

Introduction

The Queensland Parliamentary Procedures handbook is designed to inform Ministers, other Members of the Legislative Assembly and departmental officers of the various procedures associated with the major functions of the Parliament. In particular, departmental officers will value the information provided about the legislative process, the tabling of papers and reports, and interaction with parliamentary committees.

The handbook can be accessed on the Queensland Parliament website at:

<http://www.parliament.qld.gov.au/work-of-assembly/procedures>.

Enquiries about the Parliamentary Procedures Handbook

The Clerk of the Parliament

Parliament House

Queensland

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1.0 Definition of Parliament and the functions of the Legislative Assembly

1.1 Definition of Parliament

Queensland is unique amongst the Australian States in that it has a unicameral Parliament. That is, it has only one House of Parliament - the Legislative Assembly. All other Australian States have bicameral Parliaments, meaning they have two Houses of Parliament - a Lower House (a Legislative Assembly or House of Assembly) and an Upper House (a Legislative Council).

In 1922 Queensland's Legislative Council was abolished by the passing of the *Constitution Act Amendment Act 1922*, which took effect on 23 March 1922. Abolition of the Legislative Council was achieved by the appointment of additional Members of the Legislative Council to ensure passage of the Bill. The *Constitution Act Amendment Act 1934* ensured that the Legislative Council cannot be reintroduced without the support of the Queensland voters at a State referendum.

The term 'Parliament' is often used to describe the Legislative Assembly. However, at law in Queensland the term 'Parliament' comprises the Legislative Assembly and the Sovereign - the Sovereign's representative being the Governor. The law-making power of the State resides in Parliament, meaning the Legislative Assembly and the Sovereign acting together.

1.2 Overview of the functions of the Legislative Assembly

There is no exhaustive list of the functions of the Legislative Assembly. In understanding its functions, it is important to appreciate that the system of government in Queensland is modelled on the Westminster system of government. The functions of the Legislative Assembly in Queensland largely replicate those of the House of Commons in the Westminster Parliament.

Reference to the Westminster system of government means the system of government developed in the United Kingdom; Westminster being where the UK Parliament meets. This system of government is characterised by governments being formed from those that retain the support and confidence of the Lower House. Ministers are Members of Parliament and are responsible to the Parliament for the matters that they administer. Cabinet, comprising the Premier and other Ministers, is collectively responsible to the Parliament.

While one of the most important functions of the Legislative Assembly is to legislate, the Legislative Assembly is not just a legislature. The Legislative Assembly has a number of very important functions apart from being an essential part of the legislative process. The other functions are outlined below.

1.3 Supply, confidence and government

Under the Westminster system of government operating in Queensland, it is essential that the government maintains the support of the Legislative Assembly on issues of confidence and Supply. This means that the government must have the support of the Legislative Assembly in votes of confidence and be able to ensure that the Legislative Assembly will pass the annual Appropriation Bills that are essential to pay for the public services of the State (Supply). Therefore, in a practical sense the Legislative Assembly determines who forms the government of the State.

A vote of confidence simply means that the Legislative Assembly indicates in a vote that the government has its support. Usually the question is posed in the negative by the Opposition moving a motion 'That the House has no confidence in the Government' or similar. However, the government may itself also test the support of the Legislative Assembly by posing the question in the positive 'That the House has confidence in the Government'.

1.4 Legislative function

The Parliament, constituted in Queensland by the Legislative Assembly and the Governor as the Sovereign's representative, has the power to make or amend laws for the 'peace, welfare and good government' of the State. This power is referred to as the 'plenary power' of the Parliament. The only real limits on the law-making power of the Queensland Parliament are the Commonwealth Constitution and the entrenched provisions of the Queensland Constitution.

One of the principal functions of the Legislative Assembly, therefore, is to be an integral part of the law-making or legislative process. It is in the Legislative Assembly where Bills (law-making instruments) are introduced, debated, amended and passed. When a Bill is passed it is given Royal Assent by the Governor and, at that time, converted to an Act - a new law or an amendment to an existing law.¹

The legislative power of the Queensland Parliament extends to delegating legislative power to other bodies, such as the Governor in Council, so that those bodies can make laws called subordinate or delegated legislation. Regulations, by-laws and ordinances are all examples of subordinate legislation. The Legislative Assembly, as a precondition to the delegation of legislative power, provides for mechanisms by which subordinate legislation is monitored and, if the Legislative Assembly decides, 'disallowed' (see chapter 11). If subordinate legislation is disallowed, it ceases to have effect from the time it is disallowed.

1.5 Financial control

One of the most essential constitutional legacies inherited from the Westminster Parliament is the Lower House's control of public finances. The laws and controls relevant to Queensland today can be summarised as follows:

- Tax cannot be levied without the consent of Parliament.
- The Executive cannot borrow money upon the public credit without legislative authority.
- While money raised by taxation and other revenue vests in the Crown, no money can be paid from the money collected without a distinct authorisation of Parliament. Revenues collected are deposited in the Consolidated Fund. A Bill approving expenditure to be deducted from the Consolidated Fund is called an Appropriation Bill.
- Laws provide for the audit and account of public expenditure, including a requirement that at the end of each financial year the Treasurer must forward a statement of all transactions of the Consolidated Fund and details of appropriation paid to each department, to the

¹ 'Act' is short for Act of Parliament and comes from the Latin term via Norman French, which was the original language of the British Parliament. The Latin term 'Actum' means a thing completed or formally done. 'Bill' is thought to be a derivative of Medieval Latin 'Bulla' (Seal), originally a sealed written document.

Auditor-General for certification and that the audited statement be tabled in the Legislative Assembly. This statement is known as the consolidated fund financial report.

Section 68 of the *Constitution of Queensland 2001* requires a message from the Governor recommending any Bill that seeks to expend money from the Consolidated Fund. The effect of this is to ensure the government maintains control over budgetary measures.

1.6 Scrutiny of the Executive

Another important function of the Parliament is to scrutinise the policies and actions of the government of the day. This role is largely facilitated through an adversarial process whereby the Legislative Assembly recognises an official Opposition that puts counterproposals to the government of the day and questions the government's policies and administration. Procedures such as questions with or without notice to Ministers and institutions such as the parliamentary committee system assist the Parliament in its scrutiny role.

The ultimate power of the Parliament lies in its ability to withdraw its support for the government. The Parliament's withdrawal of support is usually manifested in a vote of no confidence in the government (see 1.3 above).

1.7 Inquisitorial function

The House of Commons of the United Kingdom Parliament has long been referred to as the 'grand inquest of the nation'. By this it is meant that the House of Commons is able to inquire into all instances of alleged abuses or misconduct and institute inquiries with coercive powers in order to assist it in that function.

Queensland's Legislative Assembly may likewise act in an inquisitorial manner and institute inquiries to assist it to uncover instances of abuse or misconduct and to investigate the need for reform. This inquisitorial function is closely related to the Legislative Assembly's other functions to scrutinise the Executive and to legislate. The Legislative Assembly, and any parliamentary committee authorised by the Assembly, has the power to call for persons and papers or 'other things' (see section 25 of the *Parliament of Queensland Act 2001*).

1.8 Forum for debate and grievance

An extremely important function of the Legislative Assembly is to act as a forum to enable Members to represent their constituents and allow the views and grievances of their constituents to be aired. The tabling of petitions is an example of this function (see chapter 10), as is the time allowed for individual Members' statements and adjournment debates.

2.0 Sources of parliamentary law and practice

2.1 Overview

There are five sources for the laws and rules that govern how the Parliament goes about its work:

- Statute.
- Standing Orders.
- Sessional Orders and other orders of the House.
- Rulings of the Chair.
- Custom and practice.

2.2 Statute

The authority for the existence of the Legislative Assembly and for the determination of who is to be a Member of Parliament is derived from statute. The following Queensland legislation is particularly relevant:

- *Constitution of Queensland 2001* (chapter 2);
- *Constitution Act 1867* (especially sections 1-2A);
- *Electoral Act 1992*; and
- *Parliament of Queensland Act 2001*.

Combined, these Acts largely provide for the existence, function and composition of the Legislative Assembly.

The powers, rights and immunities enjoyed by the Legislative Assembly also have a statutory basis (especially chapter 3 of the *Parliament of Queensland Act 2001*).

A number of statutes include provision for the tabling of reports or other documents in the Legislative Assembly. For example, section 63 of the *Financial Accountability Act 2009* provides for the tabling of annual reports in the Legislative Assembly, section 32 of the *Commissions of Inquiry Act 1950* provides for the tabling of Commission of Inquiry reports and section 59 of the *Parliament of Queensland Act 2001* provides for the tabling of other documents and reports when the Legislative Assembly is not sitting.

Also relevant to the internal proceedings of the Legislative Assembly are statutory provisions dealing with the disallowance of subordinate legislation. Sections 49-51 of the *Statutory Instruments Act 1992* provide for the tabling of subordinate legislation and for disallowance by resolution of the Legislative Assembly (see chapter 11). There are also statutes that allow the Legislative Assembly by resolution to disallow/revoke grants or declarations.

Statutes are often also relevant to the proceedings of parliamentary committees. The *Parliament of Queensland Act 2001* provides the authority for the establishment of various committees of the Legislative Assembly as well as the composition, quorum, powers and certain procedures to be followed by those committees.

The *Crime and Corruption Act 2001* establishes the Parliamentary Crime and Corruption Committee. It also deals with many of the procedures pertaining to that committee.

The Commonwealth Constitution in one respect is also relevant to the procedures of the Legislative Assembly. Section 15 of the Commonwealth Constitution provides for the election of a Queensland Senator when a casual vacancy occurs.

2.3 Standing Orders

Section 11 of the *Parliament of Queensland Act 2001* provides for the Legislative Assembly to prepare and adopt Standing Rules and Orders for the conduct of parliamentary business. Standing Orders are the most important source of procedure for the Legislative Assembly.

The Legislative Assembly can dispense with the need to comply fully with Standing Orders by granting 'leave' for a matter to be dealt with in an informal way. 'Leave' means the permission of the Legislative Assembly to do something. There is no debate when it is proposed to the Legislative Assembly that leave be granted to do something for there is no motion before the House. The Legislative Assembly, while bound by its Standing Orders, is ultimately the master of its own procedures. If there is agreement on a particular way of proceeding it would be pointless for the House to feel bound by its own rules to act differently.

A Standing Order can also be formally set aside by a motion to suspend it. The motion may be moved with or without notice, but if it is moved without notice leave is required. While a motion to suspend Standing Orders is usually moved by the Leader of the House or a Minister, it may be moved by any Member.

A motion to suspend Standing Orders must state the purpose of the suspension, although it does not need to specify the particular Standing Orders that are to be suspended. For example, a motion might state 'that so much of Standing Orders be suspended to enable the Bill to pass all remaining stages by 5 pm today'. There is no time limit on the debate on a motion to suspend Standing Orders and each Member may speak for the normal time limit set by Sessional Orders for debate of motions. However, the debate on such a motion is limited to the question of the suspension of the Standing Orders and the reasons for and against such a suspension.

The *Parliament of Queensland Act 2001* provides that the Committee of the Legislative Assembly has responsibility for the Standing Rules and Orders about the conduct of business by, and the practices and the procedures of, the Assembly and its committees.

2.4 Sessional Orders

Sessional Orders are motions passed by the Legislative Assembly which either enable it to do certain things and take certain actions not covered by Standing Orders or which supersede a particular Standing Order for the duration of a parliamentary session. For example, Sessional Orders are passed on the first day of business of each session setting out matters such as the days and hours of sitting, the order of business, and time limits for debates and speeches. It is not uncommon for new procedures to be trialled by Sessional Orders, later being assessed and inserted into Standing Orders.

2.5 Rulings of the Chair

Since 1860, Speakers have made rulings from the Chair which form precedents to be followed in the future. These rulings are often interpretations of the Standing Orders or Sessional Orders.

2.6 Custom and practice

The custom and practice of the Legislative Assembly is the way the Legislative Assembly applies the rules by which it conducts its business and determines the way it will govern its procedures when there are no rules set down. For example, custom and practice dictate the rules for the correction and editing of the *Record of Proceedings* (Hansard).

2.7 Practice of other Parliaments

Standing Orders enable the Legislative Assembly to use the rules, forms and practices of other Parliaments operating under the Westminster system in cases where statute, its own Standing Orders, Sessional Orders, rulings or practice do not provide for a matter.

2.8 Conflict between sources of procedure

On occasions there will be a conflict between sources of procedure. In these circumstances it is important to identify what source of procedure prevails in the conflict. There is a general hierarchy of the sources of procedure in the event of a conflict. The hierarchy in descending order of authority is as follows:

- Statute.
- Sessional Orders or other Orders of the Legislative Assembly.
- Standing Orders.
- Speaker's Rulings.
- Custom and Practice of the Legislative Assembly.
- Practice of other Parliaments.

On occasions it will appear that there is a conflict between the sources of procedure, but on closer examination the two sources can co-exist. For example, section 50 of the *Statutory Instruments Act 1992* provides procedures for the Legislative Assembly to disallow subordinate legislation. That section requires Members to give notice of motion to disallow the subordinate legislation within 14 sitting days of the tabling of the subordinate legislation. The provision also provides that the Legislative Assembly must deal with the notice of disallowance within 14 sitting days of the notice of motion to disallow, otherwise the subordinate legislation ceases to have effect. Standing Orders require that disallowance motions be debated within seven sitting days after notice of disallowance has been given. There is no conflict between the provisions of the Statute and Standing Orders. Standing Orders are simply giving an early precedence to the debate of the notice of disallowance.

2.9 Setting aside a procedure

The Legislative Assembly is able to set aside Standing and Sessional Orders or any source of procedure by an order, with the exception of statute. The Legislative Assembly cannot set aside statute except by an amending Act, and some Constitutional Acts require special procedures to be amended (for example, an absolute majority or a referendum).

3.0 Parliamentary publications

3.1 Record of Proceedings (Hansard)

The *Record of Proceedings* is the official record of the debates and proceedings of the House. The *Parliament of Queensland Act 2001* operates so as to ensure that the publication of the *Record of Proceedings* is privileged. This means that the person, authorised by the House, to publish the *Record of Proceedings* is immune from any civil or criminal liability arising from publication (see 18.1).

Standing Orders provide that the *Record of Proceedings* shall include a transcript of debates in the House and a record of the proceedings of the House. Procedural matters include:

- names of Members present at each sitting;
- all questions moved and debated;
- all amendments moved and debated;
- all questions put and the result;
- the results of all divisions;
- all documents tabled; and
- any other matter determined by the Standing Orders, the House or the Speaker.

The *Record of Proceedings* is often referred to as Hansard which was the name of the printing firm that began printing the House of Commons debates in the early 19th century. The *Record of Proceedings* is authorised by the Speaker, the Clerk of the Parliament and the Chief Reporter.

Members' speeches are edited to ensure grammatical correctness and readability, with repetitions and redundancies omitted and mistakes corrected. Although only the House itself can exercise control over the content of the record, rulings from the Chair and custom and practice have formed the guidelines for what is deleted from and what is incorporated in the debates of the House. Interjections to which the Member speaking does not reply are not included in the record. The Speaker has a responsibility to ensure that no material that offends Standing Orders is included in the record.

The right of Members to peruse and revise their speeches is a well-established practice. Although Members have the right to correct their remarks, corrections that alter the sense of words used in debate or introduce new matters are not permissible.

General enquiries can be made by emailing hansard@parliament.qld.gov.au.

Members' speeches

So that they may satisfy themselves that the report of their speech is accurate, Members are emailed a copy of their speech within two to three hours of the speech being made in the House.

The only two exceptions to this are:

- questions without notice – the question and answer is extracted and emailed to the Minister only and not the Member asking the question; and
- consideration in detail stage – as these speeches are usually of short duration, speeches are not provided except on request.

The email will indicate the time by which suggested alterations should be returned to the Chief Reporter for consideration and approval. Such alterations, however, must be confined to correction of obvious errors or clarification of statements that may otherwise be misinterpreted; they must not alter the sense of any statements made. Unless the Speaker's approval is first obtained, it is not in order to add new matters or to delete any statement made.

Incorporation of material

Standing Orders provide that material may only be incorporated in the record by leave of the House, and that material sought to be incorporated must first be shown to the Speaker and the Speaker's consent obtained. Under Standing Orders, a Member who has presented a Bill can seek leave to incorporate their explanatory speech (or part thereof) into the *Record of Proceedings*. Speakers have ruled that material could only be inserted into the record which is first and foremost a record of the debate that takes place in the House, if the following rules are complied with:

- there should be good reason for incorporating material in the record;
- prior to seeking leave to incorporate material in the record, a Member should first provide the material to the Speaker for consideration and obtain the Speaker's consent;
- in considering whether to permit the incorporation of material into the record, the primary factors that will be taken into account by the Speaker will be whether the material contains anything that is offensive or likely to breach the general rules of debate in the House (eg anything that is sub judice); whether the material significantly enhances the arguments to be made in the debate; the length of the material; and the legibility and form of the material and resources likely to be expended in incorporating the material; and
- generally, the incorporation of material will not be permitted where the material is simply a Member's speech that is likely to be too long for the allotted time.

Electronic copies of the material to be incorporated **must** be forwarded to the Parliamentary Reporting Service prior to seeking leave in the House that the material be incorporated. Electronic copies should be emailed to hansard@parliament.qld.gov.au.

Electronic access

The *Record of Proceedings* (and historical Hansard debates) are available online on the Parliament's website. People can access this information in a number of ways:

Latest *Record of Proceedings*

<http://www.parliament.qld.gov.au/work-of-assembly/sitting-dates/latest-sitting-dates>

Early electronic editions of the proof *Record of Proceedings* are published after 2.30 pm (and contain proceedings up to the end of question time) and 4.15 pm (containing proceedings up to the lunch break). The completed proof *Record of Proceedings* is available approximately 2 hours after the House has risen.

Record of Proceedings for each sitting day

<http://www.parliament.qld.gov.au/work-of-assembly/sitting-dates/dates>

Access to records for a specific sitting day. This page is updated as the proof *Record of Proceedings* becomes available for the relevant sitting day. Prior years can be accessed by selecting the relevant year.


Search Hansard:

<http://www.parliament.qld.gov.au/global/advanced-search?actionId=1>

This is a key word text searching and retrieval facility of parliamentary debates dating back to 1860.

Broadcast of Proceedings

The Parliamentary Service provides a live audio and audio-visual monitoring and captioning service for the internet broadcast of Parliamentary proceedings and can be accessed from the website at: <http://www.parliament.qld.gov.au/work-of-assembly/broadcast-chamber>.

Archived broadcasts are available through accessing the *Record of Proceedings* for sitting dates from 14 February 2011. This camera icon  will appear in the left-hand margin at various points throughout the electronic document. By clicking on this icon, users will be able to watch a video replay of the proceedings of Parliament from that point onward. The on-demand broadcast will become available at the times the *Record of Proceedings* is published on the internet at 2:30 pm and 4:15 pm on a sitting day and within two hours of the House rising.

Access to tabled papers

Since 2009, the *Record of Proceedings* has included links to electronic copies of tabled papers. These links are available in the final *Record of Proceedings*, published after a sitting week.

3.2 Notice Paper

The *Notice Paper* can be likened to an agenda and includes a program for the day's sitting based on the order of business agreed by the House in Sessional Orders. The *Notice Paper* sets out all items of business currently before the Legislative Assembly awaiting further debate. For example:

- all Bills known as 'Orders of the Day';
- orders referred to parliamentary committees;
- notices of motion;
- motions being debated;
- notices of revocations; and
- questions on notice asked the previous sitting day

The *Notice Paper* also contains a list of all parliamentary committees, their membership, current inquiries and referrals. An abridged example of a *Notice Paper* including the program for the day is provided below.

