



MATTERS OF PROCEDURAL INTEREST

No. 6 — January to June 2014

Prepared by Chamber and Procedural Services Office

QUEENSLAND LEGISLATIVE ASSEMBLY PROCEDURAL BULLETIN

WORK OF THE HOUSE

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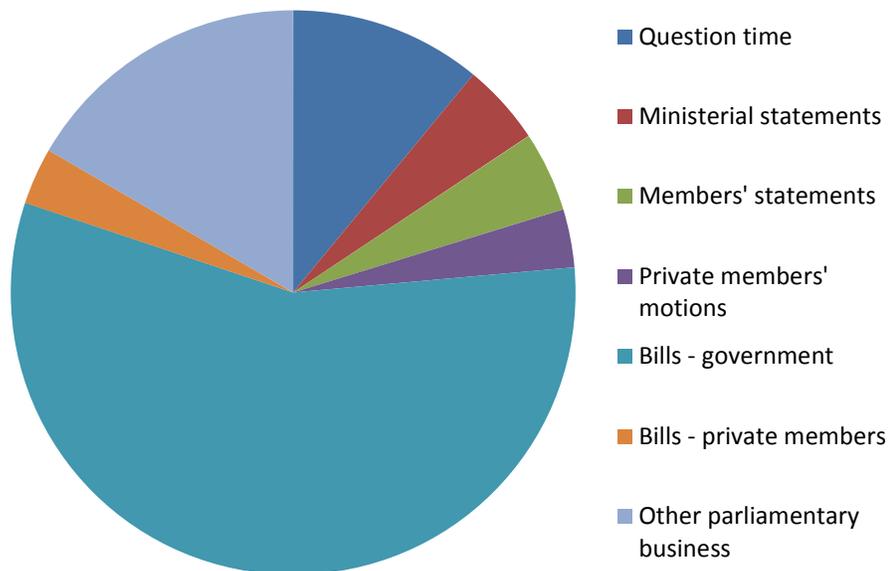
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Overview comparison

	1 Jan to 30 Jun 2014			1 Jan to 30 Jun 2013		
Sittings						
Sitting days	22			22		
Average duration per sitting day [hrs:mins]	10:50			10:45		
Legislation						
	Govt	PMB	Total	Govt	PMB	Total
Bills introduced	38	5	43	25	6	31
Bills passed	36	0	36	29	0	29
Bills referred to committees	36	5	41	22	5	27
Bills reported on by committees	34	4	38	27	0	27

Business conducted

The following chart shows a breakdown of the business conducted during the period 1 January to 30 June 2014





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MEMBERS

Disorderly conduct – Withdrawal and suspension of members from the chamber

Pursuant to Standing Orders 252 to 254, the Speaker has the power to remove any member from the chamber who, after being warned, persistently displays unruly or disobedient behaviour. A member may be ordered to withdraw from the chamber for a period up to one hour or for one day.

In more serious cases, the Speaker may name the member and then by motion, be suspended from the House for up to seven sitting days. The naming of a member can occur if the member persistently and wilfully obstructs the business of the house or displays complete disregard for the authority of the chair. Once a member has been suspended from the House, they are excluded from the House and from all rooms and areas within the parliamentary precinct.

Between 1 January and 30 June 2014, 46 warnings were issued to members pursuant to Standing Order 253A. On 18 March 2014 a member was ordered to withdraw from the chamber for a period of one hour pursuant to Standing Order 253A. On 3 April 2014, a member was named by the Acting Speaker and by motion, was suspended from the services of the House for a period of three sitting days.

Record of proceedings: 18 March 2013, 665
3 April 2014, 1072
Standing Orders 252 to 254

TABLED PAPERS

Redaction of Unparliamentary Language

The content of any document tabled should not contain unparliamentary material or information and words that would not be allowed in verbal speeches made in the House. Should a tabled document contain offensive material, the Speaker may: -

- Attempt to have the member who tabled the document redact any unparliamentary language;
- Report to the House that the document breaches the Standing Orders and rule it out of order;
- Seek the consent of the House to alter the document to redact any offensive material.

