



MATTERS OF PROCEDURAL INTEREST

No. 3 — July to December 2012

Prepared by Chamber and Procedural Services Office

QUEENSLAND LEGISLATIVE ASSEMBLY PROCEDURAL BULLETIN

WORK OF THE HOUSE

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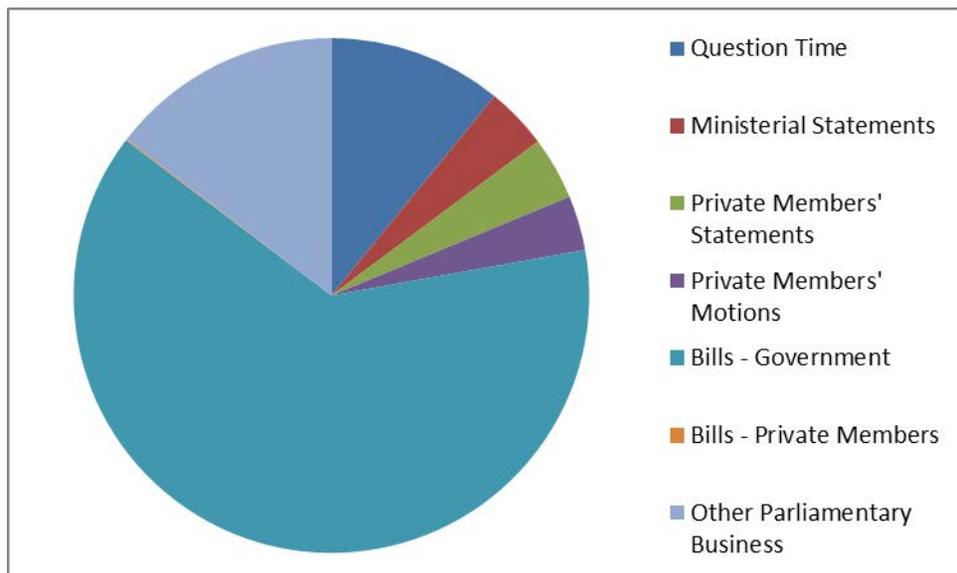
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Overview comparison

	1 Jul to 31 Dec 2012			1 Jul to 31 Dec 2011		
Sittings						
Sitting days	22			21		
Average duration per sitting day [hrs:mins]	10:50			10:32		
Legislation						
	1 Jul to 31 Dec 2012	1 Jul to 31 Dec 2011		1 Jul to 31 Dec 2011	1 Jul to 31 Dec 2011	1 Jul to 31 Dec 2011
	Govt	PMB	Total	Govt	PMB	Total
Bills introduced	45	2	47	38	3	41
Bills passed	34	0	34	25	1	26
Bills referred to committees	42	2	44	37	4	41
Bills reported on by committees	65	2	67	27	2	29

Business Conducted

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





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54TH PARLIAMENT

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). On 14 August 2012, the Speaker, accompanied by honourable members presented to Her Excellency the Governor the address of the Legislative Assembly adopted by the House on 2 June 2012 (Standing Order 48). The Governor's response to the Address-in-Reply was reported by the Speaker to the House on 21 August 2012 (Standing Order 48(2)).

Record of proceedings: 21 August 2012, 1494
Standing Orders 46, 48

MEMBERS

Dissent from Speaker's ruling

Standing Order 250 provides that a member may dissent from a ruling of the Speaker only by motion on notice. The notice of motion must be given within one sitting day from the day on which the ruling was given.

On 11 July 2012, the Speaker ruled that a notice of dissent given on 10 July 2012 was out of order on the basis that the dissent notice was in relation to an order to withdraw media cameras from the floor of the chamber. The Speaker ruled that motions of dissent are only able to be moved in respect of Speaker's rulings, not matters of order which the Speaker may impose, even summary decisions by the Speaker regarding order. Matters of order are within the Speaker's sole discretion and, therefore, not appealable to the Assembly.

Record of proceedings: 10 July 2012, 1017
11 July 2012, 1117-1118
Standing Order 8, 243, 250

Personal reflections on members

Personal reflections on members, imputations of improper motives and unbecoming or offensive words in reference to another member offend the Standing Orders (Standing Order 234).

If a member is offended and objects to the words used, the member may take a point of order and seek their withdrawal. In order for members to seek the withdrawal of such comments, they must be personally offensive to the member and they must take objection at the time the words were spoken (Standing Order 234(3)).