Publication

The *Notice Paper* is an electronic publication available from the Parliament's website at: <http://www.parliament.qld.gov.au/work-of-assembly/sitting-dates/latest-sitting-dates>.

The *Notice Paper* is published at the end of each sitting day shortly after the Legislative Assembly adjourns. A revised *Notice Paper* is published at the start of a new sitting week before the commencement of the next sitting day. The Leader of the House may alter the order of any Government Business on the *Notice Paper* prior to its publication. However, once the *Notice Paper* has been published the order may be varied by the House only.

The Table Office provides an email alert to subscribers when the *Notice Paper* is published. Details on how to subscribe to the service can be accessed from the Parliament's website <http://www.parliament.qld.gov.au/get-involved/how-do-i-get-involved/email-alert>.

The *Parliament of Queensland Act 2001* operates so as to ensure that the publication of the *Notice Paper* is privileged.

An abridged version of the *Notice Paper* is below.

NOTICE PAPER
FOR
TUESDAY, 4 FEBRUARY 2020
The House meets this day at 9.30 am
PROGRAM FOR TUESDAY SITTING

The following is the program for Tuesday sittings as contained in the Sessional Orders approved by the Legislative Assembly on 15 February 2018, amended on 23 August 2018 and 16 May 2019. The program is subject to change at any time by resolution of the House.

9.30am – 10.15am Preliminary Business*

Messages from the Governor
Matters concerning privilege
Speaker's Statements
Appointments
Petitions
Citizen's Right of Reply
Notification and tabling of papers by the Clerk
Ministerial Papers
Ministerial Notices of Motion
Ministerial Statements
Any other Government Business
Personal Explanations
Tabling of Reports
Notice of motion for disallowance of statutory instrument
10.15 am — 11.15 am—
Question Time
11.15 am — 11.35 am—
Business Program Motion (in accordance with Sessional Order 2B)
11.35 am — 1.00pm—
Government Business
1.00pm — 2.00pm—
Lunch break
2.00pm — 3.00pm—
Matters of Public Interest
3.00pm — 5.30pm—
Government Business
5.30pm — 7.00pm—
Disallowance Motions, Private Members' Bills or Government Business (in accordance with Sessional Order 1(d))
7.00pm — 7.30pm—
Automatic Adjournment
* (If completed before 10.15am, Question Time will commence earlier and continue for 1 hour with starting times for all other items, except lunch breaks, in the Order of Business adjusting accordingly.)

GOVERNMENT BUSINESS

ORDERS OF THE DAY

1. AGRICULTURE AND OTHER LEGISLATION AMENDMENT BILL (Explanatory Notes)

Introduced by: Minister for Agricultural Industry Development and Fisheries (Hon M Furner)
 Date introduced: 22 August 2019 (*Record of Proceedings* Proof p. 2479)
 Committee report: Tabled 8 October 2019 (State Development, Natural Resources and Agricultural Industry Development Committee)
 Status: Second reading to be moved.

2. RESOURCES SAFETY AND HEALTH QUEENSLAND BILL (Explanatory Notes)

Introduced by: Minister for Natural Resources, Mines and Energy (Hon A Lynham)
 Date introduced: 4 September 2019 (*Record of Proceedings* Proof p. 2638)
 Committee report: Tabled 18 October 2019 (State Development, Natural Resources and Agricultural Industry Development Committee)
 Status: Second reading to be moved.

ORDERS REFERRED TO PARLIAMENTARY COMMITTEE**1. NATURAL RESOURCES AND OTHER LEGISLATION (GDA2020) AMENDMENT BILL (Explanatory Notes)**

Introduced by: Minister for Natural Resources, Mines and Energy (Hon A Lynham)
 Date introduced: 23 October 2019 (*Record of Proceedings* Proof p. 3534)
 Status: Referred to State Development, Natural Resources and Agricultural Industry Development Committee (to report by 6 December 2019, as advised to the House on 24 October 2019).

2. IMPLEMENTATION OF THE SPIT MASTER PLAN BILL (Explanatory Notes)

Introduced by: Minister for State Development, Manufacturing, Infrastructure and Planning (Hon C Dick)
 Date introduced: 26 November 2019 (*Record of Proceedings* Proof p. 3759)
 Status: Referred to State Development, Natural Resources and Agricultural Industry Development Committee (to report by 7 February 2020, as advised to the House on 28 November 2019).

GENERAL BUSINESS**ORDERS OF THE DAY****1. VEGETATION MANAGEMENT (CLEARING FOR RELEVANT PURPOSES) AMENDMENT BILL (Explanatory Notes)**

Introduced by: Member for Traeger (Mr R Katter)
 Date introduced: 21 March 2018 (*Record of Proceedings* Proof p. 590)
 Committee report: Tabled 3 September 2018 (State Development, Natural Resources and Agricultural Industry Development Committee)
 Debated: 2 April 2019 (*Record of Proceedings* Proof p. 995)
 26 November 2019
 Status: Resumption of second reading debate.

2. ELECTORAL LEGISLATION (POLITICAL DONATIONS) AMENDMENT BILL (Explanatory Notes)

Introduced by: Member for Maiwar (Mr M Berkman)
 Date introduced: 16 May 2018 (*Record of Proceedings* Proof p. 1213)
 Committee report: Tabled 16 November 2018 (Economics and Governance Committee)
 Debated: 14 May 2019 (*Record of Proceedings* Proof p. 1574)
 Status: Resumption of second reading debate

ORDERS REFERRED TO PARLIAMENTARY COMMITTEES**1. ELECTORAL (VOTER'S CHOICE) AMENDMENT BILL (Explanatory Notes)**

Introduced by: Member for Toowoomba South (Mr D Janetzki)
 Date introduced: 18 September 2019 (*Record of Proceedings* Proof p. 2926)
 Status: Referred to Legal Affairs and Community Safety Committee (to report by 18 March 2020, in accordance with Standing Order 136(1)).

2. TRANSPORT LEGISLATION (DISABILITY PARKING PERMIT SCHEME) AMENDMENT BILL (Explanatory Notes)

Introduced by: Member for Hinchinbrook (Mr N Dametto)
 Date introduced: 16 October 2019 (*Record of Proceedings* Proof p. 3234)
 Status: Referred to Transport and Public Works Committee (to report by 16 April 2020, in accordance with Standing Order 136(1)).

NOTICES OF MOTION**HOUSE TO TAKE NOTE OF COMMITTEE REPORTS**

1. That the House take note of the Legal Affairs and Community Safety Committee Report No. 47, 56th Parliament – Examination of Queensland Audit Office Report 2: 2017-18 tabled 20 September 2019

Notice given: In accordance with Sessional Order 3(1)
 Date: 20 September 2019
 Debated: 28 November 2011
 Status: Resumption of debate.

2. That the House take note of the Legal Affairs and Community Safety Committee Report No. 48, 56th Parliament – Examination of Queensland Audit Office Report 3: 2018-19 tabled 20 September 2019

Notice given: In accordance with Sessional Order 3(1)
 Date: 20 September 2019
 Status: To be moved.

PARLIAMENTARY COMMITTEES

Following are committees appointed by the 56th Parliament, their Membership, current inquiries and referrals. For further information, go to <http://www.parliament.qld.gov.au/work-of-committees/committees>

BUSINESS COMMITTEE—**Members—**

Leader of the House (or alternate), Premier (or alternate), Manager of Opposition Business (or alternate), Cross-Bench Member (or alternate)

COMMITTEE OF THE LEGISLATIVE ASSEMBLY—**Members—**

Speaker (or alternate) (Chair), Leader of the House (or alternate), Premier (or alternate), Deputy Premier (or alternate), Leader of the Opposition (or alternate), Deputy Leader of the Opposition (or alternate), Manager of Opposition Business (or alternate), Cross-Bench Member, Mr Shane Knuth (or alternate)

ECONOMICS AND GOVERNANCE COMMITTEE—**Members—**

Mr Linus Power (Chair), Ms Nikki Boyd, Mr Sam O'Connor, Mr Dan Purdie, Ms Kim Richards, Mr Ray Stevens

Current Inquiries—

- Criminal Code and Other Legislation (Ministerial Accountability) Amendment Bill 2019 (referred 23 October 2019)
- Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill (referred 28 November 2019)
- Inquiry into the feasibility of introducing expenditure caps for Queensland local government elections (referred 28 November 2019)

QUESTIONS ON NOTICE

The following questions were asked Thursday, 28 November 2019. In accordance with the Standing Orders, answers are required by email to TableOffice@parliament.qld.gov.au by Monday, 6 January 2020.

1684 **MR D PEGG** ASKED PREMIER AND MINISTER FOR THE ARTS (HON A PALASZCZUK)—

Will the Premier advise how the Palaszczuk Government's Affordable Energy Pledge will cut power bills for locals in the electorate of Stretton?

1685 **MR C WHITING** ASKED MINISTER FOR MAIN ROADS, ROAD SAFETY AND PORTS AND MINISTER FOR ENERGY, BIOFUELS AND WATER SUPPLY (HON M BAILEY)—

Will the Minister advise of recent initiatives that will help reduce electricity bills for businesses in the electorate of Murrumba?

BY AUTHORITY
N J LAURIE, CLERK OF THE PARLIAMENT

4.0 Parliamentary sittings and terms

4.1 The sessions of Parliament

The first sitting day commences a session of Parliament (for example, the First Session of the Fifty-Sixth Parliament). A session continues until Parliament is prorogued, or dissolved, or at the expiration of the Parliamentary term (see also 4.7). A second session begins on the first sitting day following prorogation of the First Session and terminates on prorogation and so on. Historically, there were usually three sessions in each Queensland Parliament (one per year). However, the recent trend is to have one continuous session for the Parliamentary term. The last exception to this was in 1996 when a government changed mid-Parliament as a result of a by-election, and a prorogation was necessary to dispose of the previous government's legislation on the *Notice Paper* and start afresh with the new government's agenda.

4.2 The parliamentary calendar

It has become the practice for the Leader of the House to issue a parliamentary calendar for the next year's sittings late in the previous year (usually around August the preceding year). This calendar, whilst a generally reliable indicator of the government's intentions, is only indicative. The House itself decides its next sitting date and time through Sessional Orders and special adjournments (see 4.3 below).

4.3 Sitting periods and sitting days

Sitting periods occur within a session, usually at regular periods of the calendar year, and conclude when the House adjourns to a day to be fixed or a fixed date. The *Acts Interpretation Act 1954* defines a sitting day as 'a day on which the Legislative Assembly actually sits.'

It sometimes becomes important to determine how many sitting days have occurred since an event has occurred or how many sitting days must pass before an event can occur. In working out a particular number of sitting days of the Legislative Assembly, it does not matter whether the days are within the same or different Parliaments or within different sessions of Parliament (see section 29B of the *Acts Interpretation Act 1954*).

A sitting day commences at the time set down by the Sessional Orders and concludes with the adjournment of that sitting. The same sitting day may occur over more than one calendar day (for example, it may commence at 9.30 am on a Tuesday and finish at 3.00 am on the following morning).

At the conclusion of each sitting day within the parliamentary session, a motion is moved – 'That the House do now adjourn' – which, when agreed to, automatically adjourns the House until the next sitting day. Sessional Orders may also provide for an automatic adjournment, when the House stands adjourned at a particular time.

Special adjournments may also be moved and agreed to – for example, 'That the House at its rising adjourn to (a fixed date)' or 'That the House at its rising adjourn to a date to be fixed by the Speaker in consultation with the Government of the State'. Special adjournments are routinely moved on the last day of a sitting week setting the start of the upcoming sitting week.

4.4 Prorogation and its effects

Prorogation is an exercise of the royal prerogative. The decision to prorogue Parliament in Queensland rests with the Governor acting on the advice of the government.

Prorogation has the following effects on the Legislative Assembly:

- All proceedings come to an end. That is, all business (except disallowance motions) on the *Notice Paper* lapses. However, there is provision in Standing Orders to resume consideration, in a subsequent session, of Bills that have lapsed because of a prorogation of the Parliament.
- Any Sessional Orders cease to have effect.
- The House may not meet again until the date nominated in the proclamation of prorogation.
- Bills passed by the Legislative Assembly but which have not received assent may still receive assent. However, the practice is to try to ensure that all Bills passed by the Legislative Assembly during a session receive Royal Assent prior to prorogation.
- Select committees appointed by resolution of the House and whose terms of reference do not otherwise provide cease to exist. Committees appointed by resolution of the House for the life of the Parliament and committees appointed pursuant to the Standing Orders continue to exist but cannot meet unless expressly authorised to do so by statute, Standing Orders or resolution. Committees appointed under the Standing Orders of the House (and by statute) are appointed at the commencement of each Parliament for the life of each Parliament. These committees continue in existence notwithstanding prorogation.

4.5 Recess

The period between the prorogation and the next meeting of Parliament - that is, between two sessions of a Parliament - is known as a recess. However, the word is often loosely used in speaking of any period during which the House is adjourned.

4.6 Dissolution of Parliament and its effects

The most common method of terminating the Queensland Parliament is by dissolving the Legislative Assembly, such dissolution being made by Proclamation of the Governor acting on the advice of the Premier. The proclamation dissolving the Legislative Assembly is published in the *Queensland Government Gazette*.

Dissolution has the following effects on the Legislative Assembly:

- all proceedings pending come to an end - that is, all business before the House on the *Notice Paper* lapses, with the exception of notices of disallowance (see 11.5);
- Members of the Legislative Assembly cease to be Members. However, they continue to receive their salaries and allowances until midnight of the day prior to the election;
- any Sessional or other orders cease to have effect; and
- all committees, except for the Parliamentary Crime and Corruption Committee, cease to exist.

Bills passed by the Legislative Assembly prior to dissolution may still be presented for assent after dissolution. However, the practice is to try to ensure that all Bills passed during the session are assented to prior to the dissolution proclamation being signed.

4.7 Fixed four-year parliamentary terms

Recent amendments to the *Constitution of Queensland 2001* established fixed four-year parliamentary terms in Queensland, except in exceptional circumstances. Prior to these amendments, parliamentary terms lasted for a maximum of three years. However, the Parliament could be dissolved earlier by the Governor on the advice of the Premier.

The *Constitution of Queensland 2001* provides for two types of general elections:

- Extraordinary general election – a general election held after the dissolution of Parliament by the Governor in certain circumstances, eg where the government no longer has the confidence of the majority of the Assembly or the Assembly rejects the annual Appropriation Bill, or following the Governor exercising reserve powers under established constitutional convention.

In these circumstances, the next general election (polling day) following the extraordinary general election would be held on the last Saturday in October in the third year after the extraordinary general election.

- Ordinary general election – a general election held at the dissolution of the Parliament at the expiration of the parliamentary term.

In these circumstances, the next general election (polling day) following the ordinary general election would be held on the last Saturday in October in the fourth year after the general election.

Subject to certain exceptions, the Governor must dissolve the Parliament, if they have not already done so, 26 days before the polling day (ie the last Saturday in October).

The amendments to the *Constitution of Queensland 2001* provided that the November 2017 general election was an extraordinary general election. Accordingly, the 56th Parliament is scheduled to be dissolved on Tuesday, 6 October 2020, with the polling day for the election of the 57th Parliament scheduled for Saturday, 31 October 2020.

5.0 Motions, resolutions and orders

5.1 Motions

A motion is a form of words proposed by a Member which, if agreed to, becomes an order or resolution of the Legislative Assembly.

Motions may be classified as either independent and substantive, on the one hand, or dependent and subsidiary on the other:

- Substantive motions are self-contained and express a decision or an opinion of the Legislative Assembly. A condolence motion or a direct motion of no confidence would fall into this category.
- Subsidiary motions are mainly procedural in character and are dependent on something else, such as an Order of the Day. A motion that a Bill be now read a second or third time; or a motion for the adjournment of the debate; are both subsidiary motions.

The determination as to whether a motion is substantive is important, because this question often determines whether notice is required. The general rule in the Legislative Assembly is that a substantive motion is moved on notice and subsidiary motions are moved without notice.

Subsidiary motions that may be moved without notice include the following:

- adjournment of the House;
- adjournment of the debate;
- closure of debate;
- discharge of an Order of the Day;
- motions on all the stages of a Bill;
- publication of papers;
- suspension of a Member after naming;
- the House postponing business to move to some other business; and
- amendment of any question before the House.

5.2 Notice of motion

Notice is a means of showing an intention to do something on a particular day. An advantage of giving notice is that interested people or groups and other Members are made aware of the motion and therefore have time to consider its implications.

When notice is given by a Member certain procedures are required to be fulfilled.

A notice of motion for a debate during Private Members' Motions, for disallowance or for a Ministerial motion may be given by stating the terms in the House at the time set down in Sessional Orders on that day and by delivering to the Clerk a printed copy of the notice.

All other notices of motion must be given by delivering to the Clerk a printed copy of the notice and shall not be stated in the House. The notice of motion shall then be recorded by the Clerk on the *Notice Paper*.

Usually notices of motion state that 'I give notice that I shall move'. Government notices of motion appear under Government Business on the *Notice Paper*.

Private Members' notices appear under General Business on the *Notice Paper*. General Business notices of motion not moved after 30 calendar days are removed from the *Notice Paper*, unless a statute or Standing Order provides otherwise.

5.3 Leave to move a motion without notice

A substantive motion, for which leave has not previously been given or for which insufficient notice has been provided, can still be moved if leave to move the motion without notice is given by the House.

This is achieved by the Member first asking 'that leave be given to move a motion without notice'. Usually leave is given on the voices and declared by the Speaker. In the Legislative Assembly of Queensland, unlike many other Westminster Parliaments, leave can be given on the voices even where there are dissenting voices and the question of leave can be the subject of a division (vote).

5.4 Some rules relating to motions

A Member may, by leave of the House, withdraw a notice of motion that they have proposed. A motion that has been withdrawn may be moved again in the same session. A notice will lapse if a Member fails to move the motion when it is called on, unless another Member moves it on their behalf.

The following rules apply to the subject matter and debate of motions:

- Matters awaiting or under adjudication in all courts exercising a criminal jurisdiction, and civil cases where a jury may be empanelled within four weeks, should not be discussed during debate (sub judice rule).
- A motion should not be the same in substance as a motion passed during the current session or negatived during the current session (same question rule). However, a matter previously discussed in the current session but not determined may be the subject of a motion.
- A motion should not anticipate another matter on the *Notice Paper* (anticipation rule).
- A motion should not contain unbecoming expressions or unparliamentary language or the Speaker may rule it out of order, order that it shall not be printed, or that it be expunged from the *Notice Paper* by order of the House.
- A motion should not exceed 250 words.
- Facts contained within a motion must be able to be authenticated (that is, proved to be correct to the Speaker's satisfaction).

5.5 Resolutions and orders

Every motion when passed will assume the form of an order or a resolution. An order is a mandatory command by which the Legislative Assembly directs its committees, Members, officers and

occasionally strangers to do (or not to do) certain things. For a successful motion to be classified as an order it must also relate to the proceedings of the Legislative Assembly.

A decision by the Legislative Assembly or any of its committees to summons a witness or produce documents are orders. Such orders are mandatory, a breach of which will *prima facie* constitute a contempt of Parliament.

A resolution on the other hand is merely the mechanism by which the Legislative Assembly declares its opinions, purposes and its relationships with matters external to itself. Some resolutions are required under statute – for example, regulatory provisions under the *Forestry Act 1959*. Unfortunately, the terms ‘order’ and ‘resolution’ are often used synonymously and are, therefore, often confused.

