




Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

Record of Proceedings, 14 February 2019

MOTION

Amendments to Standing Orders

 **Hon. YM D'ATH** (Redcliffe—ALP) (Leader of the House) (5.07 pm) by leave, without notice: I move—

That the amendments to the Standing Rules and Orders of the Legislative Assembly circulated in my name be agreed to, effective from 15 February 2019.

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1. Standing Order 4, omit the heading “4. Standing Orders may be suspended” and insert:
 “4. Standing and Sessional Orders may be suspended”
 2. Standing Order 20, omit and insert—
 “20. Custody of committee records
 (1) Committee records remain in the custody of the Clerk and must not be destroyed or disposed of except by resolution of the House.
 (2) A document presented to a committee but ordered by a committee not to be received and returned, is not a record to which these Standing Orders apply.
 (3) Evidence or documents presented to, or produced by, a committee which have not already been published or authorised for release by the House or a committee and the minutes of committee meetings may be disclosed to any person if:
 (a) the documents have been in the custody of the Clerk for at least 30 years; and
 (b) in the opinion of the Speaker, it is appropriate that they be disclosed.
 (4) The exception to (3) above is that documents produced by the Parliamentary Crime and Corruption Committee (PCCC) and its predecessors are exempt from disclosure under (3) for a period of at least 100 years.
 (5) With respect to Ethics Committee documents, when considering the appropriateness of disclosure in (3)(b) above the Speaker should apply the same criteria as the committee is required to consider in SO 211B(4).
 (6) The Speaker may attach any conditions or restrictions on the release of a document under (3).
 (7) For the purposes of this Standing Order, the Clerk includes the Clerk’s nominated delegate.”
 3. Standing Order 37, omit footnote 17 and consequential renumbering of all following footnotes.
 4. Standing Order 40(4) omit the words “the least number of votes and or when” and insert—
 “the least number of votes or when”
 5. Standing Order 65, omit 65(1) and insert—
 “(1) The notice of motion for debate during Private Members’ Motion may be given by stating the terms in the House immediately prior to Question Time and by delivering to the Clerk a printed copy of the notice.”
 6. Standing Order 119, omit (4)(c) and insert—
 “(c) persons may elect to indicate their support of the petition (at least one person must “join the petition”) by electronically providing their name, address (including postcode), email address and signifying their intention to join the petition.”