The Speaker may request the member using the words to withdraw those words, and such withdrawal must be unequivocal, that is, without qualification or further comment (Standing Order 234(2)). Members asked to withdraw



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words or comments must do so in an unreserved and unqualified way (Standing Order 235). An apology or retraction is not unreserved or unqualified if it is phrased in a manner that indicates that the member does not regret their statement or they do not accept that the words were offensive, unparliamentary or disorderly (Standing Order 235).

On 23 August 2012, during debate on a bill, an exchange occurred between two members. The exchange resulted in a request seeking a withdrawal for the offensive words. The Deputy Speaker sought a withdrawal from the member who initially refused on the basis that the words were used during an interjection. Further exchanges occurred with the member eventually withdrawing the unparliamentary language.

In ruling to the House on 1 November 2012, the Speaker noted that the Member did withdraw, 'although it did take some time and a number of prompts from the chair'. The Speaker reminded all members that they should follow the directions of the chair in a timely and respectful manner. The Speaker also advised the House that the chair has the right to require the withdrawal of reflections and unparliamentary language, without being prompted.

Record of Proceedings : 23 August 2012, 1750- 1751,
1 November 2012, 2353
Standing Orders 234, 235

Unparliamentary language

The use of unbecoming or offensive language is considered highly disorderly (Standing Order 234). The Speaker may ask members to withdraw particular words or phrases that are considered unparliamentary.

Speakers have reminded members that observers in the public gallery, or people watching or listening via the broadcast, gain a lasting impression on what they see or hear. The assessment of what is unparliamentary language by necessity lies in the realm of who is in the chair, but generally it is any language or expression that is unworthy of the dignity of the House as an institution. The tone of debate should be at a level that is not disruptive and maintains decorum. What may be acceptable language in some places outside the parliament and indeed may even be in common usage in some places or forums does not necessarily mean it is acceptable in the Parliament.

Members asked to withdraw unparliamentary words or comments must do so in an unreserved and unqualified way (Standing Order 235).

On 28 November 2012, the Speaker ruled that two members had, on the previous day, used language that could be construed to mimic unparliamentary language. The Speakers asked the two members to withdraw the offending language. Both members immediately withdrew the comments.

Record of Proceedings : 27 November 2012, 2727 - 2728, 2741,
28 November 2012, 2937
Standing Order 234, 235



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Points of order

Standing Order 248 provides that members may rise on a point of order at any time. A point of order is essentially a question as to whether the present proceedings are in order or allowed by the rules of the House or parliamentary procedure generally. An attempt to correct the record, allege that another member is misleading the House, put the member's own position on a matter, or introduce another topic or material is not a point of order.

A member's point of view is not a point of order and is merely disorderly. Persistent, deliberately disruptive or frivolous points of order may result in a member being warned under standing orders.

Examples of when points of order are raised include:

- seeking the withdrawal of personal reflections or unparliamentary language
- seeking a ruling on the relevance of a member's speech

Until the point of order is disposed of, the debate on every other question is suspended (Standing Order 248). The Speaker may also hear the opinion of other members on the point of order (Standing Order 249).

Standing Orders 248, 249

Members absence in chamber

Members are presumed to be in attendance in the chamber when Parliament is sitting. However it is a well-established convention that members do not refer to the absence of other members from the chamber. The rationale being that there may be legitimate reasons why a member is absent.

Refer to members by their correct title

A member should always address their remarks through the chair, and refer to another member by their parliamentary title or electoral district, for example, 'the member for [electoral district]'.

The purpose of this standing order is to make debate less personal and avoid the direct confrontation of members addressing one another as 'you'.

Members elected to leadership positions are to be referred to by their title. For example:

- the Premier
- the Deputy Premier
- the Minister
- the Leader of the Opposition
- the Deputy Leader of the Opposition

Standing Order 244(7)



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Speaker's power to order the withdrawal of disorderly member from the chamber

The Speaker has the power under Standing Orders to remove any persistently unruly or disobedient member from the chamber. Standing Orders provide that this may be for a period up to one hour or for the day. Where members are excluded for the day, this exclusion may also include during divisions. (Standing Orders 252 to 253A)

In more serious cases (such as if a member fails to withdraw after being ordered or disregards the authority of the chair) the member can be named by the Speaker and then by motion be suspended from the services of the House for up to 7 sitting days (or 14 sitting days if suspended member refuses the Speaker's direction). Once a member has been suspended from the service of the House, they are excluded from the House and from all rooms and areas within the parliamentary precinct (Standing Order 254).

Between 1 July and 31 December 2012, there were five occasions when members were ordered to withdraw from the chamber for one hour, pursuant to Standing Order 253A.