A successful motion ‘calling upon’ someone to do something is a resolution, not an order. That is, compliance with the resolution is no mandatory.

6.0 Amendments

6.1 Definition

An amendment is an alteration proposed or made to a motion or Bill. It must take the form of a proposal to either insert certain words in the motion or Bill, or to omit certain words and/or to substitute other words.

It is permissible by way of amendment to move to leave out all the words of a motion except the initial word, usually 'That', and substitute other words to give the motion an alternative but relevant proposition. It is important that the new words are relevant and propose an alternative proposition and that the amendment is not a direct negative.

An amendment may be moved to a motion at any time after the question has been proposed from the Chair and before it is put to the House for a final decision. Any Member who receives the call (called by the Speaker to speak) may move an amendment. Amendments may be proposed to amendments.

A Member who wishes to move an amendment must obtain the call. Even though the Member may have given notice of an amendment, the Speaker will not call upon them to speak unless they rise, nor will the Speaker necessarily call on them in preference to any other Member who rises to speak at the same time.

Generally, amendments are debated and disposed of before the main question. Strictly speaking once an amendment has been put, all debate after the amendment has been moved relates to the amendment and after the amendment is debated and either agreed to or disposed of, debate should return to the main question. However, recent practice is for amendments and the main question to be debated together and often the question for the main question is put directly after the amendment without further amendment.

6.2 Drafting of amendments to Bills

It is highly desirable that amendments to Bills be drafted in consultation with the Office of the Queensland Parliamentary Counsel (OQPC). OQPC will ensure consistency of drafting styles and advise of other possible consequences of the amendment to the Bill. In addition, any amendments that are agreed to by the House will need to be incorporated by OQPC into the Bill that is passed.

Amendments drafted by OQPC on instructions by a Member will be forwarded to the Table Office and will remain under embargo until release is authorised by the Member. Amendments to Bills must be circulated in the House before they can be moved.

6.3 Main rules relating to amendments

The two main rules relating to amendments are as follows:

- Unless specifically required by Standing Orders, amendments do not require a seconder.
- An amendment must be relevant to the question it proposes to amend.
- Generally, an amendment cannot be a direct negative of the motion before the House. The proper course of action for a Member directly opposed to a motion is to vote against it. For

example, an amendment seeking to completely reverse a motion's meaning by the insertion of the word 'not' is not permissible, as this would result in a direct negative of the motion. (Note this rule no longer applies to amendments in consideration in detail on a bill.)

- An amendment cannot refer to the conduct of certain classes of person. Under the rules of the Legislative Assembly the conduct of certain persons cannot be discussed except on a substantive motion (conduct of the Sovereign, Governor, Judiciary et cetera).
- An amendment cannot be substantially the same as a proposition in respect of which the House has already expressed its opinion during the same session (same question rule). Similarly, an amendment cannot be at variance or inconsistent with a matter in respect of which the House has already taken a decision. For example, if the House has already rejected an amendment that proposed to omit certain words, it is not in order to move another amendment which seeks to omit those same words.
- An amendment cannot cause the Legislative Assembly to anticipate another debate. That is, an amendment cannot be accepted which would cause the debate to deal with the subject matter of a Bill or other matter set down for consideration at another time (anticipation rule).
- An amendment cannot be worded so that, if carried, it would make the motion to which it is moved unintelligible or ungrammatical. An amendment cannot exceed the scope of the original motion and not otherwise authorised. For example, an amendment cannot seek to appropriate a sum of money where the amendment is not within the scope of any message from the Governor recommending an appropriation.
- The mover, with the leave of the House, may withdraw an amendment.

7.0 Legislation

7.1 General

The Queensland Parliament makes, modifies or repeals law by Acts of Parliament - often referred to as statutes or legislation. Legislation is passed by the Legislative Assembly and is given Royal Assent in the name of Her Majesty by the Governor. The normal flow of the legislative process is that a Bill is introduced into the Legislative Assembly, passed and agreed to, then given Royal Assent by the Governor and converted, at that point, into an Act.

Section 11 of the *Parliament of Queensland Act 2001* gives the Legislative Assembly the power to make rules and orders with respect to the conduct of its business and its proceedings and specifically gives authority for the Rules and Orders which prescribe the procedure to be followed for the passing of Bills (the Standing Orders).

Provided the rules and procedures are observed, any Member of the Legislative Assembly has authority to introduce a Bill. Bills introduced by Members who are not Ministers are called Private Members' Bills. These Bills are dealt with at different times and with different time limits than Government Bills.

For the purposes of this chapter, reference is made to the Minister in charge of the Bill. Most of the matters below also apply to other Members who introduce a Private Member's Bill.

7.2 Fundamental Legislative Principles

In Queensland, fundamental legislative principles (FLPs) require that legislation (both Bills and subordinate legislation) should have sufficient regard to the rights and liberties of individuals and to the institution of Parliament.

FLPs are defined in section 4 of the *Legislative Standards Act 1992* which provides that 'fundamental legislative principles are the principles relating to legislation that underlie a parliamentary democracy based on the rule of law'.

Compliance with FLPs is not mandatory and it is for the Parliament to determine whether legislation has 'sufficient regard' to one or more of the FLPs and whether sufficient justification is given in the Bill's explanatory notes for any departure from them. Portfolio committees consider the application of FLPs to Bills and subordinate legislation and report to the House accordingly (see chapter 14).

7.3 Human Rights Act 2019

Under the *Human Rights Act 2019* the House must be informed of the compatibility of a Bill with the *Human Rights Act*. From 1 January 2020, all Bills introduced must be accompanied by a statement of compatibility in which the Minister (or Member) introducing the Bill sets out how the Bill is compatible with the human rights set out in the Act (see *Human Rights Act*, section 38). Portfolio committees must also consider both the compatibility of Bills with these human rights, and the statement of compatibility; and report to the House accordingly.

Where a Bill seeks to override a human right, the Minister (or Member) must advise the House of the override in an override declaration explaining exceptional circumstances which justify the overriding of human rights. This must also be tabled (see *Human Rights Act*, sections 43 and 44).

On application by a party or referral from a lower court or tribunal, the Supreme Court may decide that a provision or provisions of an Act of Parliament are incompatible with the *Human Rights Act* and issue a declaration of incompatibility to the Attorney-General. The Minister responsible for the relevant statutory provision/s must table the declaration of incompatibility within six sitting days of receipt and it automatically stands referred to the relevant portfolio committee for consideration and report within three months (see *Human Rights Act*, sections 53 and 57). A declaration of incompatibility by the Supreme Court does not affect the validity of the statutory provision.

7.4 Classification of Bills

The Standing and Sessional Orders recognise two types of Bills:

- Government Bills (a Bill dealing with a matter of public policy introduced by a Minister); and
- Private Members' Bills (a Bill dealing with a matter of public policy introduced by a Member who is not a Minister or by a Minister in their capacity as a Member).

7.5 Preparation of Bills

Assistance with the preparation of Bills and amendments to Bills is a matter for the Office of the Queensland Parliamentary Counsel (OQPC), not the Parliamentary Service. OQPC drafts all Government Bills and, on request from Members, drafts Private Members' Bills. It is desirable that Members seek the assistance of OQPC to draft Bills, because OQPC will use appropriate, consistent language and draw attention to the fundamental legislative principles contained in the *Legislative Standards Act 1992*.

Regard should be had to the Queensland Legislation Handbook for further details about the role and processes of OQPC: <http://www.premiers.qld.gov.au/publications/categories/policies-and-codes/handbooks/legislation-handbook.aspx>.

7.6 Approval of Government Bills

When a Government Bill has been approved to be introduced into the Legislative Assembly, the responsible department should request the OQPC to arrange supply of the Bill to the Printer for printing and supply to the Table Office, Parliament House.

Regard should be had to the Queensland Cabinet Handbook for approval processes: <http://www.premiers.qld.gov.au/publications/categories/policies-and-codes/handbooks/cabinet-handbook.aspx>.

7.7 Printing of Bills, explanatory notes and statements of compatibility

The Printer supplies the copies of Government Bills, explanatory notes and statements of compatibility to the Table Office. The Committee of the Legislative Assembly determines the quantities to be provided. Details are available online at <http://www.parliament.qld.gov.au/work-of-assembly/tables-papers/tabling-procedures-guidelines>.

All Bills are held under embargo and are strictly confidential until such time as the Bill is introduced. Once introduced, chamber attendants circulate copies to Members in the chamber, the parliamentary press gallery and other recipients.

After introduction, the Bill will be published on the Parliament's [tabled papers database](#) and the Bills register at <http://www.parliament.qld.gov.au/work-of-assembly/bills-and-legislation/whats-new>.

Explanatory notes and a statement of compatibility with human rights must accompany every Bill introduced. Additionally, where the Bill will override a human right the Minister must make a statement in the House explaining the exceptional circumstances and table an override declaration. The department is responsible for preparing these documents and departmental officers should liaise with the Printer in relation to printing arrangements. The department should also provide a PDF of the explanatory notes and statement of compatibility to the Table Office prior to the Bill's introduction.

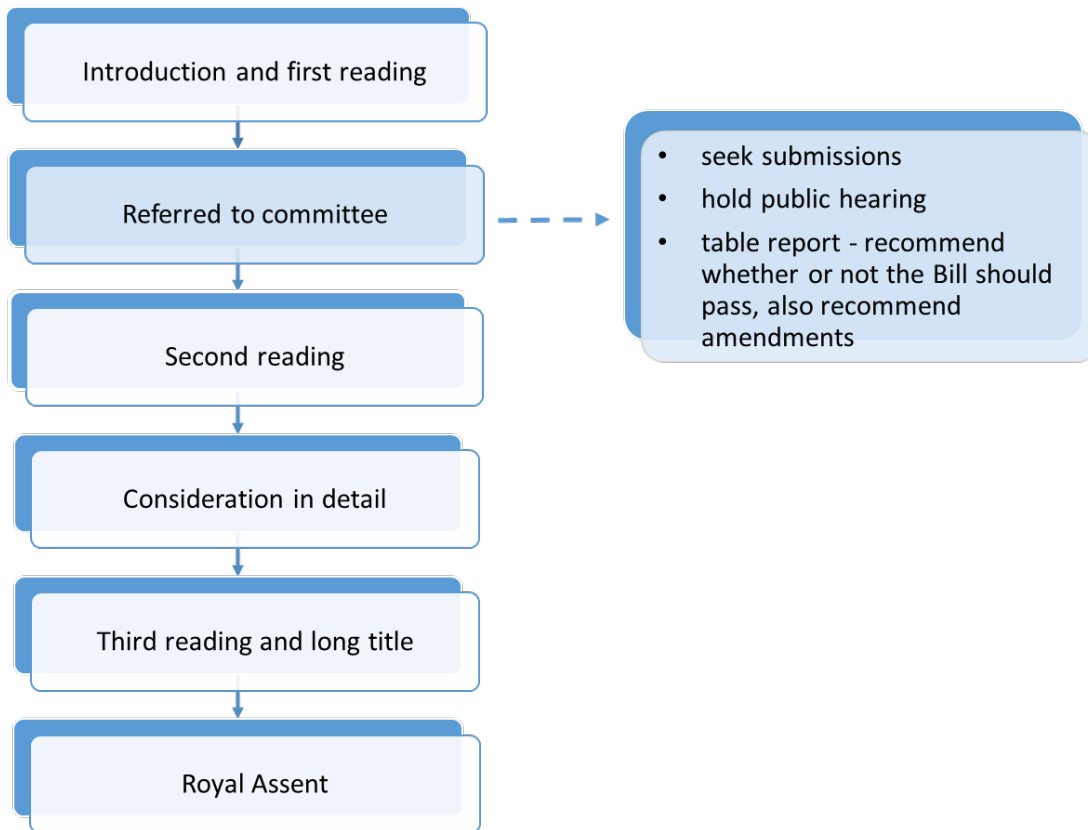
Private Members' Bills

The Table Office arranges the copying of all Private Members' Bills, explanatory notes and statements of compatibility. Members must authorise OQPC to supply the Bill to the Table Office. Members are responsible for preparing the Bill's explanatory notes and statements of compatibility or override declarations under the *Human Rights Act*. These documents should be emailed in PDF form to the Table Office at: TableOffice@parliament.qld.gov.au, preferably the day before introduction to allow time for copying.

7.8 Legislative process

Standing Orders set out the Bill to Act process. The first, second and third reading stages of considering a Bill were developed in the Westminster Parliament before the invention of printing and when many Members were illiterate. At that time, the only practicable means of informing Members of the contents of a Bill was by the Clerk reading it aloud. By the end of the 16th century it had become the practice in both Houses (House of Commons and House of Lords) to have a Bill read on three separate occasions before being passed. The circulation of printed copies of Bills, and the increasing literacy of Members, eventually made it unnecessary to read Bills at length. By the end of the 18th century it had become the practice for the Clerk to read only the title and the first words. Eventually only the short title was read.

The flow chart below outlines the usual legislative process.



7.9 Introduction and first reading

A Minister may introduce a Government Bill at any time allotted as Government Business. The actual timing of this is arranged by the Leader of the House in liaison with the Minister in charge of the Bill. Private Members' Bills are introduced at the time allocated under the Sessional Orders. The timing of the introduction of Private Members' Bills is based on when the Bill is received by the Table Office, the practice being that the earliest Bill received by the Table Office is introduced first.

The general procedure for the introduction of a Bill is as follows:

- If a Bill appropriates money from the Consolidated Fund, a message from the Governor is presented by the Minister to the Speaker, who reads the message. (Note: The Department of the Premier and Cabinet arranges for the Governor's signature and supplies the message directly to the Clerk of the Parliament).
- The Minister (or Member) presents the Bill by reading the Bill's long title and tables:
 - the Bill;
 - the explanatory notes;
 - a statement of compatibility under section 38 of the *Human Rights Act*; and
 - an override declaration under section 43 of the *Human Rights Act* (where relevant).
- The Minister (or Member) nominates a portfolio committee to consider the Bill.
- The Minister (or Member) then delivers a speech explaining the Bill ('explanatory speech'). The explanatory speech elaborates on the principles of the proposed legislation.
- On completion of the explanatory speech the Minister (or Member) moves 'that the Bill now be read a first time' and the question is put without amendment or debate. If the question

for the first reading of the Bill succeeds, then the Bill stands referred to the nominated committee. If the question fails, the Bill proceeds no further.

Prior to the allotted time for the introduction of Bills, the Clerk provides the relevant Minister (or Member) with one copy of the Bill, explanatory notes, statement of compatibility with human rights and override declaration and the message from the Governor (if applicable) and a proforma running sheet which details the procedural motions needed to effect the introduction of the Bill.

An example of a proforma running sheet for the introduction of a Bill is provided below:

HEALTH PRACTITIONER REGULATION NATIONAL LAW AND OTHER LEGISLATION AMENDMENT BILL

SPEAKER: I call the Minister for Health and Minister for Ambulance Services.

MINISTER: Mr Speaker,
I present a Bill for an Act to amend the *Ambulance Service Act 1991*, the *Health Ombudsman Act 2013*, the *Health Practitioner Regulation National Law Act 2009* and the Acts mentioned in schedule 1 for particular purposes.

I table the Bill, Explanatory Notes and statement of compatibility with human rights.

I nominate the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee to consider the Bill

(Minister makes explanatory speech)

MINISTER: Mr Speaker, I move that the Bill be now read a first time.

SPEAKER: The Question is – That the Bill be now read a first time.
Those of that opinion say Aye; those against No.
I think the Ayes have it.
I call the Clerk.

(The Clerk reads the short title of the bill for a first time)

SPEAKER: In accordance with standing order 131, the Bill is now referred to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee.

Explanatory speech

No procedural motions should be included in the explanatory speech. The speech should cover the principles of the Bill in concise terms and not be unduly long (the speech is similar to the former second reading speech). It should not refer in detail to the clauses of the Bill. It is permissible for the Minister (or Member) to seek to incorporate additional detailed material or the Minister's speech in the *Record of Proceedings*, but the Speaker's approval must be sought beforehand.

In order to assist Hansard in the reporting, a copy of the speech should be emailed to hansard@parliament.qld.gov.au.

7.10 Bills referred to portfolio committees

If the question for the first reading of the Bill succeeds, then the Bill stands referred to the nominated portfolio committee. The *Constitution of Queensland 2001* provides that every Bill introduced into the Assembly must be referred to a committee for a minimum review period of six weeks, but that the Assembly can declare a Bill urgent by ordinary majority under the Standing Rules and Orders of the Legislative Assembly.

If no timeframe is set by the House or the Committee of the Legislative Assembly ('CLA'), a committee must report to the House on a Bill within six calendar months of the referral. However, the CLA or the House can change the committee responsible for the Bill and the reporting date. Any changes decided by the CLA must be reported to the House. It should be noted that only the House, and not the CLA, can vary a reporting date set by the House.

After its first reading, a Bill will be listed on the *Notice Paper*; Government Bills will be listed under Government Business, Orders Referred to Committees and Private Members' Bills will be listed under General Business, Orders Referred to Committees.

The portfolio committee shall examine the Bill and:

- determine whether to recommend that the Bill be passed;
- may recommend amendments to the Bill;
- consider the application of fundamental legislative principles contained in Part 2 of the *Legislative Standards Act 1992* to the Bill and compliance with Part 4 of the *Legislative Standards Act 1992* regarding explanatory notes;
- consider the Bill and report to the Assembly about whether the Bill is not compatible with human rights, and
- consider the statement of compatibility tabled for the Bill and report to the Assembly about the statement.

Portfolio committees are expected to operate in an open and transparent a manner as possible. A committee may examine the Bill by:

- calling for and receiving submissions about the Bill;
- holding hearings and taking evidence from witnesses;
- engaging expert or technical assistance and advice; and
- seeking the opinion of other committees.

Further information on how portfolio committees conduct their inquiries is outlined in chapter 14.

7.11 Urgent Bills

As noted above, the *Constitution of Queensland 2001* allows for a minimum of six weeks for a committee to consider a Bill. However, the House may declare a Bill to be an urgent Bill, by ordinary majority. An 'urgent Bill' is where the Legislative Assembly resolves to:

- refer the Bill to a committee for examination for reporting in less than six weeks; or
- not refer a Bill to a portfolio committee; or

- commence the second reading debate on a bill prior to the minimum time set out in the Standing Orders between the committee report being tabled and the second reading debate commencing (one calendar day for Government Bills and three months for Private Members' Bills).

7.12 Second reading debate

Following the tabling of a committee's report on a Bill, the Bill is set down on the *Notice Paper* for the second reading debate. The Bills are listed in the *Notice Paper*; Government Bills are listed under Government Business, Orders of the Day and Private Members' Bills are listed under General Business, Orders of the Day. When a Government Bill has been set down on the *Notice Paper*, one day shall elapse until the commencement of the second reading debate, unless the Bill is declared urgent. In the case of Private Members' Bills, at least three calendar months shall elapse until the commencement of the second reading debate.

When the Clerk reads the Order of the Day for a Bill, the Minister (or Member) who presented the Bill shall move 'that the Bill be now read a second time' and will then proceed to make their second reading speech. Sessional Orders provide time limits for speeches during the second reading debate and may vary if the Bill has been referred to a portfolio committee and if the Bill is a Government Bill or a Private Members' Bill.

At the conclusion of the debate, the Minister or Member has an opportunity to reply to the other Members' speeches on the second reading debate. Following the reply, the Speaker puts the question 'That the Bill be now read a second time'. Amendments can be moved to the question, provided they are relevant to the question, and, if successful, may delay or prevent the passage of the Bill. For example, a Member may move that the question be amended to return the Bill for further consideration by the portfolio committee or to delay the second reading until another time on a future date.

