaker. The Governor's answer to the Address-in-Reply is then reported by the Speaker to the House.



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MEMBERS

Speaker's statement – common procedural issues

Madam Speaker provided a detail statement to the Assembly reminding all members of common procedural issues and her expectations of members. These matters included:

- Members need to rise and call (if no member has risen, the Speaker is entitled to call on the next item of business).
- All statements should be made through the chair and members must refer to other members by their correct title.
- Members who make persistent, deliberately disruptive or frivolous points of order or raise frivolous matters of privilege may be warned under standing orders 252-254.
- Members should correct the record at the earliest opportunity.
- Personal explanations are not an opportunity to attack another member.
- Unparliamentarily language is any language or expression that is unworthy of the dignity of the House or parliament as an institution.
- Imputations of improper motives, personal reflections, and unbecoming or offensive words in relation to another member are disorderly and a member has a right to require the withdrawal of such personal reflections.
- Members should not refer to another member who is absent during debate.

Record of proceedings: 5 June 2012, 443
Standing Orders 247, 251, 248, 249, 234, 113(3), 114

Reflections on the Speaker

The actions of the Speaker cannot be criticised incidentally in debate or upon any proceedings except by a substantive motion on notice. Further, the standing orders provide that 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, constitutes a contempt.

In a statement to the House on 29 May and 20 June 2012, the Speaker advised that there had been conduct that clearly breached the rules relating to reflections on the Chair. The Speaker reminded members that reflections on the Speaker, or any member acting as Speaker, will not be allowed.

Record of Proceedings : 29 May 2012, 116
20 June 2012, 801
Standing Orders 250 and 266(23)



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Appointments to panel of temporary chair

Standing Order 11 provides that the Speaker can appoint a panel of up to 8 members to act as temporary Speakers. When in the chair they are called Deputy Speaker. The current panel comprises both government and non-government members.

Record of Proceedings : 17 May 2012, 22
20 June 2012, 801
Standing Order 11

Chamber etiquette

Parliamentary chamber etiquette is based on the Standing Orders of the Legislative Assembly, along with custom and practice and Sessional Orders. Members are required to comply with the Standing Orders, Sessional Orders and custom and practice and adhere to the rules of etiquette at all times while in the Legislative Assembly Chamber.

Acknowledging the Speaker

Members stand, and remain standing, when the Speaker enters and leaves the Chamber—

- when the Sergeant-at-Arms announces the entrance of the Speaker at the beginning of the day's sittings—until the Speaker has read prayers and is seated
- after the lunch or dinner break—until the Speaker is seated
- when the Sergeant-at-Arms escorts the Speaker from the chamber at the end of the day's sittings—until the Speaker has left the chamber.

Members should acknowledge the Speaker upon entering and leaving the chamber and in passing to or from their seats when crossing the chamber.

Members must remain seated and silent whenever the Speaker is speaking or the Speaker is on their feet.

Members must not pass between the Speaker and a Member who is speaking, nor between the Speaker and the Table, **except** during consideration in detail.

No member should walk into, out of, or across the Chamber when the Speaker is putting a question.

Standing Order 244 (2), (3) and (4)



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Members need to rise and call

On 5 June 2012, the Speaker reminded members that the speaking lists provided by Whips are a guide only. Standing Order 247 provides that members wishing to speak should rise and address the Speaker and 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.

Record of proceedings: 5 June 2012, 443
Standing Order 247

Divisions

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. Any member who has voted against the majority as declared by the Speaker may demand a division by calling "divide". A member having called with the "Ayes" or "Noes" shall not, on a division being taken, vote with the opposite side.

A division is a proceeding before the House, therefore the Speaker maintains order. The Speaker may, during a division, warn any member who in the Speaker's opinion is disorderly. If the member continues to be disorderly after the result of the division has been announced, the Speaker may order the withdrawal of the member from the chamber.

Standing Orders 103-109, 252-254

MOTIONS

Notice of motions

A proposition brought before the House for its consideration is called a motion. Many motions require a preliminary step to be taken before they can be brought before the House.

The House requires, in respect of most types of motions, that notice be given of a member's intention to move a motion. In this way, members are informed of the content of the motion. The notice allows members to formulate an opinion about the motion they are asked to agree to. Therefore, members are not required to make a snap judgment as to its merits.

The general rule is that all substantive motions require notice. Otherwise the House must give leave to move the motion if it is without notice. Standing



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Order 63(2) provides that the question of leave is to be decided without debate. This is because there is no motion before the House.