Record of Proceedings : 11 July 2012, 1183,
1 August 2012, 1373, 14 November 2012, 2611
27 November 2012, 2835
28 November 2012, 2860
Standing Orders 252 – 258

Interjections

When a member is speaking, no other member may interrupt that member except in limited cases such as: points of order and matters of privilege suddenly arising. (Standing Order 251). The Speaker does not always intervene in the normal course of debate when interjections are made, unless they are frequent and interrupt the flow of a member's speech. The Speaker may consider members who indulge in persistent and disruptive interjections as disorderly. Expressions such as 'Hear, hear' and the like are permitted to indicate approval of speeches, provided they are not calculated to interrupt the member speaking.

Members should speak from their allocated place in the Chamber. It is disorderly for a Member to interject when the Member is not in their place in the chamber. Exceptions being Ministers in Charge of the Bill or Shadow Ministers on Bills within their Shadow Portfolio or Ministers acting as Leader of the House.

Standing Order 251



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Divisions

Standing Order 103 provides that when the Speaker has put a question to the House, after the voices have been given, the Speaker shall declare whether the "Ayes" or "Noes" have it. Standing Order 107(3) provides that a member having given voice with the "Ayes" or "Noes" shall not, on a division being taken, vote with the opposite side.

On 31 July 2012, the Speaker ordered that in accordance with Standing Order 107(4), the tellers list and Record of Proceedings for 17 May 2012 be corrected to show that a member who had called "aye" on a question and later voted with the "noes" on the division, be recorded as voting with the "ayes".

Record of Proceedings : 17 May 2012, 150-152
31 July 2012, 1262-1263
Standing Orders 103 - 109

PRIVILEGE

Procedures for raising and considering matters of privilege

Standing Orders 248 and 267 provide that a member may at any time raise a matter of privilege suddenly arising, which until disposed of, suspends the debate of every other question.

In all other circumstances, Standing Order 269 provides that members must write to the Speaker at the earliest opportunity clearly outlining the matter of privilege and requesting that it be referred to the Ethics Committee.

After considering the information presented, the Speaker must inform the House either that the matter stands referred to the Ethics Committee or that no matter arises or that it is technical, trivial or vexatious and does not warrant further attention by the House. If the Speaker makes a determination not to refer, a member may immediately move that the matter be referred to the Ethics Committee. If such a motion is moved the Speaker must put the question immediately without amendment or debate.

During the period July to December, 30 matters of privilege raised by members with the Speaker were ruled upon with only 9 subsequently referred on to the Ethics Committee. The majority of complaints raised related to alleged deliberate misleading of the House with most being dismissed. In a statement to the House on 11 September 2012, the Speaker reminded all members that 'the privileges of this Assembly are very important and the processes set in place by Standing Orders and the Code of Ethical Standards should not be misused for base political reasons or trivialised by making tenuous, trivial or unsubstantiated complaints'.

Record of Proceedings: 11 September 2012, 1768
Standing Orders 248, 267 to 269



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Restriction on debating matters of privilege referred to the Ethics Committee in the House

Standing Order 271 provides that a matter referred to the Ethics Committee must not be debated in the House until such time as the committee has reported on the matter, if in the opinion of the Speaker, such debate could prejudice the matter.

Standing Order 271

TABLED PAPERS

Tabling documents – redaction of names

Members have an almost unfettered right to table documents. Leave of the House is not required to table, although members may seek leave if they desire (for example, if documents contain confidential/sensitive information).

In a statement to the House on 1 August 2012, the Speaker reminded members that they need to be very careful when seeking to protect the identity or private details of constituents or others who provide them information. Often times a black marker to block out an identifying feature is insufficient to ensure that the original words cannot be viewed in a copy or an electronic version.

The Speaker and Clerks-at-the-Table may embargo the release of tablings for a period of time, until they are satisfied that the documents do not offend the Standing Orders.

Record of Proceedings : 1 August 2012, 1357
Standing Order 35, 233

PETITIONS

e-petitions – 10 year anniversary

In 2002, the Queensland Parliament introduced electronic petitioning as an alternative to the traditional paper method. Queensland was the first parliament in Australia to do so. An e-petition trial began in August 2002, and after amendments to Standing Orders in 2003, became a permanent feature. e-petitions complement, rather than replace, paper petitions.

In its first decade of operations a total of 584 e-petitions have been posted on the parliament's website with 549 of those being tabled in the Assembly.