7. Standing Order 147, omit and insert—
“**147. Amendments to clauses, schedules etc.**
(1) On a question to a clause, schedule, or preamble amendments may be proposed to the clause, schedule, or preamble to:
(a) omit the clause, schedule or preamble;
(b) omit words;
(c) omit words in order to add or insert other words instead; or
(d) add or insert words.
(2) If an amendment is proposed, a new question stands “That the amendment be agreed to”.
(3) If an amendment in 1(b) to (d) is agreed to, a new question stands “That the clause (or schedule or preamble), as amended, stand part of the Bill”.
8. Standing Order 170, omit and insert—
170. Withdrawal of Bills
(1) The order for the first reading or any future stage of a Bill having been read, may be discharged and the Bill withdrawn by a motion with the leave of the House.
(2) A Bill withdrawn or rejected may be reintroduced in the same session.
9. Standing Order 183, omit the heading and 183(1) and insert—
“**183. Questions taken on notice at the hearing and additional information**
(1) A Minister may, at their discretion, inform a portfolio committee at an estimates hearing that an answer to a question, or part of a question, asked of them or of someone else on their behalf at the hearing will be taken on notice and provided later to the committee.”
10. Standing Order 184, omit the heading and 184 and insert—
“**184. Availability of transcripts and tabled documents**
(1) The Chief Reporter is authorised to release the transcript of a portfolio committee’s estimates hearing as it becomes available, subject to any express direction of the committee.
(2) A Minister or any witness may only table a document at a portfolio committee’s estimates hearing with the leave of the committee.
(3) Any document tabled at a portfolio committee’s estimates hearing is deemed to be authorised for release by the committee unless the committee expressly orders otherwise.”
11. Standing Order 189, omit and insert—
“**189. Tabling and consideration of reports**
(1) The Chairperson of each committee must table in the House the committee’s report on the proposed expenditures stated in the Appropriation Bills and referred to the committee together with any other additional information which the committee agrees to table.
(2) The Chairperson of each committee is deemed to have satisfied the requirements of (1) if they present the committee’s report and any other additional information to the Clerk when the House is not sitting in accordance with SO 217, in which case the report is deemed to have been tabled and authorised for publication by the House on the date it is presented to the Clerk.
(3) The report is to be received by the House without debate and its consideration deferred until the consideration of the Bills in consideration in detail.”
12. Standing Order 201, omit footnote 29 (renumbered 28) and insert new footnote—
28 The *Parliament of Queensland Act 2001* provides that a quorum for the **Committee of the Legislative Assembly** is—(a) if the committee includes a cross bench member under section 81(2)—5 members; or (b) otherwise—4 members (see s.83). A quorum for a **Portfolio Committee** depends on the non-government membership of the Assembly. When there is 13 or less non-government members the committee comprises 8 members and a quorum is 5 members including at least 1 non-government member (see s.91). When there are 14 to 23 non-government members, the committee comprises 7 members and a quorum is 4 members including at least 1 non-government member (see s.91A). When there are 24 to 46 non-government members, the committee comprises 6 members and a quorum is 4 members (see s.91B). When there are 47 or more non-government members the committee comprises 6 members and a quorum is 4 members (see s.91C). The **Ethics Committee** comprises 6 members and a quorum is 4 members (see ss.103 and 4A). The *Crime and Corruption Act 2001* provides that the **Parliamentary Crime and Corruption Committee** comprises 7 members and a quorum is 4 members (see ss.300 and 302).
13. Standing Order 204A, omit and insert—
“**204A. Resolution may be determined outside of meeting by vote on circulated, written motion**
(1) The Chairperson of a committee may authorise the committee’s Committee Secretary to circulate a vote outside committee meeting document to all members of the committee.
(2) A vote outside committee meeting document (“the document”) must:
(a) be in writing;
(b) be circulated to each member of the committee in person, by post, facsimile transmission, email, or other electronic means;
(c) contain an explanation by the Chairperson as to why the motion or motions are being put to the committee outside of a formal meeting;

- (d) contain the motion or motions put by the Chairperson or another member;
- (e) contain a choice for the member to indicate whether they are voting Aye or No to each motion proposed;
- (f) contain a place for the member to sign or to authorise their vote via electronic means; and
- (g) indicate the time by which the member must return the completed document, which must not be less than 72 hours after which the document should, in the normal course of business, have been received by the member.

(3) A member of a committee may signify whether they are voting Aye or No to each motion proposed on the document by indicating in the place provided in accordance with subsection 2(f) and returning the document to the Committee Secretary, in person, by post, facsimile transmission, email, or other electronic means.

(4) The rules regarding voting entitlements and determination of questions that apply to the committee by virtue of statute or standing orders apply and a motion in a vote outside committee meeting document is resolved in the affirmative only if:

- (a) the number of members who return a completed vote outside committee meeting document is equal to or exceeds the number of members that constitute the normal quorum of the committee for a meeting; and
- (b) the number of votes in the affirmative are equal to or exceed the majority of votes required.

(5) The result of any vote outside a committee meeting shall be confirmed and minuted at the committee's next meeting.

(6) A vote outside of committee meeting cannot be conducted in respect of the following:

- (a) a motion to appoint a Chairperson or Deputy Chairperson;
- (b) a motion to support or approve an appointment required by statute;
- (c) a motion to adopt or amend a committee report; and
- (d) a motion to call for persons, papers or things or summons any person or thing."