7.13 Consideration in detail

Once the Bill has been read a second time, the Legislative Assembly commences the consideration in detail stage to examine and pass the clauses (and any schedules and preamble to the Bill). During this stage each clause of the Bill is examined and amendments may be made to each clause, including the deletion or omission of a clause. New clauses may also be proposed if the subject matter of the proposed clause falls within the long title of the Bill. Leave of the House must be sought if a Member wishes to move an amendment outside the long title of the Bill i.e. an amendment which would introduce new issues which are not included in the Bill as drafted (typically amending an Act not originally included in the long title).

This stage also affords Members, particularly the Opposition, further opportunity to seek explanations from the Minister about the operation of the Bill and the interpretation of clauses. Sessional Orders provide the time limits that apply during the consideration in detail stage, which may vary if the Bill has been referred to a portfolio committee and if the Bill is a Government Bill or a Private Member's Bill.

Members must speak on issues strictly relevant to the particular clause or amendment before the Chair. Should the Bill contain a preamble, then this is postponed until all the clauses and schedules are passed. The preamble is then considered and agreed to, amended or deleted.

During consideration in detail the Speaker may leave the chair on the dais and preside from a chair at the table of the House situated between the Clerk and the Deputy Clerk.

Prior to the commencement of the consideration in detail stage, the Clerk hands to the Minister a proforma running sheet. This proforma running sheet contains all the relevant procedural motions that the Minister will need to move to take the Bill through all stages until its conclusion. An example is provided below.

HEALTH PRACTITIONER REGULATION NATIONAL LAW AND OTHER LEGISLATION AMENDMENT BILL

(After the Minister responds to the second reading debate)

SPEAKER: The Question is – That the Bill be now read a second time.
Those of that opinion say Aye; those against No. I think the Ayes have it.

GOVT [AYES]

(After question put—)

SPEAKER: I call the Clerk.

(The Clerk reads the short title of the Bill)

(The Speaker may take the Chair at the Table of the House for Consideration in Detail)

SPEAKER: There are 87 Clauses and 1 Schedule. I propose to call the Clauses. If any Member wishes to speak to a particular Clause, will they please indicate.

SPEAKER: The Question is – That Clauses 1 to as read stand part of the Bill.
Those of that opinion say Aye; those against No. I think the Ayes have it.

GOVT [AYES]

(After consideration of Clause 87 is completed—)

SPEAKER: The Question is – That the schedule as read stand part of the Bill.
Those of that opinion say Aye; those against No. I think the Ayes have it.

GOVT [AYES]

(After consideration of Schedule 1 is completed—)

(After consideration of the Bill is completed if the Speaker went to the Chair at the Table of the House for Consideration in Detail the Speaker resumes the Chair on the Dais)

SPEAKER: I call the Minister for Health and Minister for Ambulance Services.

MINISTER: Mr Speaker, I move – That the Bill be now read a third time.

SPEAKER: The Question is – That the Bill be now read a third time.
Those of that opinion say Aye; those against No. I think the Ayes have it.

GOVT [AYES]

(After question put—)

SPEAKER: I call the Clerk.

(The Clerk reads the short title of the Bill)

SPEAKER: I call the Treasurer.

MINISTER: Mr Speaker, I move – That the long title of the Bill be agreed to.

SPEAKER: The Question is – That the long title of the Bill be agreed to.

Those of that opinion say Aye; those against No. I think the Ayes have it.

GOVT [AYES]

(After question put—)

SPEAKER: I call the Clerk to read the next Order of the day.

(The Clerk reads the next Order of the day)

7.14 Amendments during consideration in detail

If the Minister sponsoring a Bill wishes to amend the Bill after it has been introduced, instructions should be sent urgently to the OQPC. Once the amendments have been drafted and approved by the Minister, OQPC will supply an electronic copy to the Table Office.

The department is responsible for providing a copy of the explanatory notes to the amendments and statement of compatibility with human rights to the amendments to the Table Office in PDF form.

Departmental officers should liaise with the Printer in relation to the printing of government amendments, explanatory notes to the amendments and statement of compatibility with human rights and provide the necessary copies to the Table Office.

Refer to <http://www.parliament.qld.gov.au/en/work-of-assembly/tables-papers/tables-procedures-guidelines> for details of the number of copies to be provided.

It is recommended that a Member sponsoring a Private Member's Bill, and wishing to amend that Bill, follow a procedure similar to that above.

Amendments are held under embargo and strictly confidential until the Minister (or Member) authorises them for circulation in the Chamber. Amendments must be circulated in the House before they can be moved. Once hard copies are received, the Table Office and Attendants will arrange for the relevant Minister or Member to authorise circulation.

Where an amendment proposes to override a human right, the Minister (or Member) must also table a statement in relation to the declaration when the amendment is moved (see *Human Rights Act*, section 44).

Amendments in the consideration in detail stage need not be seconded. Each amendment is a separate question which is open to debate. The rules relating to amendments to Bills are found in Part 5 of the Standing Orders.

7.15 Third reading and long title

Following the consideration in detail stage the Minister will move either:

- 'that the Bill be now read a third time'; or
- if the Bill has been amended during consideration in detail 'that the Bill, as amended, be now read a third time'.

The Minister then moves that the long title of the Bill be agreed to. When the House agrees to the long title of the Bill, the Bill has been passed.

All of these procedural motions are included in the proforma running sheet given to the Minister, by the Clerk, prior to the commencement of the consideration in detail stage.

On most occasions the third reading of a Bill is a formality with little, if any, debate and rarely is there a division or a proposed amendment. However, the question that the Bill be now read a third time is like any other question and can be spoken to, divided upon or amended.

7.16 Attorney-General's confirmation letter for Royal Assent

After a Bill has been passed, OQPC prepares a letter to be signed by the Attorney-General and addressed to the Governor, confirming that the Bill is in order for assent. OQPC provides the letter to the Clerk of the Parliament, who seeks the Attorney-General's signature prior to the Bill's assent. There is no statutory requirement for this letter, but rather is a longstanding convention in Queensland and some other states.

The certificate is the assurance by the first law officer of the State (the Attorney-General) that there is no lawful impediment for the Bill to receive assent.

7.17 Royal Assent

Every Bill passed by the Legislative Assembly must receive Royal Assent for it to be an Act of Parliament. The Governor, as the Sovereign's representative, gives this assent.

The Clerk of the Parliament makes arrangements for the assent of all Bills passed by the Legislative Assembly, certifies the Bills and presents them to the Governor, with the exception of Appropriation Bills, which are presented to the Governor by the Speaker.

When a Bill has passed all stages in the House, it is checked by parliamentary officers in consultation with OQPC and prepared for assent. If a Bill has been amended, these amendments have to be inserted in the Bill. If there are extensive amendments, extensive renumbering of the original Bill may be necessary. After the insertion of amendments, the OQPC drafter responsible for the Bill has a responsibility to check the amendments prior to forwarding to Parliament House for a number of final checks. Prior to presenting the Bill to the Governor for assent, the Clerk is required to certify that the Bill is as passed by the Assembly.

It is essential that extensive checking is carried out to avoid any possibility of error resulting in the Governor giving assent to a Bill not in the same form as that passed by the Legislative Assembly. Once the amended Bill has been thoroughly checked, the Printer is responsible for printing the parchment copies of the Bill for the Governor's assent. When these parchments are delivered to Parliament, they are also checked before the parliamentary seal is attached to the Bill and the Clerk certifies as to their correctness. The Clerk arranges a convenient time with the Governor in order to obtain assent.

The number of Bills passed by the Legislative Assembly, the number of amendments to these Bills and the Governor's commitments has a bearing on the actual timing of assent. Whilst every effort is made to have a Bill assented to at the earliest date after its passing, the process may take up to two weeks.

The assent to Bills by the Governor is notified in the *Queensland Government Gazette*. See 'Bills of Parliament Assented to' in the weekly index on the website located at <https://www.publications.qld.gov.au/group>.

7.18 Urgent Assent to a Bill

As explained above, the time between a Bill passing the Legislative Assembly and receiving Assent may take up to two weeks. Preparing a Bill for Assent is a time-consuming and essential process. The more extensive any amendments made to the Bill, the more onerous the task.

The Clerk must be informed in writing by the Director-General of the department if there is a necessity for urgent assent. Urgent assent is any assent required sooner than two weeks after the Bill passes the Legislative Assembly.

Requests for urgent assent should be made as soon as possible, preferably before the Bill is passed by the Legislative Assembly, and should not be made unless there are clearly justifiable reasons. The reasons for the need for urgent assent should be clearly detailed in the Director-General's correspondence with the Clerk.

7.19 Cognate debates

Standing Orders provide that the House may order that related Bills or Bills on related topics be considered together in a cognate debate. While the second reading for the Bills may be cognate, there may be separate questions put for the second reading, third reading and long title. The Bills are considered separately during consideration in detail clause by clause.

7.20 Following the progress of a Bill

Information on the progress of a Bill can be accessed on the Parliament's website at <http://www.parliament.qld.gov.au/work-of-assembly/bills-and-legislation>. 'Bills this Parliament' provides a complete list of every Bill introduced in the current parliament listed alphabetically by year introduced. It also provides information on who introduced the Bill, introduction date, stage reached, date of assent and Act number as well as links to the Bill, amendments agreed and Act.

The Table Office also provides an email alert to subscribers notifying when there has been any Bill activity. Details on how to subscribe to the service can be accessed from the Parliament's website <http://www.parliament.qld.gov.au/get-involved/how-do-i-get-involved/email-alert>.

8.0 Ministerial statements

8.1 Making a ministerial statement

Standing Orders provide that a Minister, during the time allotted by Sessional Orders, or any time during Government Business so as to not interrupt a debate of a matter, may make a ministerial statement relating to matters of government policy or public affairs.

Most ministerial statements are made during preliminary business on a sitting day. At the appropriate time the Speaker will call - 'Are there any ministerial statements?' and at this point Ministers rise, generally in order of Cabinet seniority, and proceed to make their ministerial statements. There is no time limit on these individual speeches.

In order to assist Hansard in the reporting of ministerial statements, at least half an hour prior to the speech being made, a copy of the speech should be emailed to hansard@parliament.qld.gov.au.

Ministers should liaise with the Leader of the House and the Clerk of the Parliament if they need to make a ministerial statement outside the allotted timeframe. Leave of the House is required to make a ministerial statement outside of Government Business.

8.2 Reply to ministerial statements

At the conclusion of the statement the Minister may move 'That the House take note of the statement' and equal time is given for a reply by the Leader of the Opposition or nominee, either immediately or at some later time. This generally occurs where the ministerial statement would have wide parliamentary support. Examples include statements relating to the earthquakes in New Zealand, Indonesia and Japan, fallen soldiers and the terrorist attacks in Manchester in the United Kingdom. At the conclusion of the debate the Speaker puts the question 'That the motion be agreed to'.

9.0 Parliamentary questions and answers

9.1 Questions without notice

On sitting days, during Question Time, questions may be put to a Minister without notice relating to:

- public affairs with which the Minister is officially connected or to any matter of administration for which the Minister is responsible; or
- proceedings pending in the Legislative Assembly for which the Minister is responsible (but discussion must not be anticipated).

The Sessional Orders set out the time for Question Time each day and also set a three minute time limit for a Minister's answer.

Where the answer to a question without notice requires too much detail, the Minister may take the question on notice under SO 113(3) to be answered on the next sitting day either in the House or in writing to the Clerk. The question is included on the *Notice Paper* and the Questions on Notice database until an answer is received.

9.2 Questions on notice

Each Member may ask one question on notice each sitting day. Questions are required to be lodged with the Clerk by the end of Question Time each day. Members can lodge questions by email to TableOffice@parliament.qld.gov.au or place a hard copy of their question in the trays on the Table of the House.

Questions on notice cannot be put to the Speaker. In lieu of a question on notice to a Minister, a Member may direct a question to any other Member relating to a Bill or other motion that the Member has charge of or to the chair of a parliamentary committee (about the committee's activities).

The text of all questions on notice asked each sitting day is published in the next sitting day's *Notice Paper* and the Questions on Notice database. The *Notice Paper* is published on the Parliament's website within one hour after the adjournment of the House and can be accessed at <http://www.parliament.qld.gov.au/work-of-assembly/sitting-dates/latest-sitting-dates>.

Ministers are to use the *Notice Paper* as confirmation that a question has been directed to them.

Withdrawing a question

A Member may withdraw a question at any time prior to the answer being tabled. This can be done by emailing the request to TableOffice@parliament.qld.gov.au. Only the Member who asked the question can request its withdrawal. The Table Office will remove the question from the Parliament's questions on notice and answers website. However, the entry in the *Notice Paper* cannot be altered. The Table Office will also notify the relevant department that the question has been withdrawn by the Member.

9.3 Answering questions on notice

Questions on notice are required to be answered within 30 calendar days. If the due date is a public holiday, the answer is due the next business day. The due date is included at the beginning of the

questions on notice entry in the *Notice Paper* and on the individual question published on the Questions on Notice database.

Answers should be emailed to TableOffice@parliament.qld.gov.au for tabling by no later than 5.00 pm on the due date.

Answers must be provided in searchable PDF format by an authorised ministerial or departmental officer. When there are multiple questions being answered the answers should be included in one email. Each answer should be attached to the email as a separate file containing the complete answer, including any attachments such as tables. The PDF file name for each answer must comprise (in the following order and without spaces between) the question number, a dash and the year.

For example, the file name for the answer to question on notice No. 150 asked in 2020 would be 150-2020.pdf.

The text of the email should conform to the following example:

‘On behalf of the Premier please find attached answers to Questions on Notice numbers 5 and 18.

Name
Office of the Premier’

Table Office staff will check each answer for compliance with the Standing Orders and acknowledge receipt by return email to the relevant officer. Compliance checks are undertaken until 5.00 pm on the due date. Non-compliant answers may be amended by the Minister to comply with the Standing Orders. Answers may also be referred to the Speaker for a ruling.

The administrative processing of answers is significantly slower if all answers are provided close to the 5.00 pm deadline. Compliant answers received after 5.00 pm on the due date will be processed the next business day and tabled on the due date.

The ability to correct answers is vastly diminished if the answer is not provided by the 5.00 pm deadline. Non-compliant answers received after 5.00 pm on the due date or subject to a Speaker’s ruling will be tabled late.

9.4 Distribution of answers to questions on notice

Once answers to questions on notice are tabled, the Table Office distributes copies by email to:

- the Member who asked the question; and
- other subscribers to the email service offered by the Table Office.

Questions and answers are published on the Parliament’s website at:
<http://www.parliament.qld.gov.au/work-of-assembly/question-on-notice>.

The same process occurs if a replacement answer is provided. Note, the original is removed from the website (but remains a tabled document) and the replacement answer is published (together with the replacement tabling date).

9.5 Layout and format of answers to questions on notice

The electronic copy of the answer supplied to the Table Office must include the:

- question on notice number;
- date the question was asked (refer to the questions on notice entry in the *Notice Paper*);
- name of the Member asking the question;
- full text of the question; and
- Minister's answer.

The preferred layout and format are demonstrated in the example below:

Question on Notice
No. 1485
Asked on 14 July 2020

[Member's Name] asked the Minister for [Portfolio] (Minister's Name) -

QUESTION:

[Insert text of question]

ANSWER: [Insert text of answer]

9.6 Dissolution of Parliament

Any questions on notice that have not been answered at the time the parliament is dissolved are not required to be answered.

10.0 Petitions

10.1 General

A petition is a formal request signed by at least one person and placed before the Legislative Assembly with the object of persuading the Legislative Assembly to take some particular action. Petitioning is one of the traditional forms by which citizens can make requests direct to the Parliament.

Petitions may, for example, request the alteration of a law or the reconsideration of some administrative decision, or press for the redress of local or personal grievances.

The Legislative Assembly recognises two types of petitions:

- paper petitions; and
- electronic petitions (e-petitions).

10.2 Paper petitions

A paper petition is a document stating a grievance and containing a request for action by the House. Paper petitions must be written or printed free from erasures or interlineations and physically signed by at least one person.

A Member of the Legislative Assembly must lodge a paper petition with the Clerk for presentation to the Legislative Assembly. Alternatively, a principal petitioner may lodge a paper petition directly with the Clerk for presentation to the Legislative Assembly.

10.3 E-petitions

Standing Orders permit online petitioning via the Parliament's website and can be accessed at <http://www.parliament.qld.gov.au/work-of-assembly/petitions>. E-petitions do not replace the paper petition process: both petition processes can run concurrently.

The main difference between the paper based and electronic petition process relates to how the process is started. E-petitions must be sponsored by a Member of the Legislative Assembly and lodged with the Clerk, or lodged by a principal petitioner directly with the Clerk for publication on the Parliament's website for a nominated period ('posted period'). Persons may then join the petition by electronically providing their name, address, e-mail address and signifying their intention to join the petition.

The posted period for an e-petition is a minimum of one week and a maximum of six months.

Only one e-petition dealing with substantially the same grievance and requesting substantially the same action by the House can be published on the Parliament's website at the same time.

10.4 Form of petitions

All petitions (paper and electronic) are required to be in the following form:

PETITION

TO: The Honourable the Speaker and Members of the Legislative Assembly of Queensland.

The petition of (a) citizens of Queensland
 or
 (b) residents of the State of Queensland
 or
 (c) electors of the Division of

draws to the attention of the House

(State Grievance)

Your petitioners therefore request the House to

(State action required)

Name and address of principal petitioner

(Here follows the signatures)

[Note that the text of the grievance and action required cannot exceed 250 words in total].

10.5 E-petition request forms

The Member sponsoring an e-petition must provide the Clerk with details of the petition in the correct form, the posted period and a signed acknowledgement that they are prepared to sponsor the e-petition. An e-petition request form is available at: <http://www.parliament.qld.gov.au/documents/Assembly/Petitions/RequestForm.pdf>.

Once published on the Parliament's website, an e-petition cannot be altered.

10.6 General rules for petitions

A petition (whether paper or electronic) must:

- be in the English language or, if in another language, accompanied by an English translation certified by the Member who sponsors or lodges it to be a true and correct translation;
- for a company, be under its common seal (if the company has a common seal);
- not have letters, affidavits, or other documents attached;
- not have universal resource locators (URLs) or other links or web based references;
- be respectful, decorous and temperate and not contain any unparliamentary language or otherwise offend any rule or practice of the House;

- not ask for any grant of public money nor for compounding debts due to the Crown, nor for the remission of any duties payable by any person, unless it is first recommended by the Governor;
- not be signed or joined by the same person more than once; and
- bear the correct form of the petition (including the name, address and, in the case of an e-petition, the email address, of the principal petitioner) on each page of the petition to be presented to the House (see 10.4).

In the case of paper petitions:

- signatures must be written upon the petition itself and not pasted or otherwise affixed or transferred to it; and
- persons must sign by their names or marks and by no-one else except in a case of incapacity from sickness.

In the case of e-petitions:

- persons must join an e-petition by filling out their correct details and by personally agreeing to join the e-petition. No-one can join a petition in another's name, except in the case of incapacity from sickness; and
- an e-petition cannot be sponsored after the dissolution of the Parliament.

10.7 Instructions to Members lodging or sponsoring petitions

A Member, or the Clerk if acting on behalf of a principal petitioner, when lodging or sponsoring a petition is required to ensure that the petition is in conformity with the Standing Orders.

A Member cannot lodge or sponsor a petition for which they are the principal petitioner.