On 11 February 2014 a member attempted to table a document which contained unparliamentary language. Prior to the document being tabled, it was returned by the Speaker and the member was provided with an opportunity to redact any unparliamentary language. Later that evening, the member formally requested that the document be withdrawn.

Record of proceedings: 11 February 2014, 97, 117
Standing Order 26(2)(a), (b)



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MOTIONS

Motion to elect a senator to fill a casual vacancy in the Senate

As noted in the previous edition of *Matters of Procedural Interest*, a vacancy for a Queensland Senate position occurred in August 2013 with a single nomination received at a meeting of the House on 12 September 2013. A motion to elect the nominee was moved however debate on the motion was postponed until early 2014.

On 11 February 2014, debate on the motion resumed and a new Senator was elected to the Commonwealth Parliament later that day. A subsequent motion was moved by the Leader of the House noting that Madam Speaker inform Her Excellency the Governor of the new appointment.

Record of proceedings: 11 February 2014, 56-67
Standing Orders 288-290

Estimates Hearings Order

The order setting dates for estimates hearings and reporting are set each year by the House by way of motion.

On 2 April 2014 a motion to allocate two hearing days for each portfolio committee was agreed to by the House as a trial for 2014.

Record of proceedings: 2 April 2014, 1011-1031
Standing Order 177

Closure motion

Any member during debate on a question may move 'that the question be now put.' If the Speaker is of the opinion that there has been sufficient debate, the question shall be put without further amendment or debate.

During debate on the amendment to the second reading question for the Sustainable Planning (Infrastructure Charges) and Other Legislation Amendment Bill on 4 June 2014, the Deputy Premier moved a closure motion. The motion was agreed to following a division.

Record of proceedings: 4 June 2014, 1998
Standing Order 88

LEGISLATION

Bills declared urgent

A bill may be declared urgent and pass through all stages with unusual expedition. A motion to declare a bill urgent may be debated. During the period two Bills were declared urgent.

Firstly, the Hospital and Health Boards Amendment Bill 2014 was declared urgent by the Minister for Health upon introduction on 1 April 2014. The urgency motion was debated and subsequently agreed to following a division.



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The Bill was passed two days later.

The second urgent bill was the Revenue Legislation Amendment Bill 2014 which was introduced at the beginning of budget week together with the Appropriation Bills. The Bill was passed through all stages by the end of the sitting week.

Record of Proceedings: 1 April, 2014, 910
3 June 2014, 1960
Standing Order 137

Cognate bills

For the purposes of expediency and/or the correlation between two or more bills, a member may move that the House consider several bills at the same time for one or more of the following stages (i) second reading, (ii) consideration in detail and (iii) the third reading and titles. The question is to be put without amendment or debate.

Specific provision is made in the Standing Orders with respect to Appropriation bills which note that when two or more annual Appropriation bills are introduced together, they are to be treated as cognate for the second reading, consideration in detail and the third reading and long titles.

During this period, five motions were moved by the Leader of the House initiating cognate debates. The cognate bills were: -

- Regional Planning Interests Bill 2013 and Protection of Prime Agricultural Land and Other Land from Coal Seam Gas Mining Bill 2013
- Agents Financial Administration Bill 2013, Debt Collections (Field Agents and Collection Agents) Bill 2013, Motor Dealers and Chattel Auctioneers Bill 2013 and Property Occupations Bill 2013
- TAFE Queensland (Dual Sector Entities) Amendment Bill 2014 and Further Education and Training Bill 2014
- Public Guardian Bill 2014, Family and Child Commission Bill and Child Protection Reform Amendment Bill 2014
- Appropriation Bill 2014, Appropriation (Parliament) Bill 2014 and Revenue Legislation Amendment Bill 2014.

Record of Proceedings: 18 March 2014, 566
6 May 2014, 1164
8 May 2014, 1411
20 May 2014, 1525
3 June 2014, 1960
Standing Order 172, 176

Amendment to second reading question

Chapter 25 of the Standing Orders sets out the procedure in the House for the second reading of Bills. Standing Order 141 in particular provides that amendments may be proposed to the question for the second reading of a Bill provided that it is strictly relevant to the question for the second reading.