Of those 549 e-petitions tabled in the House, the average number of signatories is 1,451 with a total of 797,099 signatures tabled in the House over the past decade.



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The largest number of signatories to an e-petition was tabled in 2009. The petition related to changes to the cost of vehicle registration and had 109,935 petitioners. However, a paper petition tabled in 1996 requesting that shopping hours not be reduced still remains the largest petition to date with 412,490 signatories.

Standing Orders 119 to 125

MOTIONS

Orders for production v calling for documents

An order for production must be moved pursuant to Standing Order 27 or under s25 of the *Parliament of Queensland Act 2001* and must require production to the House or a committee.

On 12 July 2012, the Minister for Health moved a motion calling on the Leader of the Opposition to make available to the Minister for Health certain documents presented to the cabinet of the former government. The motion further called on the Leader of the Opposition to deliver the material before the first day of the next sittings. Following a short debate, the House agreed to the motion.

The motion moved by the Minister for Health calling on the Leader of the Opposition to make available certain documents was not an order of the Assembly as provided for in s25(1) of the *Parliament of Queensland Act 2001*, that is:

The Assembly may order a person to attend before the Assembly or an authorised committee and also to produce to the Assembly or an authorised committee any document or other thing in the person's possession.

As indicated by the minister during debate, the motion was not an order of the Assembly as it was merely calling on the Leader of the Opposition to provide documents and information to the Minister for Health, rather than to the Parliament.

Record of Proceedings : 12 July 2012, 1189-1190
s25(1) Parliament of Queensland Act
Standing Order 27

LEGISLATION

Bills declared urgent

Standing Order 137 provides that a bill may be declared urgent and pass through all stages with unusual expedition. A motion to declare a bill urgent may be debated.

Between 1 July and 31 December 2012, three bills were declared urgent upon



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introduction and passed by the House in the week introduced. They were: the Fiscal Repair Amendment Bill, the Right to Information and Integrity (Openness and Transparency) Amendment Bill and the Parliament of Queensland (Registered Political Parties) Amendment Bill.

Standing Order 137

Withdrawal of bill – order discharged from the Notice Paper

Standing Order 170 provides that the order for the second reading or any future stage of a bill having been read, may be discharged. If the House discharges an order, the House may then order the bill to be withdrawn. A member cannot move a motion for an order to withdraw a bill without first obtaining leave of the House.

On 13 November the Mineral Resources (Mary River Dam Site) Amendment Bill 2012 was discharged and withdrawn.

Record of Proceedings : 13 November 2012, 2471
Standing Order 170

SESSIONAL ORDERS AND STANDING ORDERS

Amendments to Standing Orders

During this period, the House amended Standing Orders as follows:

- SO 136(5) reduce the number of days (from 7 to 1 day) that must elapse after a committee report on a government bill has been tabled and when the second reading can be moved, unless the bill is declared urgent
- Part 6 – Financial Procedures to provide for the public meeting of the estimates by the Committee of the Legislative Assembly
- Schedule 7 regarding certain Chief Executive Officers to be questioned directly at estimates hearings
- Schedule 8 and Schedule 3 regarding evidence given to the House or a committee, to recognise penalties under ss57 and 58 of the Criminal Code for giving false evidence or refusing to attend
- SO 24 and 26 providing for the Committee of the Legislative Assembly to make a determination as to the specific requirements for the tabling of documents
- SO 166 requiring the Clerk to present two instead of three authenticated bills passed by the House to the Governor for assent
- SO 168 removing the requirement for the Clerk to deposit a copy of the assented bill to the Registry of the Supreme Court

Record of proceedings: 22 August 2012, 1595-1598
11 September 2012, 1782-1783
14 September 2012, 2043-2047
29 November 2012, 2966-2967



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COMMITTEES

Debate of committee reports

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 the report. When the Speaker calls on debate of committee reports, members may rise to move and debate the motion. If no one moves the motion, it automatically lapses.

Three committee reports were called on and debated during the period.

Sessional Order 2(1) and Standing Order 71

QUESTIONS AND ANSWERS

Speaker's rulings — scope of questions without notice

Standing Order 115 provides that questions must not ask for an expression of opinion or a legal opinion.

On 15 November 2012, the Speaker ruled a question out of order on the grounds that the question was asking for an opinion or an interpretation in relation to the application of a statute.

Record of proceedings: 15 November 2012, 2649
Standing Order 115

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.

On 14 November 2012, the Speaker ruled out a question on notice on the basis that the question did not pertain to a specific matter within the minister's portfolio.

Record of proceedings: 14 November 2012, 2583
Standing Order 113