



MATTERS OF PROCEDURAL INTEREST

No. 7 — July to December 2014

Prepared by Chamber and Procedural Services Office

QUEENSLAND LEGISLATIVE ASSEMBLY PROCEDURAL BULLETIN

WORK OF THE HOUSE

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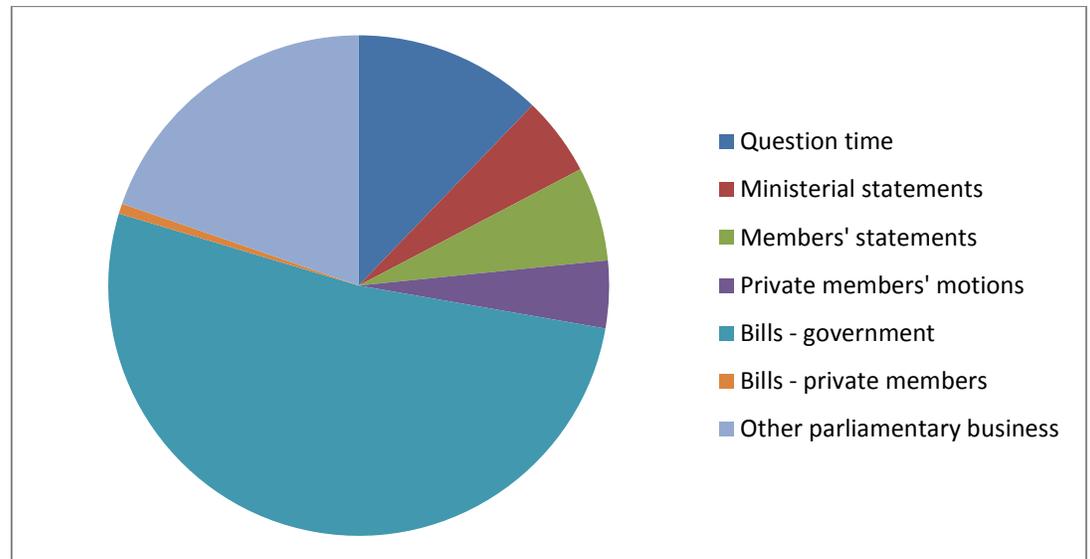
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Overview comparison

	1 Jul to 31 Dec 2014			1 Jul to 31 Dec 2013		
Sittings						
Sitting days	18			18		
Average duration per sitting day [hrs:mins]	9:53			11:24		
Legislation						
	Govt	PMB	Total	Govt	PMB	Total
Bills introduced	23	3	26	35	5	40
Bills passed	29	0	29	35	0	35
Bills referred to committees	23	3	26	28	5	33
Bills reported on by committees	24	3	27	27	3	30

Business conducted

The following chart shows a breakdown of the business conducted during the period 1 July to 31 December 2014.





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MEMBERS

Unparliamentary language

On 9 September 2014 a member used unparliamentary language in an interjection. Not being acknowledged by the member who was speaking at the time, the interjection was not recorded in the Record of Proceedings, but was audible on the broadcast. The following day, the Speaker called on the member to withdraw, which he did, with apologies.

Record of proceedings: 10 September 2014, 3115
Standing Order 235

Sub judice

On 27 November 2014 the Speaker ruled that a newspaper report tabled by the a member the previous day be deemed not tabled, as the member was unable to provide an assurance that the matter canvassed in the report was not still before the courts.

Record of proceedings: 27 November 2014, 4125
Standing Order 233

TABLED PAPERS

Tabled Paper out of order

On 29 October, during debate on the motion to ratify the Queensland Plan, a member tabled a box of copies of the Queensland Plan. Later that evening, the Deputy Speaker ruled that this tabling was out of order. He noted that Speakers had previously made rulings regarding documents being tabled where they served no purpose and where members could make the point without tabling those items. He also reminded members that public expense is incurred when documents and items are tabled.

Record of proceedings: 29 October 2014, 3730, 3749

MOTIONS

Dissent from Deputy Speaker's ruling

On 6 August 2014, when a member reflected on another member's absence from a parliamentary committee hearing, that member raised a point of order that this reflection was inconsistent with the Standing Orders and the customs and tradition of the House. The Deputy Speaker overruled the member's point of order.

On 27 August 2014, the member moved a motion of dissent from the Deputy Speaker's ruling. The motion was debated by several members, referencing rulings by the current Speaker and previous Speakers. Much of the debate focused on whether the convention of not reflecting on a member's absence from the chamber could be extended to reflections on an absence from a committee proceeding. The question was put and a division called with the Ayes 14 and Noes 69.

On 28 August 2014, the Speaker clarified that the effect of the previous day's



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resolution should be confined to references to a member's absence from a parliamentary committee and that previous rulings on making reference to a members' absence from the chamber remain unaffected.