A Member, or the Clerk if acting on behalf of a principal petitioner, when lodging a paper petition is required to place their name and signature at the beginning of the petition and to indicate the number of petitioners.

10.8 Conformity with Standing Orders

The Clerk may return a paper petition not in substantial conformity with Standing Orders to the Member or principal petitioner who lodged the petition.

The Clerk may decline to publish an e-petition on the Parliament's website which is not in conformity with the Standing Orders and may advise the sponsoring Member accordingly.

The Clerk or a Member may seek a ruling from the Speaker about the conformity of any petition with the Standing Orders.

10.9 Presentation of petitions to the House

Once the posted period for an e-petition has lapsed, a paper copy of the petition is printed by the Clerk and presented to the House in the name of the Member who sponsored the e-petition. (An e-petition

published on the Parliament's website but not presented to the House prior to the dissolution of the Parliament is presented to the subsequent Parliament).

If a Member desires a paper petition to be presented on a particular sitting day, the Member must lodge the petition with the Clerk at least two hours prior to the time set for the commencement of the meeting of the House on that sitting day.

At the appropriate time on a sitting day, the Speaker asks the Clerk to read the petitions lodged. All petitions so presented to the House are deemed to have been received by the House, unless a motion that a petition not be received is moved immediately and agreed to.

10.10 Ministerial responses

The Clerk refers a copy of the material parts of every conforming petition received by the House to the Minister responsible for the administration of the matter which is the subject of the petition.

Upon receipt of this notification, the Minister may forward the Clerk's advice to another Minister for response, or forward a response to the petition to the Clerk. A ministerial response must be provided to the Clerk within 30 days for tabling. If a Minister cannot provide a ministerial response to a petition within 30 days, the Minister shall forward to the Clerk an interim response and the Minister's reasons for not complying within 30 days and within three months after the petition is presented to the Legislative Assembly, forward to the Clerk a final response.

Once tabled, the Clerk:

- Forwards a copy of the response to the Member who presented the petition.
- Ensures the response is published on the Parliament's website.
- If in response to an e-petition, emails the response to all signatories who have requested notification when signing the petition.
- Emails an automated alert to subscribers to the tabled papers database.

Ministerial responses may be tabled on non-sitting days and are deemed to be tabled when received by the Clerk. Details of all responses tabled this way are recorded in the *Record of Proceedings* on the next sitting day.

Format

Ministerial responses can be provided electronically or hard copy. It is not necessary to provide a response in both formats. Electronic responses should be in PDF format and emailed to TableOffice@parliament.qld.gov.au.

The following template provides a guide for the ministerial response:

Mr Neil Laurie
The Clerk of the Parliament
Queensland Parliamentary Service
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter of [date] concerning petition No. [number] received by the House on [date] regarding [subject].

[insert details of response]

Yours sincerely

[Minister]
[Ministerial portfolio]

11.0 Subordinate legislation

11.1 General

Subordinate or delegated legislation is law made under the authority of an Act of Parliament rather than law made directly by an Act of the Parliament. Under the *Statutory Instruments Act 1992*, subordinate legislation is a defined group of statutory instruments, the most common being:

- regulations made by Governor in Council;
- by-laws;
- ordinances;
- rules;
- orders in Council and proclamations (of a legislative character); and
- any instrument which the authorising Act declares to be subordinate legislation.

All subordinate legislation:

- must be drafted by the Office of the Queensland Parliamentary Counsel (OQPC), unless it is exempt subordinate legislation;
- must be accompanied by a Human Rights Certificate when tabled (see *Human Rights Act*, section 41);
- is subject to the notification, tabling and disallowance provisions of the *Statutory Instruments Act 1992*; and
- is subject to scrutiny by the portfolio committees

A definition of exempt subordinate legislation can be found in the *Legislative Standards Act 1992*, schedule 1. In short, it is subordinate legislation that is not drafted by the OQPC and declared to be exempt by other legislation.

Subordinate legislation (other than exempt subordinate legislation) is required to be notified by publication on the Queensland Legislation website (*Statutory Instruments Act 1992*, section 47) maintained by the OQPC. Exempt subordinate legislation must be notified by publication of the subordinate legislation in the government gazette.

11.2 Tabling timeframe

All subordinate legislation must be tabled in the Legislative Assembly within 14 sitting days after notification. If it is not tabled within this timeframe it ceases to have effect (*Statutory Instruments Act 1992*, section 49).

Section 22 of the *Legislative Standards Act 1992* requires that when subordinate legislation is tabled in the Legislative Assembly it must be accompanied by explanatory notes.

11.3 Procedures for tabling

Subordinate legislation (other than exempt subordinate legislation) is published in the Subordinate Legislation Series maintained by the OQPC and is tabled in the Legislative Assembly under an arrangement between the OQPC, the Printer and the Clerk of the Parliament. This arrangement accounts for the majority of all subordinate legislation tabled.

It is the responsibility of Ministers and their departments to ensure that all remaining subordinate legislation (that is, subordinate legislation not drafted by the OQPC) which is required to be tabled in the Legislative Assembly is forwarded to the Table Office, along with the Human Rights Certificate, to enable it to be tabled within the 14 sitting day limit.

Refer to <http://www.parliament.qld.gov.au/en/work-of-assembly/taled-papers/abling-procedures-guidelines> for details of the number of copies to be provided.

Departments should supply copies of each of these documents together with a brief covering letter in an envelope addressed as follows:

SUBORDINATE LEGISLATION FOR TABLING

Deliver to:

The Table Office
Room A18.1, Ground Floor
Parliament House

The long-standing practice is for all subordinate legislation to be tabled by the Clerk under standing order 32 on the first sitting day after it is made unless a Minister requests otherwise. Details are included in a notification announced by the Clerk in the House and included in the *Record of Proceedings*.

11.4 Portfolio committees

Portfolio committees examine subordinate legislation to consider the application of fundamental legislative principles to the subordinate legislation and the lawfulness of the subordinate legislation and also consider the Human Rights Certificate.

After examining subordinate legislation, portfolio committees table reports in the Legislative Assembly outlining any issues in relation to fundamental legislative principles and the lawfulness of the subordinate legislation. These reports may inform Members' considerations as to whether to move a disallowance motion in relation to subordinate legislation (see 11.5)

11.5 Disallowance of subordinate legislation

Section 50 of the *Statutory Instruments Act 1992* provides procedures for the Legislative Assembly to disallow subordinate legislation either in full or in part (ie sections or parts of a regulation). A Member may give notice of a motion to disallow the subordinate legislation within 14 sitting days of subordinate legislation being tabled. A Member must give notice in the House by stating the terms of the motion when the Speaker calls - 'Are there any notices of disallowance?'

The notice must clearly identify the statutory instrument and when it was tabled. For example:

Madam Speaker, I give notice that I shall move—

That the Fire and Emergency Services (Levy Groups) Amendment Regulation 2019, subordinate legislation No. 130 of 2019, tabled in the House on 20 August 2019, be disallowed.

A printed copy of the notice must also be provided to the Clerk (see 5.2).

For the purpose of calculating the 14 sitting days, it does not matter whether the 14 sitting days are within the same or different Parliaments or sessions of Parliament (*Acts Interpretation Act 1954*, s 29B).

Unless a contrary intention is stated, the time for disallowance, as calculated under the *Acts Interpretation Act 1954* commences from the sitting day after the subordinate legislation is tabled. Therefore, the tabling day is not taken into account when calculating the number of sitting days within which it may be disallowed. A sitting may extend beyond one calendar day (for example, 2.00 am the following day) but it still constitutes only one sitting day.

11.6 Debate of disallowance motion

Standing Orders require, in part, that disallowance motions be debated within seven sitting days after notice of disallowance has been given. Note, the motion can be called on before the expiration of seven sitting days and the House can suspend standing orders to postpone the debate. However, section 50(4) of the *Statutory Instruments Act 1992* provides that if the notice of motion has not been disposed of at the end of 14 sitting days the subordinate legislation ceases to have effect.

Under Standing Orders, the motion is considered during the time set aside for the debate of Private Members' Bills or other General Business. Time limits for debate are set out in the Sessional Orders.

If a disallowance motion is passed, the subordinate legislation ceases to have effect (*Statutory Instruments Act 1992*, ss 50(3) and 51).

12.0 Approvals and revocations

12.1 General

Some statutes require that before certain types of government action can be undertaken the Legislative Assembly must pass a resolution authorising that action.

Examples of actions that require the prior approval of the Legislative Assembly are proposals for land inclusion or exclusion from Brisbane Forest Park and revocations of fish habitat reserves, national parks and State forests.

12.2 Ministerial Notices of Motion and tabling of proposals

Before a proposal can be debated the Minister is required to give notice of the detail of the motion that is to be debated. This is done when the Speaker calls - 'Are there any Ministerial Notices of Motion?' Ministers, in order of Cabinet seniority, rise and give notice of any motions. At this stage the Minister should also table any papers that are relevant to the particular proposal.

An example of a notice of motion seeking a revocation or giving authority is provided below.

REVOCATION OF STATE FOREST AREA

(Minister): I give notice that, after the expiration of at least 28 days, as provided under the *Nature Conservation Act 1992*, I shall move—

- (1) That this House requests the Governor in Council to revoke by regulation under section 32 of the *Nature Conservation Act 1992* the dedication of a protected area as set out in the proposal tabled by me in the House today.
- (2) That the Speaker and the Clerk of the Parliament forward a copy of this resolution to the Minister for Environment for submission to the Governor in Council.

12.3 Resumption of debate on proposal - period of notice required

The period of notice necessary before the motion can be debated varies between relevant statutes. For example, in some cases the period may be a number of sitting days; in others it may be a number of calendar days.

12.4 Debate on proposals

Once the period of time provided by the relevant statute has elapsed, debate on the motion can commence. The actual commencement time is determined by the Leader of the House, who organises all government business.

The Minister commences the debate and has a right of reply. When the debate has concluded, the motion is then put to the Legislative Assembly for approval. If agreed to, a copy of the resolution is forwarded to the Minister by the Speaker and the Clerk of the Parliament for submission to the Governor in Council.

13.0 Tabling of parliamentary papers

13.1 Categories of papers

Papers tabled in the Legislative Assembly are generally of two types:

- formal papers and reports that, in most cases, are required to be tabled pursuant to specific legislation or the Standing Orders; or
- miscellaneous papers tabled by Members during debates (not required by legislation or Standing or Sessional Orders to be tabled).

Formal papers generally fall into the following categories:

- government and statutory body annual reports required by legislation to be tabled in the Legislative Assembly;
- reviews, ministerial responses to parliamentary committee reports, petitions and responses, and other documents that Ministers are required by legislation or Standing or Sessional Orders to be tabled as part of the accountability process; or
- reports of parliamentary committees, bodies and parliamentary officers and agencies independent of government which are required to be tabled in accordance with relevant legislation.

13.2 Tabling on sitting days

Most commonly, tabling of reports and other papers by Ministers on sitting days occurs during the time set aside for tabling of ministerial papers. At the appropriate time the Speaker calls - 'Are there any Ministerial Papers?' Ministers rise (usually in order of Cabinet seniority) and table reports and papers. The Minister informs the House of the name of the document or documents being tabled, and provides one copy of each document to the Clerk. For example, 'Madam Speaker, I lay upon the table of the House the public report of ministerial expenses for 1 July 2016 to 31 December 2017'.

Committee chairs may table committee reports and associated documents during the time set aside for 'Tabling of Reports' during preliminary business.

Alternatively, Standing Order 32 provides that Ministers and Members may transmit documents to the Clerk for tabling on the next sitting day. However, the Clerk has only one opportunity during preliminary business to table documents. Ministers and Members should ensure that the Clerk is advised well in advance of such a request. For example, if the House is sitting at 9.30 am on a Tuesday, the Clerk should be advised by no later than 8.00 am. Such requests can be arranged by contacting the Table Office.

All Members have a largely unfettered right to table documents on a sitting day relevant to their speeches. However, the material must not infringe the Standing Orders or rulings of the Chair in any way and the content should not be offensive to the rules of the House. The tabling of documents has been ruled out of order if the document: offends the sub judice rule; names or identifies at-risk children; contains unparliamentary material or words or information or words that would not be allowed in verbal speeches, such as inferences, imputations and reflections; or is irrelevant to the

debate or matter under consideration. Members should also take care to ensure any redactions in documents being tabled are effective.

A document is tabled when received by the Clerk or the Clerk's delegate and noted as being received.

13.3 Tabling on non-sitting days

Tabling documents on non-sitting days is restricted to the Speaker, a Minister, the Governor, a chair of a parliamentary committee or the Clerk (see section 59 of the *Parliament of Queensland Act 2001* and Standing Orders 31 and 217). There is no provision for Assistant Ministers or backbench Members to table documents out of session.

Documents for tabling should be transmitted to the Clerk or delivered to the Table Office at Parliament House and must be accompanied by a covering letter requesting that the documents be tabled in accordance with the relevant legislation and/or Standing Orders. The covering letter should specify each document to be tabled, particularly financial statements included in annual reports as a USB and any reports that comprise more than one volume. Covering letters should be signed by the Minister.

The Table Office arranges for tabled documents to be published on the Parliament's website as soon as practicable after they are received by the Clerk. Therefore, the covering letter should clearly state if the Minister requires the document to be embargoed until after a specific time. It should be noted that documents can be embargoed up until a particular time, but no guarantee can be given that documents will be tabled at a specific time on the tabling day.

The Table Office provides an email alert to subscribers when papers are tabled on non-sitting days. Details on how to subscribe to the service can be accessed from the Parliament's website <http://www.parliament.qld.gov.au/get-involved/how-do-i-get-involved/email-alert>.

13.4 Electronic and paper copies of reports

A single hard copy of all reports and other documents required to be tabled must be provided to the Clerk together with an electronic copy for publishing on the Parliament's tabled paper database. Electronic copies should be emailed to TableOffice@parliament.qld.gov.au or provided by another suitable means. Additional hard copies of reports for distribution purposes are required to be supplied to the Table Office (Room A.18.1, Parliament House) in quantities determined by the Committee of the Legislative Assembly (Standing Order 24).

The Tabling Procedures and Guidelines provides up to date information on the requirements and quantities for tabled documents and can be accessed here: <http://www.parliament.qld.gov.au/work-of-assembly/taled-papers/taled-procedures-guidelines>.

Departments are responsible for ensuring sufficient copies of reports, together with an electronic copy, are provided to the Table Office. The Table Office can hold copies of reports or documents under embargo for a reasonable amount of time prior to an instruction for tabling being received.

13.5 Tabling annual reports

Section 63 of the *Financial Accountability Act 2009* provides that departments and statutory bodies must prepare an annual report and provide it to the Minister for tabling in the Legislative Assembly. In accordance with s 47 of the Financial and Performance Management Standard 2019 (FPMS), the

Minister must table the report within three months after the end of the financial year to which the report relates (ie 30 September in the case of a financial year ending on 30 June).

Annual reports may be tabled in the House by the Minister or the Clerk on a sitting day or by the Minister transmitting a request to the Clerk to table when the House is not sitting.

Table Office requirements and guidelines for departments and agencies are published on the Parliament's website at: <http://www.parliament.qld.gov.au/work-of-assembly/taled-papers/taled-procedures-guidelines>.

Late Tabling

If the Minister extends the tabling period for a period of more than six months after the end of the financial year, section 47(5) of the FPMS requires that the Minister must, within 14 days of giving the extension, table in the Legislative Assembly a written statement (generally in the form of a separate written letter) that the report is being tabled late; the length of the delay; and the reasons for the delay.

13.6 Erratum pages

If an erratum is tabled at the same time as the report to which it relates, the erratum may be stapled inside the report at the appropriate point. Where multiple copies of reports are provided, the erratum page must also be stapled inside each copy. In these cases, no separate written request for tabling the erratum is required. Note, the electronic copy provided by the department must also include the erratum.

If an erratum is tabled at the same time as the report to which it relates but is not stapled inside the report, or if the erratum is tabled at a different time, a covering letter must be provided to the Clerk requesting that the erratum be tabled. A loose leaf erratum must be provided on A4 paper with the first page clearly indicating the report to which it relates. The erratum will be linked to the original report published on the tabled papers database.

13.7 Dissolution of Parliament

A Minister or the Speaker may table documents during the period between when the Legislative Assembly is dissolved until the new Parliament is opened where there is a legislative provision or Standing Orders permit the tabling of a document and the Minister or Speaker believes it is desirable to be tabled between Parliaments (see s 59A of the *Parliament of Queensland Act 2001*).

Documents transmitted to the Clerk for tabling during the dissolution period must be accompanied by a covering letter signed by the Minister requesting that the documents be tabled in accordance with the relevant legislation and/or Standing Orders. The covering letter should specify each document to be tabled, particularly any reports that comprise more than one volume. In addition, the covering letter must include the following paragraph:

In accordance with s 59A of the *Parliament of Queensland Act 2001* and Standing Order 31, I request that this document be tabled during the period that the Legislative Assembly is dissolved.

If this paragraph is not included, the document will be held over for tabling on the first regular sitting day of the next Parliament.

14.0 Parliamentary committees

14.1 General

Parliament is the forum in which the elected representatives of the people meet, plan, deliberate upon and review the government of the State and make laws for the effective and efficient conduct of the State. Over time, the task of government has become more complex. As populations grew, many Parliaments were unable to deal effectively with the number and complexity of issues coming before them. This situation was further exacerbated by the development of strong political party systems.

A strong, active committee system is an asset in any functioning parliamentary democracy. A comprehensive system of parliamentary committees provides greater accountability by making the policy and administrative functions of government more open and accountable. It gives the people more and better access to parliamentary processes and ensures Members of Parliament have more involvement in and oversight of decision making. Committees provide a forum for investigation of matters of public importance and give parliamentarians the opportunity to enhance their knowledge of such issues. In short, they allow the Parliament to ensure that the right decisions are being made at the right time and for the right reasons. At the same time, committees effectively enhance the democratic process by taking the Parliament to the people and giving them a role in its operations.

14.2 Benefits of committees

There are at least six major and distinct benefits of committees:

- Committees provide the Parliament with a greater opportunity to scrutinise the actions of the executive and the public service.
- Committees permit the Parliament to conduct detailed investigations of topics that the Parliament as a whole would otherwise never be able to properly consider - for example, the whole Parliament inspecting a road, dam or school or sitting and listening to oral submissions from 20 stakeholders.
- Committees, by calling for submissions, holding public hearings and tabling reports, promote debate on issues and allow members of the public to express their opinion in a direct manner.
- Committees are able to access expert advice (from staff, experts, consultants and submissions from stakeholders) which would not normally be available to private Members.
- Committees afford an opportunity to utilise and develop the skills of private Members. On the one hand, committees allow the Parliament to utilise Members with particular skills and knowledge. On the other hand, Members who serve on committees are likely to develop skills and gain knowledge of issues which they may not otherwise obtain.
- Committees promote bipartisan decision-making.

14.3 Establishment

Parliamentary committees can be established by:

- Acts of Parliament (statutory committees);
- Standing Orders (standing committees); or
- Resolution of the Legislative Assembly (select committees).

The most significant difference between statutory committees and standing and select committees is that statutory committees derive their authority from statute whereas the others derive their powers from the House by delegation. However, sometimes the statute establishing a committee allows the House to regulate the powers of the committee, including whether it will be provided with coercive powers.

The *Constitution of Queensland 2001* provides that:

- the Legislative Assembly must at the commencement of every session establish at least six portfolio committees which collectively cover all areas of government activity;
- every Bill introduced into the Assembly must be referred to a committee for a minimum review period of six weeks, but that the Assembly can declare a Bill urgent by ordinary majority under the Standing Rules and Orders of the Legislative Assembly; and
- the annual Appropriation Bills must be subject to the budget estimates process.