On 4 June 2014, during the second reading debate of the Sustainable Planning (Infrastructure Charges) and Other Legislation Amendment Bill, an amendment was moved by the Deputy Leader of the Opposition that the Bill 'be referred to



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the Agriculture, Resources and Environment Committee for consideration and report on clauses 50 to 55 of the bill'. The motion was negatived and the Bill was read a second time and passed later that day.

Record of Proceedings: 4 June 2014, 1998
Standing Orders 138 to 141

SESSIONAL ORDERS AND STANDING ORDERS

Amendments to Standing Orders

Schedule 6 of the Standing Orders was amended on 11 February and 3 June 2014. These amendments included changes to the portfolio committee's areas of responsibility and also ministerial titles. Schedule 7 was replaced on 3 June 2014 amending the entities to which direct questions of Chief Executives at estimates apply.

The most significant amendment to the Standing Orders to occur during this period was the replacement of Chapter 19 – Divisions, which saw the introduction of party voting. When a division is called, members are required to sit in their designated seats with a block of votes being put forward on behalf of members of a party. Members of a party will be taken to have voted with their party unless the Party Whip is advised otherwise. The government and opposition whips report their block of votes to the House and the Clerk reports the votes of minor parties, recognised parties and independents. The Speaker then announces the result of the division to the House.

The new division procedures commenced on 11 February 2014 and were amended on 22 May 2014.

Record of proceedings: 11 February, 2014, 18
22 May 2014, 1784
3 June 2014, 1910

Standing Order Chapter 19, Schedule 6 and Schedule 7

COMMITTEES

Confidentiality of Proceedings

Standing Orders provide for the proceedings of:-

- (i) a portfolio committee;
- (ii) the Committee of the Legislative Assembly;
- (iii) the Ethics Committee;
- (iv) the Parliamentary Crime and Misconduct Committee; and
- (v) any subcommittee of the above mentioned committees

that is not open to the public or authorised to be published, to remain strictly confidential until the committee has reported those proceedings to the House or have otherwise published the proceedings.

Further, members are not permitted to refer to any proceedings of a committee that is not open to the public or authorised to be published until such time as the committee has reported those proceedings to the House or the committee has published the proceedings.



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In reminding members on 18 March 2014 of the confidentiality requirements the Speaker advised that 'any approach by a person, including a member of this House, to an individual member of the PCMC or the Ethics Committee seeking to elicit information about committee proceedings is highly inappropriate and could constitute contempt in accordance with section 37 of the Parliament of Queensland Act 2001.'

Record of proceedings: 18 March 2014, 558
Standing Orders 211, 211A

QUESTIONS AND ANSWERS

Questions without notice – rules for questions

Standing Orders 113, 114 and 115 set out the general rules that apply to both questions on notice and questions without notice. When asking a question, members must ensure that their questions do not contain:-

- Lengthy or subjective preambles;
- Arguments, inferences or imputations;
- Hypothetical matters;
- The names of persons unless they are strictly necessary to render the question intelligible and can be authenticated.

Further, members must take care to ensure that their questions are directed to the relevant Minister, do not ask for an expression of opinion, a legal opinion or an answer that would contravene the Standing Orders relating to matters of sub judice.

During the period, the Speaker ruled seven questions without notice out of order (an average of one question per sitting week). The questions were ruled out of order on for the following reasons:-

- Questions contained imputations, lengthy preambles, hypothetical matters;
- Questions asked for an expression of opinion;
- A question related to a (then) current committee proceeding and a bill before the house;
- A question was not relevant to the Minister's portfolio.

In a ruling to the House on 6 May 2014, the Speaker clarified what constitutes a hypothetical question.

Record of Proceedings : 11 February, 2014, 27, 28
12 February 2014, 140
4 March 2014, 314
5 March 2014, 421
18 March 2014, 575
6 May 2014, 1155
5 June 2014, 2082
Standing Orders 113(1)(a), 114 and 115