Record of proceedings: 6 August 2014, 2509-2510

Record of proceedings: 27 August 2014, 2785-2791

Record of proceedings: 28 August 2014, 3847

PRIVILEGE

Alleged failure to register interests

On 16 June 2014, the Registrar (the Clerk) referred to the Ethics Committee an allegation that a member had knowingly failed to register his shareholdings in, and directorship of, a number of companies and a voluntary organisation in the Members' Register of Interests.

On becoming aware of the omission of his directorship of the voluntary organisation, the member sought advice and updated the Members' Register of Interests.

The Ethics Committee reported on 16 October 2014. The committee found that the member was required to register his interests in all but one of the companies referred to in the allegation.

The committee concluded, however, that the member did not knowingly fail to register the interests, as he acted under the false assumption that his accountant had acted on his instructions to deregister the relevant companies. The committee, therefore, found no contempt.

The committee recommended that the member apologise for failing to register his interests. The committee reminded all members of their responsibility to conscientiously comply with the requirement to register interests, to seek advice and to correct inadvertent errors as soon as they come to their attention. The committee also reminded members that they should not seek to delegate their responsibilities to accountants or financial advisers.

Record of proceedings: 16 October 2014, 3507

Ethics Committee report No. 149

Alleged attempt to improperly influence the conduct of a Member

This matter concerned an allegation that an individual attempted to improperly influence a member in his conduct as a Member of Parliament by way of a bribe or threat.

On 22 May 2014, the Ethics Committee suspended its consideration of the matter, until after the Queensland Police Service concluded its investigation of a related matter. The committee recommenced its consideration of the matter on 11 September 2014, after being advised that the Police had closed their investigation.



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The committee reported on 30 October 2014. The committee found that while the member felt intimidated by the individual's actions, there was no evidence of any direct attempt to threaten or intimidate the member.

The committee considered whether there was a link between the individual's actions and the member's free performance of his duties as a member. The committee considered that theoretically there could have been a link to a potential disallowance motion of subordinate legislation. However, the committee found, in reality, no evidence of such a link. The committee also found no evidence of any public mischief, corruption or breach of trust. The committee recommended no further action be taken.

Record of proceedings: 16 October 2014, 3797
Ethics Committee report No. 153

LEGISLATION

Same question rule

Standing order 87 provides:

- (1) Unless these 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.*
- (2) This Standing Order does not apply to a motion of want of confidence or censure.*

The Speaker made two rulings on the same question rule during the period.

On 5 August 2014, the House passed the Criminal Law Amendment Bill. Among other matters, the bill dealt with the introduction of offences in relation to match fixing or cheating and looting in declared areas in disaster situations.

These matters were also dealt with in two private member's bills; the Criminal Code (Cheating at Gambling) Amendment Bill, and the Criminal Code (Looting in Declared Areas) Amendment Bill, introduced on 31 October 2013 and 13 February 2014 respectively.

As a result of the House passing the Criminal Law Amendment Bill, the Speaker ruled that the same question rule was enlivened in relation to these bills and they were discharged from the Notice Paper.

On 6 August 2014, the member sought a ruling about the application of the same question rule to another private member's bill, the Child Protection (Offending Reporting) Amendment Bill. The ruling also applied to another private member's bill, the Child Protection (Offender Reporting—Publication of Information) Amendment Bill.

The Child Protection (Offending Reporting) Amendment Bill dealt with entry of a reportable offender's residence. The Child Protection (Offender Reporting—Publication of Information) Amendment Bill primarily proposed to insert new



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provisions into the *Child Protection (Offender Reporting) Act 2004* to disclose information about certain categories of offenders to the community. The Child Protection (Offender Reporting) and Other Legislation Amendment Bill which had been passed by the house did not deal with such issues; therefore the Speaker ruled that the same question rule would not be enlivened at the second reading of either private member's bill.

Record of Proceedings: 6 August 2014, 2496
Standing Orders 87 and 150

Motion of disallowance

The *Electoral Reform Amendment Act 2014* (passed 22 May 2014) inserted a new section (s 240), which provided for a payment for policy development for eligible registered political parties. The payment is calculated using a formula stipulated in the Act $((A \times B) / C)$ where A is the amount prescribed under regulation (Electoral Regulation 2013).

Electoral Amendment Regulation (No. 1) 2014, Subordinate Legislation No. 154 of 2014 (notified 4 July 2014, tabled 5 August 2014) inserted a new section 8 into the regulation, prescribing the amount for A as \$3m.

On the date of the statutory instrument's tabling, a member made a statement opposing it and, on 27 August 2014, moved a disallowance motion against it. The member's statement in support of the motion focused on his view that the regulation did not provide for any accounting or acquittal of the payment.

The motion was resolved in the negative: Ayes, 7; Noes, 74.

Record of Proceedings: 5 August 2014, 2350-2351
Record of Proceedings: 27 August 2014, 2813-2828
Standing Order 59

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.



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During the period, the Speaker ruled one question without notice out of order. The question was ruled out of order because of its direct use of 'you' toward the Premier.

Record of Proceedings: 15 October 2014, 3399-3400
Standing Orders 113(1)(a), 114 and 115