Most parliamentary committees in Queensland are statutory committees established by the *Parliament of Queensland Act 2001*. The Act also provides that the Standing Orders must establish portfolio committees to cover the range of government departments. The current committees are listed in Schedule 6 of the Standing Orders. Information on the membership and work of the current committees, and details of all former committees, is available here: <http://www.parliament.qld.gov.au/work-of-committees>.

The *Parliament of Queensland Act 2001* also provides for the establishment of the Committee of the Legislative Assembly and the Ethics Committee. The Parliamentary Crime and Corruption Committee (PCCC) is established by the *Crime and Corruption Act 2001*.

Arrangements for membership of committees are provided in both Standing Orders and statute and may vary depending on the type of committee. For example, Part 3, Division 2 of the *Parliament of Queensland Act 2001* provides for the membership of portfolio committees, based on the composition of government and non-government Members in the Parliament.

Members of committees are appointed by the Legislative Assembly at the commencement of each Parliament and may change from time to time. Any changes to the membership are recorded in the *Record of Proceedings*.

Substitution of committee Members for a period of time or in respect of particular inquiries is approved by the Leader of the House (for government Members) or Leader of the Opposition (for non-government Members). Substitute Members have the same rights as substantive Members. Written advice of a Member's substitution by another Member must be provided to the committee's secretariat.

A Member wishing to be discharged from a committee should advise the person in their party responsible for nominating committee Members (for example, the Leader of the House) of their wish

to be discharged. As a matter of protocol, the Member writes to the Speaker informing them of their resignation. The Speaker announces to the House the contents of the letter and the House, usually on the motion of the Leader of the House, resolves to discharge the Member and appoint a replacement.

14.4 Role of committees

A statutory committee's role is defined in the *Parliament of Queensland Act 2001*, or the *Crime and Corruption Act 2001* in the case of the PCCC, and the Standing Orders. A select committee's role is limited to the resolution of the Legislative Assembly establishing the committee.

Portfolio committee's roles include:

- consideration of Appropriation Bills;
- examination of Bills and subordinate legislation, with regard to the policy to be achieved by the legislation, and compliance with both the *Legislative Standards Act 1992* and the *Human Rights Act 2019*;
- assessment of the integrity, economy, efficiency and effectiveness of government financial management (public accounts);
- consideration of Auditor-General's reports;
- consideration of public works;
- oversight of statutory bodies, if specified in Schedule 6 of the Standing Orders;
- inquiry into any other matter it considers appropriate within its portfolio area; and
- consideration of any other matters referred to the committee by the Legislative Assembly or under an Act.

A committee may seek guidance or an amendment in its terms of reference from the House if it considers its terms of reference are unclear or inappropriate. If the House has referred a matter to a committee and given it a report date, a committee may seek from the House an extension of time in which to report on an issue. If a reporting date is not set by the House, the Committee of the Legislative Assembly will decide a reporting date and report this to the House. See also reporting dates for Bill inquiries, below.

14.5 Review of legislation

Committees play a major role in the legislative process. Queensland Parliament is unique amongst Australian Parliaments in that all Bills, except those deemed urgent, are referred to a portfolio committee or another committee for examination. This provides a robust legislative process whereby Bills are tested in a transparent manner and better legislative outcomes are achieved overall.

Standing Order 132 requires that each portfolio committee to which a Bill is referred must make a determination as to whether to recommend that the Bill be passed. The committee may also recommend amendments to the Bill.

The examination process may take up to six months or such other time fixed by the House or the Committee of the Legislative Assembly. The Constitution of Queensland sets a minimum timeframe of six weeks for a committee to consider a Bill. However, the Legislative Assembly may declare the Bill urgent and set a shorter timeframe or not refer the Bill to a committee.

Each relevant committee examines Bills to consider the policy to be given effect, and the application of fundamental legislative principles and the *Human Rights Act* to the Bill.

Fundamental legislative principles are defined in section 4 of the *Legislative Standards Act 1992* and require that legislation (Bills and subordinate legislation) have sufficient regard to:

- the rights and liberties of individuals – for example, whether legislation is consistent with the rights of natural justice, or has sufficient regard to Aboriginal tradition and Island custom; and
- the institution of Parliament – for example, whether the legislation allows the delegation of power only in appropriate cases and to appropriate persons.

Portfolio Committees must also consider a Bill and report to the Assembly about whether the Bill is not compatible with human rights outlined in the *Human Rights Act 2019*. The committee must consider the statement of compatibility tabled for the Bill and on declarations of incompatibility issued by the Supreme Court regarding statutory provisions. Additionally the House may refer non-Queensland laws to a portfolio committee for consideration and report.

In the event that the Supreme Court decides that a statutory provision cannot be interpreted in a manner that is consistent with human rights, it will issue a declaration of incompatibility about that statutory provision or provisions. Declarations of incompatibility are referred by the House to the relevant portfolio committee, which must consider the declaration and report to the House within three months of it being referred. The report can include any recommendations about the declaration that the committee considers appropriate (see *Human Rights Act 2019*, section 57).

The Constitution of Queensland sets a minimum timeframe of six weeks for a committee to consider a Bill. However, the Legislative Assembly may declare the Bill urgent and set a shorter timeframe or not refer the Bill to any committee. Where no date is set by the Assembly or the Committee of the Legislative Assembly, a Bill inquiry may take up to six months.

In relation to subordinate legislation, a portfolio committee is required to examine the policy to which it will give effect, the application of fundamental legislative principles, and its lawfulness, and report to the House accordingly (see chapter 11). A committee may also consider human rights certificates tabled with subordinate legislation.

14.6 Scrutiny of public accounts and public works

In addition to legislative responsibilities, each portfolio committee has responsibility for scrutinising the public accounts and public works within the committee's area of responsibility, as detailed in sections 94 to 101 of the *Parliament of Queensland Act 2001*. These are very broad responsibilities and each committee has wide discretion as to what inquiries it decides to undertake.

Public accounts inquiries provide opportunity for the Parliament to examine the financial management of public funds. The committee's mandate includes considering government financial documents (such as agency Annual Reports, Treasurer's annual whole of government financial statements and ministerial office expenses); and financial and performance audit reports prepared by the Auditor-General. Parliamentary committees can question the merits of government policy objectives, unlike the Auditor-General.

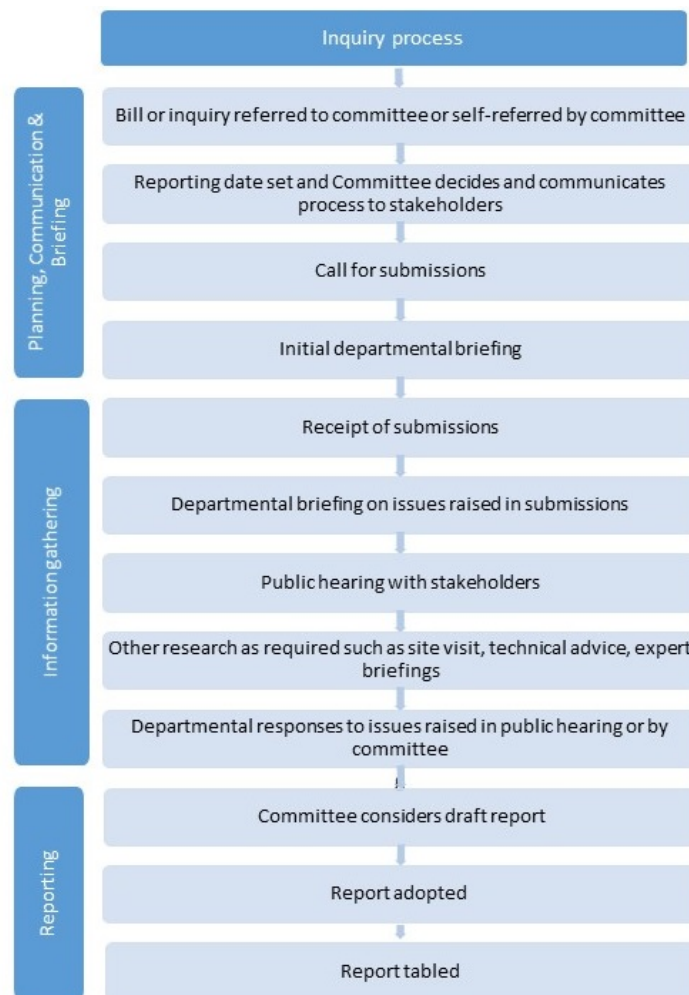
Public works inquiries enable committees to examine works undertaken by an entity that is a constructing authority and any major works undertaken by a Government Owned Corporation. These

inquiries promote accountability and transparency by seeking justifications for administrative decisions in a public manner. A committee has wide scope for inquiries, and section 94 of the *Parliament of Queensland Act* provides that a committee may have regard to factors such as the suitability of the project, value for money achieved, or procurement methods used to deliver the works.

14.7 How committees undertake inquiries

In addition to Bill inquiries, committees hold inquiries related to public accounts, public works, statutory oversight responsibilities, any matter referred by the House, or any other matter it considers appropriate in respect of its portfolio area. While not mandated, there are several distinct stages during a typical inquiry. Interaction with departmental officers may be required at several stages of the process.

Typical inquiry process



Planning, Communication and Briefing

Each committee is responsible for determining the inquiry process. In practice, this will be informed by factors such as time available, policy area under consideration and the level of public and stakeholder interest. The committee will communicate the process with the Director-General, Minister and relevant stakeholders.

Departmental officers may be invited to brief the committee on the legislation or policy area under consideration. Departmental officers can provide factual and technical information. However, responsibility for advocacy and defence of Government policy rests with the responsible Minister. Departmental officers may provide an opening statement and answer a broad range of questions (for example on specific legislative provisions, consultation, resourcing) which may be taken on notice if an officer is unable to provide an answer at that time.

Schedule 8 of the Standing Orders provides a *Code of Practice for Public Service employees assisting or appearing before Portfolio Committees*. Schedule 9 of the Standing Orders provides a *Code of Practice for assistance to portfolio committees by the Auditor-General and the Queensland Audit Office*.

Submissions

The submission process is one of the most important methods for enabling members of the public to participate in the legislative process. Any person or organisation can make a submission to an inquiry. Submissions inform committee Members about the subject matter and how stakeholders view a particular issue. Submissions are also used to inform the committee's decisions about witness lists and questions for public hearings, and issues to be canvassed within a committee's report.

Hearings and taking evidence from witnesses

Hearings are a key element of most committee inquiries. Hearings provide Members with an opportunity to speak directly with stakeholders and to clarify issues raised in submissions. Depending on the topic of inquiry, a committee may decide to conduct hearings in regional, rural and remote Queensland.

The hearing process is inherently one of question and answer. The committee Chair is responsible for ruling on the admissibility of questions and points of order. Members should be guided by the rules of debate and questioning outlined in the Standing Orders. Committees should also adhere to Schedule 3 of the Standing Orders: *Instructions to committees regarding witnesses*, to ensure procedural fairness is afforded to all witnesses. Members other than committee Members, may with leave of the committee, attend and ask questions of witnesses but will not have voting rights.

Departmental officers may be invited to appear as a witness, observe the hearing, or be asked to respond to certain issues raised.

Committee reporting

Once the committee has analysed the evidence received, a draft report is approved by the Chair prior to its distribution to committee Members. A committee may amend or adopt the Chair's draft report. A Member who does not agree with all, or part of the report, may prepare a dissenting report or statement of reservation which is appended to the committee's report.

Once the report is printed, the Chair will table the report in the House. After a committee report on a Bill is tabled, that Bill is set down on the *Notice Paper* for its second reading stage. Committee Members, along with other Members, have the opportunity to debate the Bill, including drawing on the findings of the committee's inquiry for up to 10 minutes each.

For other committee reports, the Clerk will put a motion on the *Notice Paper* that the House take note of the report. These reports are debated during 'Debate on Committee Reports' on a Thursday. If the Chair (or any other member) does not rise to move the 'take note' motion when the motion is called

by the Speaker, it lapses. The sessional orders allow five minutes for each member's contribution, and a total of one hour for any one report. Members of the committee and other members may participate in the debate.

14.8 Requirement to respond to committee recommendations

Section 107 of the *Parliament of Queensland Act 2001* provides that (except for annual reports of committees) the responsible Minister must table a response to recommendations in a parliamentary committee report which recommends the government or Minister take, or not take, particular action within three months of the committee report being tabled. If a final response cannot be provided within three months, the Minister must table an interim response within three months and a final response within six months.

Content of response

A ministerial response must set out any recommendations to be adopted and the way and time within which they will be carried out. If a recommendation by a committee is not to be adopted, the reasons for not adopting it must be explained.

Tabling of response

A Minister may table a ministerial response on a sitting day during that period of the sitting set aside for ministerial papers. If the ministerial response relates to a committee inquiry on a Bill, the Minister generally tables the response at the commencement of the second reading debate.

If the Legislative Assembly is not sitting when the response is due to be tabled, the Minister must give the response to the Clerk of the Parliament. The response is deemed to have been tabled on the day it is received by the Clerk. On non-sitting days ministerial responses can be emailed to the Table Office at TableOffice@parliament.qld.gov.au

14.9 Committee powers

Committees are an extension of the House. As such, Committee proceedings are protected by Parliamentary privilege (see chapter 18). An improper interference with the free exercise of a committee's functions or performance of a Member's duties could constitute a contempt of Parliament.

Committees have powers to order persons to attend before them and answer questions, and/or to produce documents. They also have rights of entry in respect of public works inquiries. Usually, however, committees operate in a co-operative manner.

14.10 Committee proceedings

Various types of committee meetings are set by the committee or called with notice by the Chair. There must be a quorum at a committee meeting for decisions to be effective and for proceedings to attract parliamentary privilege. Quorum is dependent on the complement of government and non-government Members in the Assembly.

Any Member may move a motion. When a motion has been agreed to, or passed by the majority of the committee, it becomes a resolution. Committee Members may also move an amendment to a

motion. Ideally, committee decisions are made by consensus. However, if a vote is required and votes are equal, the *Parliament of Queensland Act 2001* may, depending on the complement of Government and non-Government members in the Assembly, provide that the Chair has a casting vote, or that where votes are equal, a question is resolved in the negative. Standing orders also facilitate a ‘flying minute’ process to avoid the need to convene a face to face meeting for straight forward or administrative matters.

Proceedings of parliamentary committees, such as briefings and hearings part of inquiries, are generally open to the public and broadcast on the Parliament’s website. Committees, in calling for public submissions, publish the times and place for public hearings. However, deliberative meetings are always held in private. The committee may also decide to hear evidence in private (for example where a matter is particularly sensitive, commercial-in-confidence or where holding it in public is not in the public interest for any other reason).

Standing Order 211 provides that committee proceedings that are not public are confidential until the committee has reported to the Assembly or published the proceedings. Standing Order 211(2) creates a number of exceptions to that confidentiality so that information can be disclosed in particular circumstances – for example, papers to electorate officers engaged to assist a committee Member. All matters regarding possible breaches of Standing Order 211 should be drawn to the attention of the relevant committee in the first instance. The committee will decide whether further formal investigation by the committee or the Ethics Committee is warranted. Specific provisions exist for the Parliamentary Crime and Corruption Committee and the Ethics Committee in Standing Orders 211A and 211B.

Standing order 260 requires Members to declare, in respect of any question in the House any pecuniary interest the member has in respect of the question. Standing Order 261 requires a committee Member to disclose to the committee any conflict of interest the Member may have in relation to a matter before the committee. The individual Member is responsible for determining whether an interest constitutes a conflict and should seek advice from the Clerk if unsure. If the conflict of interest relates to particular deliberations of the committee, the Member may withdraw from participating in those deliberations.

Committees may appoint a sub-committee to increase the committee’s flexibility, or to allow a committee to pursue several tasks simultaneously. Formed by resolution, sub-committees in the main have the same rights, powers and immunities as the parent committee. However, final responsibility for the matters referred to it and for reporting on any such matters to the House, rest with the parent committee.

14.11 Support for committees

Each committee is supported by a team of three staff, directed by the Committee Secretary. The secretariat facilitates the effective operation of the committee for the Chair and all committee Members, by providing procedural advice and carrying out administrative and research tasks.

The Technical Scrutiny Secretariat, a dedicated team within the Committee Office, provides independent advice to all portfolio committees in respect of the compliance of legislation with the *Legislative Standards Act* and *Human Rights Act*; and for subordinate legislation, its lawfulness. The TSS is available to brief the committee on this advice, as required.

Where required in respect of particular inquiries, secretariat staffing may be supplemented from other committee secretariats, subject to overall committee commitments. The Parliamentary Library is also available to provide research support to individual Members or to committees in respect of inquiries.

14.12 Dissolution of Parliament

Unless legislation governing a committee otherwise specifically provides, committees are automatically dissolved when the Parliament itself is dissolved. Exceptions include the Parliamentary Crime and Corruption Committee which continues to exist after dissolution of the Parliament until new Members are appointed (*Crime and Corruption Act 2001*).

A select committee with limited terms of reference for a specific inquiry is sometimes given a date on or before which it must report to the House. The committee ceases to exist when it presents its final report or on this date, whichever is the earlier. A standing committee, as its title suggests, or a select committee with continuing terms of reference, remains in existence regardless of its completion of specific inquiries, whereas a select committee terminates with the dissolution of Parliament.

When a committee is reappointed in a new Parliament it is a new committee. The procedural steps for a new committee must be followed. In most cases, the committee has access to the papers of its predecessor. However, this is subject to any resolutions of the predecessor committee and the nature of those papers. A later committee cannot authorise the release of the private papers of a committee that it has succeeded. A resolution of the House is required to release the private papers of a previous committee. The committee is normally free to resolve to continue any inquiries (except Bills examinations) that its predecessor was undertaking at the time of dissolution. To aid future committees, new committees routinely pass resolutions to provide access to its proceedings to all successor committees.

15.0 Financial procedures - Estimates process

15.1 Constitutional and legal background

The government is responsible to the Parliament for the conduct of its operations. One of the most important powers the Queensland Parliament holds over the government is its control of the appropriation of funds (known as Supply) from the public accounts.

Provision is made in the *Constitution of Queensland 2001* for a Consolidated Fund into which all state revenue is paid.

The role of the Legislative Assembly with regard to appropriation of funds is provided by section 66 of the *Constitution of Queensland 2001*. This section provides that appropriations from the Consolidated Fund can be made lawfully only under the authority of an Act of Parliament. Therefore, the Legislative Assembly can constitutionally refuse to grant the Government Supply by defeating Appropriation Bills.

However, executive government control over the State's finances is also recognised by section 68 of the *Constitution of Queensland 2001* which provides that an Appropriation Bill introduced to the Legislative Assembly must be preceded by a message from the Governor recommending the introduction of such a Bill.

15.2 Overview of Estimates process

The system of referring budget estimates to portfolio committees provides a means for parliamentary scrutiny of the government's expenditure proposals for each department. Under this system, there is the opportunity in a structured parliamentary forum to question Ministers about decisions that led to the framing of the budget.

In the past 'estimates committees' were specifically established for this purpose. Since 2011, the estimates have been referred to portfolio committees.

Part 6 of the Standing Orders set out the financial procedures, including the introduction of Appropriation Bills and referral of the Bills to portfolio committees. Sessional Orders for estimates establish the dates for hearings and reports.