Notice is not required for subsidiary motions, such as an amendment to a question before the chair; or for a procedural motion, such as the adjournment of debate.

The only motions that must be seconded are for the Address-in-Reply, election of Speaker or a condolence motion.

Standing Orders 63 and 64

Notice stated in the House

The only notices stated in the House are:

- private members' motion for debate each Tuesday
- motion for disallowance of a statutory instrument
- a ministerial motion.

All other notices of motion are not stated in the House but must be given in writing to the Clerk. The notice of motion is then placed on the Notice Paper under General Business. If a General Business notice of motion is not dealt with by the House within 30 calendar days the notice lapses and is deleted from the Notice Paper, unless statute or the Standing Orders otherwise provide.

Standing Orders 65 and 74

TABLED PAPERS

Non sitting days

Standing Order 31 provides that only 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. Standing Order 217 provides that a committee chair may table committee reports or other committee documents when the House is not sitting.

Standing Order 32 provides that ministers and members may transmit documents during the recess to the Clerk for tabling on the next sitting day.

The Clerk includes the details of all documents received during the recess in a notification announced to members in the House (during the time set aside for notification and tablings of papers by the Clerk) on the next sitting day.



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The notification and tabling document is emailed to members and electorate offices immediately after the Clerk tables the documents in the House. A hard copy of the notification and tabling document is available upon request to a chamber attendant. Members should be aware the notification and tabling document contains petition responses, government responses to committee reports and subordinate legislation.

All documents tabled in the House are available online (on the Tabled Papers database) the following day as well as recorded in the Record of Proceedings.

Standing Orders 31-32, 217

Documents read or cited

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. An order to table under this standing order is about 'immediate' access to the document. This may be to verify that the way in which the document has been cited is not out of context.

Standing Order 30

LEGISLATION

During the period of 1 January to 30 June 2012, 16 bills were introduced and 12 bills were passed. 13 were referred to committees. Information on the passage of legislation during the 54th parliament is available at:
<http://www.parliament.qld.gov.au/work-of-assembly/bills-and-legislation/current-bills-register>

SESSIONAL ORDERS AND STANDING ORDERS

On 17 May 2012, the House adopted Sessional Orders for this Session of Parliament. Sessional Orders detail the order of business for each sitting day and speaking times. Standing Orders were also amended to change the names of portfolio committees to reflect current ministerial portfolios, with each minister now responsible to a single committee.

Record of Proceedings: 17 May 2012, 175
Standing Orders Schedule 6



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COMMITTEES

Debate of reports

The Sessional Orders provide specific time for the debate of certain parliamentary committee reports, with a motion automatically set down on the Notice Paper by the Clerk that the House take note of a the report. When a notice is on the notice paper the chair will call the order of business. If no member jumps and calls to move the motion, it will lapse.

Only one committee report has been called on and debated this year - report No. 86 of the Parliamentary Crime and Misconduct Committee report.

Record of Proceedings: 31 May 2012, 360
Standing Orders 213-219 and Sessional Order 2(1)

QUESTIONS AND ANSWERS

Questions requiring detailed information

If an answer to a question without notice requires too much detail, Standing Order 113 (3) allows a minister to request that a member place the question on notice in writing to be answered on the next sitting day.

Unless a minister expressly directs that the matter is to be placed in writing under standing order 113(3), it will be assumed that the minister is merely requesting that the member place the matter on notice in the usual way under standing order 114.

Standing order 114 enables members to put questions on notice to be answered in 30 days.

Record of proceedings: 5 June 2012, 443
Standing Orders 247, 251, 248, 249, 234, 113(3), 114

Speaker's ruling – scope of questions without notice

Standing Order 113 provides that questions must relate to the public affairs with which the minister is officially connected or to any matter of administration for which the minister is responsible. Standing Order 115 provides that questions shall not ask for opinion.



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In a statement to the House on 5 June 2012, the Speaker urged all members to consider carefully Standing Orders 113 and 115 so that questions can be framed in a way that conform with Standing Orders. The Speaker clarified that questions relating to an opinion will only be in order if a minister is asked about the government's policy position, not their personal view or the views of others.

Record of Proceedings: 5 June 2012, 441-443
Standing Orders 113 and 115

Speaker's ruling – anticipating discussion

Standing Order 231 provides that a member may not anticipate the discussion of any subject which appears on the Notice Paper. On 5 June 2012, the Speaker ruled a question out of order as there was a private members' motion relating to the same topic before the House.

Record of Proceedings: 5 June 2012, 458
Standing Order 213