The work of portfolio committees covers all ministerial portfolios and government departments. One of their main tasks is to conduct the budget estimate inquiries for their respective portfolios. On budget day the Treasurer tables the budget documents. A message from the Governor is presented, the Appropriation Bills are introduced and the explanatory notes and statements of compatibility with human rights are tabled. The Appropriation Bill deals with the proposed expenditure for the government departments and agencies. The Appropriation (Parliament) Bill deals with the proposed expenditure of the Parliament. The Treasurer's explanatory speech (also known as the Budget Speech) is made outlining the government's policy proposals and estimated receipts and expenditures for the forthcoming financial year.

The debate is then adjourned for at least one whole calendar day to allow for Members and the public to consider the Bills and the accompanying budget documents. The second reading debate is then resumed and the Leader of the Opposition replies to the Budget Speech. Both government and

Opposition Members have an opportunity to debate the Bills. Under Standing Orders, if more than one Appropriation Bill is introduced together they are treated as cognate Bills for their remaining stages.

15.3 Committee examination of the Appropriation Bills

After the second reading, the proposed expenditures set out in the Appropriation Bills are referred to the portfolio committees. Each committee examines and reports on the proposed expenditures for its particular portfolio.

15.4 Liaison between committee and departments

Committee secretaries will liaise with a single contact from each department who is generally the Cabinet Legislation and Liaison Officer ('CLLO'). It is the CLLO's responsibility to liaise with and ensure the attendance of all witnesses from the department, including sub-units under the department's responsibility (such as statutory authorities).

Witness Lists

Departmental contacts should provide their department's witness list in advance of the hearing, including the full name, courtesy title and job title of each witness. The committee may set a timeframe for this to occur. The Committee Secretary must be advised of any late changes immediately. Care must be taken to ensure that, if officers from government owned corporations (GOCs) or statutory authorities are not included on the departmental list, a separate list is provided.

15.5 Questions on notice (prior to hearing)

Members of a portfolio committee may, at a reasonable time prior to public hearings, put a combined total of 20 questions on notice to each Minister or the Speaker. At least 10 of the questions are to be from non-government Members. The rules for questions are the same as those for questions put to Ministers with or without notice on sitting days. That is, they must:

- be brief and relate to one issue; and
- not contain lengthy or subjective preambles, arguments, inferences, imputations, hypothetical matters or names of persons, unless strictly necessary to render the question intelligible and can be authenticated, and not ask for an expression of opinion or legal opinion or contravene the sub judice rules.

The Committee Secretary will consult with the relevant CLLO to ensure that these questions are delivered as soon as possible. The CLLO is responsible for their distribution of questions on notice within the department.

The Minister or Speaker shall provide answers to the questions by no later than 10.00 am on the day before the committee's allotted hearing day. Answers should be emailed to the Committee Secretary at the relevant committee email address.

15.6 Estimates Hearings

Portfolio committees may hold hearings and take evidence on the dates allocated by order of the House and are not authorised to hold public estimates hearings outside the dates and times ordered by the House. A committee may decide not to utilise all the time allocated for its hearing.

All hearings are held in the Parliamentary precinct, usually in the Legislative Council chamber. Generally, a hearing of a portfolio committee is to be public. Committees can hold in-camera hearings, but this would normally only occur in exceptional circumstances, such as where issues are commercially sensitive.

The order in which a committee questions Ministers at its public hearing is a matter for each portfolio committee.

Committee Members, departmental contact officers and Ministers are informed by the Committee Secretary of the order of portfolios as soon as possible after the committee has decided the order. The details also appear on the Parliament's website.

Members of the Legislative Assembly who are not Members of the relevant committee are able, with leave of the committee, to attend and ask questions at the public hearing.

The Minister and the chief executive officer of the relevant department or authority must attend the committee's hearings and may be questioned directly by Members. A list of the chief executives who may be directly questioned is at Schedule 7 of the Standing Orders. Members cannot ask questions of other public officials. However, a Minister or the chief executive officer may refer a question to another public official. Schedule 8 of the Standing Orders sets out a code of practice for public service employees assisting or appearing before Parliamentary committees.

Questioners at Estimates Committee hearings are allowed a wide scope, with questions without notice ranging from items of detail to broad policy.

Some statutory authorities and government owned corporations (GOCs) are not allocated funds in the budget. These entities are funded by grants and subsidies or are self-financing from the charges they impose for services that they provide. Standing Orders provide that a reference to the organisational units within a ministerial portfolio includes statutory authorities and GOCs. In respect of GOCs, Members are entitled to ask anything that the committee determines will assist it:

- in its examination of the relevant Appropriation Bill;
- to determine whether public funds are being efficiently spent; or
- to determine the appropriateness of public guarantees being provided.

The Minister may inform a portfolio committee that a question will be taken on notice and an answer provided at a later date (see 15.10).

When the committee hearings are completed, the committee Members meet, discuss the information gained and compile a final report. Any committee Member can incorporate in the report a statement of reservations or a dissent to the majority committee report. The final report is tabled in Parliament and each one is debated in the House during the consideration in detail stage before it is adopted.

15.7 Material tabled at hearings

A Minister, non-committee Member or any witness may only table a document at an estimates hearing by leave of the committee. It should be noted, however, that presenting a document to a committee is not tabling the document in terms of any statutory requirement to table in the Assembly.

Documents tabled at a portfolio committee's estimates hearing are deemed to be authorised for release by the committee unless the committee expressly orders otherwise. Requests for copies of these documents should be directed to the relevant committee.

Material tabled at the hearing may form part of the additional information tabled with the committee's report.

15.8 Confidential documents

A document provided to a portfolio committee during estimates generally becomes a public document. It is important that potential document providers be aware that this is the case.

However, a portfolio committee may determine to keep a document tabled at its hearing confidential and not table the document in the Legislative Assembly. Requests for confidentiality should be made very clear to the committee. It is the committee's decision as to whether it authorises the publication of the document.

15.9 Scope of questions (admissibility)

There are no time restrictions for questions and answers.

A Member may ask any question which is relevant to the examination of the appropriation being considered. Wide latitude is allowed to questioners at the hearings. It can be expected that there will be broad discussion ranging from items of detail to broad policy. In particular, the program in each department relating to corporate services or department-wide activities will often be used as a vehicle for asking broad-ranging questions unrelated to specific items of funding. As a general guide, the Chair will normally leave it to the Minister in attendance to object to the scope of the questioning.

If a dispute as to the admissibility of a question (relevant to the appropriation) does arise, the Chair will give a ruling in the first instance. If the Chair's decision is disputed by any committee Member, the committee must go into private session and decide the matter.

Standing Orders leave the final determination as to the appropriateness of a question to the committee. Standing and Sessional Orders also provide the basis for the admissibility of questions asked of a GOC (see 15.6).

A committee may report on the fact that a Minister or the Speaker refused to answer a question.

15.10 Questions taken on notice at the hearing

At the Minister's discretion, questions unable to be answered at hearings may be taken on notice and subsequently answered in writing. (Note, while chief executive officers can be directly questioned at the hearing, only the Minister can agree to take a question on notice.) It helps to obtain a prompt

response if, at the time the question is asked, the Member who asked the question writes out the text of the question. This ensures that work on the answer can commence without waiting for the transcript of proceedings to become available.

Often a Minister may be able to provide a response to a question taken on notice at a later point in the hearing. When this occurs, the Minister should clearly identify which question they are responding to and explain that this is the response.

It may not always be clear from the transcript of proceedings whether a Minister has agreed to provide a written answer. In addition, the Minister in attendance may invoke some formula such as: 'I'll see if that information is available.' The Chair will usually clarify the questions taken on notice at the end of each part of the hearing relating to a particular portfolio.

Answers must be provided at the time determined by the committee or, if no time has been decided, within 48 hours of the close of the hearing. Answers should be emailed to the relevant Committee Secretary – usually at the committee's email address.

Answers should:

- be in PDF format;
- be emailed to the relevant committee email address; and
- must include the name of the questioning Member, the transcript page reference (if available) and the text of the question.

The CLLO should advise the Committee Secretary if there is likely to be any problem with delivery of answers as soon as possible. In the event that Minister cannot answer a question prior to the committee reporting, it is important that they be provided in time to be used by the Member in the debate in consideration in detail on the portfolio committee report.

Answers to questions taken on notice or additional information provided to the committee may be tabled with the relevant committee's estimates report.

Ministers may also undertake to supply a particular Member with an answer or further material. The answer or material should be sent to the Committee Secretary, who will then forward it to the Committee and to the Member involved. If the department wishes to supply it direct to the Member, the CLLO must ensure that the portfolio committee also receives a copy.

The Standing Orders provide that, unless a portfolio committee otherwise expressly orders or a Minister has requested confidentiality, the Committee Secretary is authorised to release to officers nominated by the Leader of the House and by the Leader of the Opposition, copies of answers to pre-hearing questions on notice, questions taken on notice and answers, and any additional information provided.

15.11 Broadcasting of proceedings

Hearings are automatically broadcast on the Parliament's website and within the parliamentary buildings unless the committee decides otherwise. A committee may adopt rules for media coverage of its hearing provided the committee complies with the rules that the House may approve for the broadcast of committee proceedings.

15.12 Distribution and correction of the transcript of proceedings

A transcript of proceedings is produced for estimates hearings and is published progressively at the completion of each portfolio and available (in its entirety) on the internet subsequent to the hearing. The transcript proof is published at: www.parliament.qld.gov.au/work-of-assembly/sitting-dates/dates.

Ministers and any public officers who give evidence are required to submit any corrections directly to the Committee Secretary in accordance with the times advised by the committee. A transcript is substantially the verbatim report, with repetitions and redundancies omitted and with obvious mistakes corrected but which leaves out nothing that adds to the meaning of the speech or illustrates the argument.

15.13 Tabling of committee reports in the Legislative Assembly

The Sessional Order of the Legislative Assembly referring the expenditure to the portfolio committees also provides the date for the committees to report back to the Legislative Assembly.

The Chairperson of each portfolio committee must table in the House the committee's report along with the minutes and any additional information which the committee agrees to table.

If the House is not sitting on the day the report is due to be tabled, the Chairperson satisfies these requirements by presenting the report and information to the Clerk in accordance with the Standing Orders. In practice, the Committee Secretary will facilitate the administrative requirements on behalf of the Chairperson.

15.14 Distribution of report

Upon the tabling of each portfolio committee's report, the Committee Secretary arranges for copies to be provided to each relevant Minister. The committee secretariat will advise the CLLO that the report is tabled and published for access on the Parliamentary website. Only a limited number of hard copy reports are printed. Reports are published on the relevant committee's webpage and also on the Parliament's tabled papers database: <http://www.parliament.qld.gov.au/work-of-assembly/taled-papers>.

15.15 Debate of reports

One whole sitting day must elapse between the report being tabled and its debate. In the consideration in detail stage for the Appropriation Bills, the House debates each committee report for one hour. At the conclusion of the debate on each report there is a formal motion put to adopt the report.

15.16 Passing the Budget

Following the debate and adoption of the committee reports, the House passes the clauses of the Appropriation Bills, with or without amendment. The Bills are then read a third time, the long titles of the Bills are agreed to and the Budget is said to have been passed. The Speaker (not the Clerk) presents the *Appropriation Bill* and the *Appropriation (Parliament) Bill* to the Governor for assent.

16.0 Relationship between Parliament and certain statutory officers

16.1 Officers of Parliament

In most Westminster jurisdictions, there are statutory and non-statutory officers that have some investigative function, often called parliamentary commissioners and referred to, sometimes in legislation, as officers of Parliament.

There is no statutory definition or criteria established to identify an officer of Parliament. The status of officer of Parliament is one attached on an individual basis to particular positions as they are established. Nor is there any specific definition of what being an officer of Parliament entails in respect of powers, duties and functions flowing from the possession of that status. There are some common rules that have been developed in relation to the House and funding arrangements for the officers, but in the main the powers, duties and functions of the officers are to be gathered from a consideration of the individual statutory provisions applying to each officer.²

In other words, there is no significance to the names attached to commissioners or statutory officers. The mere fact that an officer is called or recognised as being a 'parliamentary commissioner' or an 'officer of the Parliament' is not decisive when considering whether any of privileges of the Parliament attach to their office or the conduct of their office. The terminology 'officer of Parliament' is often used more to connote that responsibility for the officer and accountability of the officer is via and by Parliament, rather than the executive, and to emphasise that the officer is independent from the executive.

That is not to say that some of the functions undertaken by an officer of Parliament will not be protected by parliamentary privilege, but regard must be had to how and why the officer is established, the statute (if any) that establishes the officer and the particular functions or actions being undertaken.

16.2 Auditor-General

The statutory office of Auditor-General is established pursuant to the *Auditor-General Act 2009* (the Act) as the external auditor for the Parliament of all State public sector entities and local governments in Queensland. The Auditor-General is an independent officer and is not subject to direction by any person in relation to the way the Auditor-General's audit powers are exercised or the priority to be given to audit matters. The Act does not define the Auditor-General as an officer of the Parliament, but the position is generally considered to be an officer of the Parliament. The Auditor-General reports directly to the Parliament.

The Auditor-General has close liaison with portfolio committees. The Act requires the relevant portfolio committee to be consulted about:

- the Auditor-General's appointment and removal;
- the audit office budget; and
- strategic reviews of the audit office.

² McGee, *Parliamentary Practice in New Zealand* 2nd edition, p 55.

The Committee of the Legislative Assembly refers Auditor-General reports to portfolio committees for consideration and report. The portfolio committee may resolve to conduct an inquiry into the report.

16.3 Ombudsman

The Ombudsman is an independent officer of the Parliament, established under the *Ombudsman Act 2001* (the Act). The role of the Ombudsman is to investigate complaints received from the public in respect of the administrative performance of public sector agencies. The Ombudsman plays a vital role in ensuring accountability and effective administration of government.

The relevant portfolio committee (see Schedule 6 of the Standing Orders) has oversight responsibilities in relation to the Office of the Ombudsman. In particular, the Act requires the portfolio committee to:

- monitor and review the Ombudsman's performance of the functions under the Act;
- report to the Legislative Assembly on any matter concerning the Ombudsman that the committee considers should be drawn to the Assembly's attention;
- examine each annual report tabled in the Assembly under the Act and, if appropriate, comment on any aspect of the report; and
- report to the Assembly on any changes to the functions, structures and procedures of the Office of the Ombudsman that the committee considers desirable for the more effective operation of the Act.

In addition, the Act requires the committee to be consulted on:

- the selection process for and the appointment of a person as Ombudsman;
- the development of the proposed budget of the Ombudsman; and
- strategic reviews of the Office.

16.4 Parliamentary Crime and Corruption Commissioner

Section 303 of the *Crime and Corruption Act 2001* (the Act) establishes the Parliamentary Crime and Corruption Commissioner (the Parliamentary Commissioner) and provides that the Parliamentary Commissioner is an officer of the Parliament.

Section 307 provides that the Parliamentary Commissioner is appointed by the Speaker of the Legislative Assembly as an officer of the Parliamentary Service under the *Parliamentary Service Act 1988*. The Parliamentary Commissioner cannot be appointed, dismissed or suspended without the bipartisan support of the Parliamentary Crime and Corruption Committee.

The functions of the Parliamentary Commissioner are set out in section 314 of the Act. The functions of the Parliamentary Commissioner, as required by the Parliamentary Crime and Corruption Committee, include the following:

- conducting audits of the records and operational files of the Crime and Corruption Commission (CCC) in order to determine, for example, if the way the CCC has exercised power is appropriate and whether guidelines and policies have been strictly complied with;
- investigating complaints against the CCC and officers of the CCC;
- inspecting registers of confidential information kept by the CCC; and

- reviewing reports by the CCC to the Parliamentary Crime and Corruption Committee to verify their accuracy.

Pursuant to amendments made to the *Crime and Corruption Act*, from 1 July 2014 the Parliamentary Commissioner has the function to commence investigations on his or her own initiative where:

- the matter relates to conduct of a Commission officer that involves corrupt conduct, and
- the Parliamentary Commissioner is satisfied on reasonable grounds that the Commission has not or may not adequately deal with the matter, or
- it is in the public interest.

The Parliamentary Commissioner also has statutory duties under the *Telecommunications Interception Act 2009* which include:

- regularly carrying out inspections of the records of the CCC to determine the extent of the CCC's compliance with the legislative requirements relating to telecommunications interception; and
- providing reports on the inspections to the responsible Minister and to the Parliamentary Crime and Corruption Committee.

In short, the Parliamentary Commissioner, upon request, assists the Parliamentary Crime and Corruption Committee to discharge its role in monitoring and reviewing the activities of the CCC.

16.5 Information Commissioner

The Information Commissioner is an officer of the Parliament established under the *Right to Information Act 2009* (the RTI Act). The role of the Information Commissioner is to promote access to government-held information and to protect people's personal information held by government under the *Information Privacy Act 2009* (the IP Act).

There is also a Right to Information Commissioner and a Privacy Commissioner who are deputies to the Information Commissioner.

The Right to Information Commissioner and the Privacy Information Commissioner functions are to perform the functions of the Information Commissioner under the RTI Act and the IP Act to the extent the functions are delegated to those Commissioners by the Information Commissioner.

The Information Commissioner is overseen by the relevant portfolio committee (see Schedule 6 of the Standing Orders). The RTI Act confers on the portfolio committee functions to:

- monitor and review the performance of the Commissioner's functions under the RTI Act;
- report to the Parliament on any matter concerning the Information Commissioner, the Commissioner's functions or the performance of the Commissioner's functions that the portfolio committee considers should be drawn to the Parliament's attention;
- decide, in consultation with the Information Commissioner, on the statistical information to be provided to the Information Commissioner by agencies and Ministers for the Commissioner to review and report on agencies' compliance with the RTI Act and the IP Act;
- examine each annual report tabled in the Assembly under the RTI Act and, if appropriate, to comment on any aspect of the report; and

- report to the Parliament any changes to the functions, structures and procedures of the Office of the Information Commissioner which the portfolio committee considers desirable for the more effective operation of the RTI Act.

In addition, the relevant portfolio committee must be consulted on the:

- selection process for, and the appointment of, the Information Commissioner and the Privacy Commissioner; and
- appointment of a person to undertake a strategic review under the RTI Act and the terms of reference for such a review.

16.6 Electoral Commission

The Electoral Commission of Queensland is an independent body, headed by the Electoral Commissioner, established to run Queensland elections. Its main functions include:

- administering Queensland electoral laws;
- conducting free and democratic parliamentary and industrial elections; and
- reviewing local government boundaries.

The *Electoral Act 1992* requires that the relevant portfolio committee (see Schedule 6 of the Standing Orders) be consulted prior to the appointment, removal or suspension of a person to or from certain offices created by that Act.

16.7 Integrity Commissioner

The Integrity Commissioner is an officer of the Parliament established under the *Integrity Act 2009* (the Act). The role of the Integrity Commissioner is to:

- give written advice to a designated person on ethics or integrity issues as provided for under the Act;
- to keep the lobbyists register and have responsibility for the registration of lobbyists under the Act; and
- to raise public awareness of ethics or integrity issues by contributing to public discussion of these issues relevant to the integrity commissioner's functions.

The Integrity Commissioner is overseen by the relevant portfolio committee (see Schedule 6 of the Standing Orders). The Act confers on the relevant portfolio committee functions to:

- monitor and review the performance by the Integrity Commissioner of the Integrity Commissioner's functions under the Act;
- report to the Legislative Assembly on any matter concerning the Integrity Commissioner, the Integrity Commissioner's functions or the performance of the Integrity Commissioner's functions that the committee considers should be drawn to the Legislative Assembly's attention;
- examine each annual report tabled in the Legislative Assembly under the Act; and, if appropriate, to comment on any aspect of the report and to make recommendations;

- examine each strategic review report tabled in the Legislative Assembly under the Act; and, if appropriate, comment on any aspect of the report and to make recommendations; and
- report to the Legislative Assembly any changes to the functions and procedures of the Integrity Commissioner the committee considers desirable for the more effective operation of the Act.

In addition, the relevant portfolio committee must be consulted on the selection process for and the appointment of the Integrity Commissioner.

16.8 Other oversight by committees

Standing Order 194A provides that, where a portfolio committee is allocated oversight responsibility for an entity under Schedule 6 of the Standing Orders, the committee's functions are:

- to monitor and review the performance by the entity of the entity's functions;
- to report to the Legislative Assembly on any matter concerning the entity, the entity's functions or the performance of the entity's functions that the committee considers should be drawn to the Legislative Assembly's attention;
- to examine the annual report of the entity tabled in the Legislative Assembly and, if appropriate, to comment on any aspect of the report; and
- to report to the Legislative Assembly any changes to the functions, structures and procedures of the entity that the committee considers desirable for the more effective operation of the entity or the Act which establishes the entity.

Recent examples of entities for which portfolio committees had oversight under this standing order include the Queensland Family and Child Commission and the Family Responsibilities Commission.

17.0 Public Service and Parliament

17.1 Obligations on public servants

Public servants are sometimes called to appear before parliamentary committees, as assistants or witnesses, to give evidence, usually at a public hearing. This allows open review of the government decision-making process and provides departmental officers with an opportunity to explain activities and programs. This process also gives the committee valuable information in response to their questioning.

As assistants or witnesses, public service employees may be called upon to provide factual and technical background to government legislation and administration. However, the responsibility for advocacy and defence of government policy rests with the responsible Minister and not with public service employees.

Public service employees are expected to provide committees with full and honest answers and evidence. If public service employees are unable or unwilling to answer questions or provide information, they should advise the committee accordingly and provide reasons.

Importantly, public officers who appear before parliamentary committees should:

- prepare well and make sure that the person who is sent to represent a department has an adequate knowledge of the subject matter;
- seek information and assistance from committee staff;
- be clear, concise, accurate and honest; and
- contact the committee secretariat to correct any evidence provided at the earliest opportunity.

Schedule 8 of the Standing Orders sets out a code of practice for public service employees assisting or appearing before parliamentary committees. The code may also be used by officers and employees of statutory authorities, GOCs and other government entities. Particular attention is drawn to paragraphs 47 to 50 and 53 to 56 noting that there may be penalties under sections 57 and 58 of the Criminal Code for some matters that may be dealt with as contempt.

17.2 Protection to witnesses

Protection is provided to witnesses appearing before parliamentary committees by virtue of statute and Standing Orders of the House:

- Section 34(a) of the *Parliament of Queensland Act 2001* provides that a witness may object to any question or object to the production of any book or other document if it is of a private nature and does not affect the subject of the inquiry. If an objection is taken pursuant to this section, the committee must then report the objection to the House.
- Section 34(b) of the *Parliament of Queensland Act 2001* also provides witnesses protection against self-incrimination. The claim of self-incrimination must be one that if made before the Supreme Court would be recognised by the court.

If a valid claim is made under the above provisions, the committee must report the matter to the House, which may authorise the committee to persist with the questioning. The procedure is set out in section 33 of the *Parliament of Queensland Act 2001*.

In addition Schedules 3 and 8 of the Standing Orders provide explicit instructions to committees concerning the treatment of witnesses. Importantly, the instructions provide that public officers are not to be asked to comment on government policy.

18.0 Parliamentary privilege and contempt

18.1 Privileges of the Legislative Assembly

The term ‘parliamentary privilege’ refers to the powers, rights and immunities which belong in law to the Legislative Assembly, its committees, Members and officers.

Parliamentary privilege exists to enable the Parliament (including its committees and Members) to proceed with its business without interference or molestation and to protect it against unwarranted attacks upon its authority. Put another way, parliamentary privilege means that Parliament has certain rights and immunities that are essential if the Parliament is to operate effectively.

Generally, the powers, rights and immunities of the United Kingdom House of Commons apply to the Legislative Assembly, by virtue of section 9 of the *Constitution of Queensland 2001*. The principal powers, rights and immunities of the House of Commons that apply to the Legislative Assembly of Queensland include:

- the power to regulate its own proceedings by standing rules and orders having the force of law;
- the right of free speech in parliament without liability to action or impeachment for anything spoken therein, including immunity of Members from legal proceedings for anything said by them in the course of parliamentary debates (established by Article 9 of the United Kingdom *Bill of Rights 1688*);
- the right of the House as a body to freedom of access to the Sovereign for the purpose of presenting and defending its views;
- Members, in the immediate service of the House, are generally immune from civil action;
- immunity of Members from the obligation to serve on juries;
- witnesses, summonsed to attend the House, are generally immune from civil action;
- immunity of parliamentary witnesses from being questioned or impeached for evidence given before the House or its committees;
- officers of the House, in immediate attendance and service of the House, are generally immune from civil action; and
- the power to call for persons, papers and things and to delegate such powers to committees of the House.

The privileges of the Parliament are fixed and cannot be extended or added to except by legislation.

Several Queensland statutes reinforce the privileges of the parliament: for example—

- the *Right to Information Act 2009*, which excludes the Parliament, its committees and Members from its operations;
- the *Acts Interpretation Act 1954*, which supports the legal presumption that, in the absence of an express provision to the contrary, a provision in an act is not inconsistent with the powers, rights and immunities of the Legislative Assembly; and
- the *Parliament of Queensland Act 2001*, which defines ‘proceedings in the Assembly’ and reinforces the privileges of Parliament.

Undoubtedly, the best known parliamentary privilege is that of freedom of speech. Any statement made in Parliament is absolutely privileged and cannot be made the subject of inquiry in a court of law or other constituted authority. The freedom of speech in Parliament actually refers to the immunity of questioning or impeaching the proceedings of the Parliament. Statutory recognition of the privilege of freedom of speech in Parliament had its genesis in the famous *Bill of Rights 1688*, the ninth article of which declares:

'That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament.'

Article 9 of the *Bill of Rights* is included in its modern form in section 8 of the *Parliament of Queensland Act 2001*.

While a Member has a right to state whatever they think fit in debate, however it may affect individuals, it must not be in violation of the rules of the House. A Member is always subject to the discipline of the House for things said, even to censure or expulsion.

The *Parliament of Queensland Act 2001* provides a definition of the term 'proceedings in the Assembly' and provides for the protection of the *Record of Proceedings* (Hansard) and other documents published under the authority of the House or a committee.

Section 9 of the *Parliament of Queensland Act 2001* provides that the term 'proceedings in the Assembly' include all words spoken and acts done in the course of, or for the purposes of or incidental to, transacting business of the Assembly or a committee. Section 9(2) of the *Parliament of Queensland Act 2001* provides that 'proceedings in the Assembly' include:

- (a) giving evidence before the Assembly, a committee or an inquiry;
- (b) evidence given before the Assembly, a committee or an inquiry;
- (c) presenting or submitting a document to the Assembly, a committee or an inquiry;
- (d) a document tabled in or laid before, or presented or submitted to, the Assembly, a committee or an inquiry;
- (e) preparing a document for the purposes of, or incidental to, transacting business mentioned in paragraph (a) or (c);
- (f) preparing, making or publishing a document (including a report) under the authority of the Assembly or a committee; and
- (g) a document (including a report) prepared, made or published under the authority of the Assembly or a committee.

18.2 Contempt

Contempt is conduct (including the use of words) that constitutes an offence against the Legislative Assembly, or is intended or likely to amount to an improper interference with the exercise by the House or committee of its authority or functions, or with the free performance by a Member of the Member's duties as a Member.

Section 37 of the *Parliament of Queensland Act 2001* provides a meaning of the term 'contempt' of the Assembly. Section 37(2) sets out examples of contempt, including:

1. assaulting, obstructing or insulting a Member—

- (a) in the Member's coming to or going from the Assembly or a meeting of a committee; or
 - (b) anywhere else because of the Member's performance of his or her parliamentary duties
2. attempting to compel a Member by force, insult or menace to take a particular position in relation to a proposition or matter pending, or expected to be brought, before the Assembly or a committee;
 3. sending a threat to a Member because of the Member's performance of his or her parliamentary duties;
 4. sending a challenge to fight a Member;
 5. the offering of a bribe to or attempting to bribe a Member;
 6. creating or joining in any disturbance in the Assembly or before a committee or in the Assembly's or a committee's vicinity while it is sitting that may interrupt its proceedings;
 7. contravention of sections 29(1), 30(1) or (4), 31(3), 32(2) or (6) , 33(2) or (8) or 69B (1), (2) or (4);
 8. preventing or attempting to prevent a person from complying with section 29(1), 30(1) or (4), 31(3), 32(2) or (6) or 33(2) or (8) or 69B(1), (2) or (4);
 9. improperly influencing, or attempting to improperly influence, a person, in relation to any evidence to be given by the person to the Assembly or a committee; and
 10. treating a person adversely and without lawful authority, or attempting to do so, because of evidence given by the person to the Assembly or a committee or because of a belief or suspicion about that evidence.

Standing Order 266 also lists 26 examples of contempt.

Every breach of privilege is, strictly speaking, a contempt of Parliament - although many such breaches are not reported to or actioned by the House. However, the term 'contempt of Parliament' is much wider because it includes any offence against the dignity of the House or interference with its process where no established privilege has previously existed.

Whilst the very nature of the offence of contempt means that all contempts may not be definitively listed, matters found by the House of Commons to be a contempt include:

- misconduct in the presence of the House or its committees;
- interrupting or disturbing the proceedings of the House or a committee;
- a witness persistently misleading a committee;
- acting in a riotous, tumultuous or disorderly manner in order to hinder or promote legislation;
- disobedience to rules or orders of the House or committees (including refusal to attend as a witness, be sworn, answer questions or produce evidence);
- destruction of evidence;
- refusing an order to withdraw from the House;
- presenting a forged or falsified document to the House or a committee;
- abusing the right to petition by submitting a petition which contains false, scandalous or groundless allegations or inducing persons by fraud to sign a petition;
- deliberately misleading the House;
- corruption by offering bribes to Members, and Members by receiving bribes;

- advocacy by Members of matters in which they have been concerned in a professional manner for a fee;
- the acceptance of a fee by Members for services connected with their parliamentary duties;
- wilful misrepresentation of debates;
- premature disclosure of committee proceedings or evidence;
- other indignities such as fighting in the lobby, using the badge of the House on an unofficial publication, and serving a writ on a Member in the precincts without the leave of the Speaker;
- obstructing Members in the discharge of their duties;
- molesting or insulting Members attending, coming to, or going from the House;
- attempted or actual intimidation of Members, including publishing threatening posters regarding Members voting in a forthcoming debate;
- molesting Members on account of their conduct in Parliament, for example by inciting newspaper readers to telephone a Member to complain of a question a Member had tabled;
- obstructing officers of the House while in the execution of their duty; and
- obstructing witnesses or punishing witnesses for evidence given by them to a committee.

18.3 Potential criminal consequences

Section 58 of the Criminal Code provides that a person who fails to attend before the Legislative Assembly or an authorised committee, or who fails to answer a question, or produce a document or other thing to the Assembly or an authorised committee as required under the *Parliament of Queensland Act 2001*, may face legal consequences. Specific reference in this regard should be made to sections 29, 30(4), 32(6) and 33(8) of the *Parliament of Queensland Act 2001*.

Section 58 of the Criminal Code does not extend to a circumstance under which a public sector employee, such as the director-general of a government department, is invited to make a submission to a parliamentary committee inquiry or is invited to appear at a public hearing, and the public sector employee declines to accept the invitation. This is because in these circumstances the invitation is entirely voluntary.

Where a person deliberately misleads a committee during examination before the committee the person may face criminal consequences (see section 57 of the Criminal Code).

19.0 Matters relating to Members of Parliament

19.1 Remuneration

The Queensland Independent Remuneration Tribunal is an independent statutory authority established in 2013 to make determinations about the remuneration of Members and former Members of the Legislative Assembly in accordance with the framework set out in the *Queensland Independent Remuneration Tribunal Act 2013* (the QIRT Act).

All tribunal determinations and the reasons for it must be tabled in the Assembly by the Clerk of the Parliament. Further, the Clerk must maintain and publish a Members' Remuneration Handbook that includes details of:

- current remuneration (salaries, allowances and entitlements) in connection with Members (and former Members) of the Assembly; and
- services and support provided to Members for their electorate and parliamentary offices.

The handbook is published on the Parliament's website at: <http://www.parliament.qld.gov.au/documents/Members/entitlements/Remuneration%20Handbook.pdf>.

19.2 Restrictions on Members dealing with the government

There have always been restrictions on Members of Parliament having financial dealings with executive government. This has arisen because of the perceived need to ensure the independence of Members from the executive. The obvious exception relates to Members who are also Ministers or Assistant Ministers (see section 65(3) *Parliament of Queensland Act 2001*).

Section 71 of the *Parliament of Queensland Act 2001* provides that a Member must not transact business, directly or indirectly, with an entity of the State. Under s 70(1), a Member 'transacts business' if the Member –

- a. has a direct or indirect interest in a contract with an entity of the State for the supply of goods to the entity to be used in the service of the public; or
- b. performs a duty or service for reward for an entity of the State.

Section 70(2) outlines the circumstances under which a Member would not be transacting business with an entity of the State.

Section 72 of the *Parliament of Queensland Act 2001* provides that a Member's seat in the Assembly is vacated if the Member accepts a paid public appointment (other than a paid State appointment) (see section 65(1) regarding paid public appointments and paid State appointments).

In accordance with section 65 of the *Parliament of Queensland Act 2001*, Members must, as soon as practicable upon becoming aware of an entitlement to a reward associated with an appointment, undertake the following:

- a. irrevocably waive for all legal purposes any entitlement to the reward;
- b. make the waiver in writing; and

- c. provide a copy of the waiver to the registrar.

The registrar must, in accordance with the Standing Orders, include a copy of the waiver as part of the Register of Members' Interests.

Where a Significant Appointment Cabinet submission is recommending an appointment of a Member of Parliament to a Queensland Government body and it is not intended to enact legislation to expressly authorise the office of profit to be held and the duties to be performed by a Member of Parliament, the recommendation should include:

That (*name of nominee*) MP, Member for (*electorate name*), be appointed and referred to ss 65-69 and s 72 of the *Parliament of Queensland Act 2001* and the requirement for a written waiver to any entitlement to a fee or reward to be presented to the relevant paying authority with a copy to the registrar of the Legislative Assembly.

Refer to the Queensland Cabinet Handbook: <http://www.premiers.qld.gov.au/publications/categories/policies-and-codes/handbooks/cabinet-handbook.aspx>.

Glossary

CLA

Committee of the Legislative Assembly.

CLLO

Cabinet Legislation and Liaison Officer.

Custom and practice

The way the Legislative Assembly applies the rules by which it conducts its business and determines the way it will govern its procedures when there are not rules set down.

Declaration of Incompatibility

The Supreme Court may in a proceeding make a declaration of incompatibility to the effect that the court is of the opinion that a statutory provision cannot be interpreted in a way compatible with human rights. The Supreme Court cannot make a declaration of incompatibility if an override declaration is in force in relation to the provision. Notice must be given by the Supreme Court in the approved form to the Attorney-General. A declaration of incompatibility does not affect the validity of the statutory provision for which the declaration was made or create in any person any legal right or give rise to any civil cause of action.

Estimates

Estimates committee hearings provide a means for parliamentary scrutiny of the government's expenditure proposals for each department.

Executive

Short for 'executive government' or 'cabinet' which consists of the Premier and a number of Ministers (to a maximum total of 19 as prescribed by the *Constitution of Queensland Act 2001*). The executive is the supreme decision-making body of the government.

FLPs

Fundamental legislative principles as defined in the *Legislative Standards Act 1992*.

House

Short for 'House of Parliament'. The Queensland Parliament is unicameral and therefore the term 'House' means the Legislative Assembly.

House of Commons

Short for 'House of Commons of the United Kingdom'.

Human Rights Certificate

Pursuant to section 41 of the *Human Rights Act 2019*, a human rights certificate must be tabled with subordinate legislation.

Leave

Permission of the Legislative Assembly to do something outside of its rules.

Motion

A form of words proposed by a Member which, if agreed to, becomes an order or resolution of the Legislative Assembly.

Notice

A means available of showing an intention to do something on a particular day.

Notice Paper

The *Notice Paper* sets out all items of business currently before the Legislative Assembly awaiting further debate. It also includes a program for the day's sitting based on the order of business agreed by the House in Sessional Orders.

Order

An order is a mandatory command by which the Legislative Assembly directs its committees, Members, officers and occasionally strangers to do (or not to do) certain things. For a motion to be classified as an order it must also relate to the proceedings of the Legislative Assembly.

Override Declaration

Parliament may expressly declare in an Act that the Act has effect despite being incompatible with one or more human rights. This is known as an override declaration. It is the intention of Parliament that an override declaration will only be made in exceptional circumstances.

Parliament

In Queensland the Parliament comprises the Legislative Assembly and the Sovereign's representative, the Governor.

Parliamentary Privilege

The term 'parliamentary privilege' refers to the powers, rights and immunities which belong in law to the Legislative Assembly, its committees, Members and officers.

Prorogation

The action of discontinuing a session of a Parliament or other Legislative Assembly without dissolving it.

Recess

The period between the prorogation and the next meeting of Parliament – that is, between two sessions of a Parliament. The word, however, is often loosely used in speaking of any period during which the House is adjourned.

Record of Proceedings

The *Record of Proceedings* (previously known as Hansard) is the official transcript of the proceedings and debates of the Legislative Assembly.

Resolution

The mechanism by which the Legislative Assembly declares its opinions, purposes and its relationships with matters external to itself.

Select Committees

Committees established on a temporary basis by an order of the House to inquire into specific select issues.

Sessional Orders

Motions passed by the Legislative Assembly which enable it to do certain things and take certain actions not covered by Standing Orders or that are designed to supersede a particular Standing Order for the duration of a parliamentary session.

Sitting day

A day on which the Legislative Assembly actually sits and conducts business.

Standing Orders

Standing Orders govern the conduct of business and proceedings in the House and are to be read in conjunction with any Sessional Orders and the practices of the House.

Statute

A statute is more commonly known as an Act, which is a written law passed by a legislative body.

Statutory Committees

Committees established by statute.

Statement of Compatibility

A Member who proposes to introduce a Bill in the Legislative Assembly must prepare a statement of compatibility for the Bill. The statement of compatibility must state whether, in the Member's opinion, the Bill is compatible with human rights and how it is compatible; and if, in the Member's opinion, a part of the Bill is not compatible with human rights, the nature and extent of the incompatibility. A statement of compatibility must be tabled by the Member when introducing the Bill.

Subsidiary motions

Motions that are mainly procedural in character and are dependent on something else, such as an order of the day.

Substantive motions

Self-contained motions that express a decision or opinion of the Legislative Assembly.

Table Office

The organisational unit of the Parliamentary Service responsible for tabled papers, Bills and other procedural matters.

Vote of confidence

The Legislative Assembly indicates in a vote that the government has its support. Usually the question is posed in the negative by the Opposition moving a motion 'That the House has no confidence in the Government' or similar. However, the government may itself also test the support of the Legislative Assembly by posing the question in the positive 'That the House has confidence in the Government'.

Westminster system of Government

The system of government developed in the United Kingdom. Westminster is where the UK Parliament meets.