14. Standing Order 211, omit and insert—

"211 Confidentiality of proceedings for Portfolio Committees and the Committee of the Legislative Assembly

(1) The proceedings of a portfolio committee, the Committee of the Legislative Assembly or a select committee or a subcommittee of any of those committees that is not open to the public or authorised to be published remains strictly confidential to the committee until the committee has reported those proceedings to the House or otherwise published the proceedings.

(2) Paragraph (1) does not prevent—

- (a) the disclosure, by a committee in (1) or by a member of the committee or an officer of the committee, of proceedings to a member of Parliament or to the Clerk or another officer of the House in the course of their duties;
- (b) the disclosure, by a member of the committee or an officer of the committee, to an electorate officer, opposition officer or ministerial officer engaged to assist a member of the committee;
- (c) a public servant or an officer of a public entity informing their immediate supervisor, Director General or Chief Executive Officer, or responsible Minister of the evidence they have provided to a committee in (1) or evidence sought by a committee; and
- (d) the disclosure of proceedings otherwise in accordance with these Standing Orders.

(3) Despite (2), a committee in (1) may resolve that some or all of its proceedings relating to an inquiry or report remain confidential to the committee, its members and officers until the committee has reported those proceedings to the House or otherwise published the proceedings.

(4) Despite (2), no member shall in the House refer to any proceedings of a committee in (1) until the committee has reported those proceedings to the House or otherwise published the proceedings.

(5) A committee in (1) may authorise a submission to it to be published at any time after receiving it.

(6) A submission in (5), if not already authorised to be published, is deemed authorised to be published on the committee hearing oral evidence from the witness who made the submission subject to any express resolution of the committee to the contrary.

(7) Paragraph (1) does not prevent the release of a submission by the person who submitted it."

15. Standing Order 211, omit footnote 31 (renumbered 30) and insert new footnote—

"30. See section 9 of the *Parliament of Queensland Act 2001*: Meaning of proceedings in the Assembly and also Schedule 1 (Dictionary) of these Standing Orders for what is included in "Proceedings" for Standing Orders 211, 211A and 211B."

16. Standing Order 212, omit (2)(b) and insert—

"(b) every motion or amendment proposed in the committee and the mover; and"

17. Standing Order 214, omit and insert—

"214. Dissenting reports and statements of reservation

(1) Any member who does not agree with the report, or any part of the report, must give the Committee Secretary notice that they intend to add a dissenting report or statement of reservation to the committee's report.

(2) A dissenting report or statement of reservation must be provided to the Committee Secretary within seven calendar days of the committee adopting the report and must be signed by the member.

(3) When a committee is required by the House or statute to report on a matter on or before a certain date, a dissenting report or a statement of reservation must be provided to the committee's Committee Secretary by 5.00pm on the day prior to the reporting date, despite (2)."

18. Standing Order 266, omit and insert—

“266. Examples of contempt

Without limiting the power of the House, it may treat as a contempt any of the following:

- (1) breaching or interfering with any of the powers, rights and immunities of the House;
- (2) deliberately misleading the House or a committee (by way of submission, statement, evidence or petition) (See also s.57 Criminal Code);
- (3) serving legal process or causing legal process to be served within the precincts of Parliament, without the authority of the House or the Speaker;
- (4) removing, without authority, any documents or records belonging to the House;
- (5) falsifying or altering any documents or records belonging to the House;
- (6) as a member, receiving or soliciting a bribe to influence the member's conduct in respect of proceedings in the House or a committee;
- (7) as a member, accepting fees for professional services rendered by the member in connection with proceedings in the House or a committee;
- (8) offering or attempting to bribe a member to influence the member's conduct in respect of proceedings in the House or a committee (see also Example 5 s.37 Parliament of Queensland Act and ss.59 and 60 Criminal Code);
- (9) assaulting, threatening or intimidating a member or an officer of the House acting in the discharge of the member's or the officer's duty (see also Example 2 s.37 Parliament of Queensland Act);
- (10) obstructing or molesting a member or an officer of the House in the discharge of the member's or the officer's duty;
- (11) misconducting oneself in the presence of the House or a committee;
- (12) divulging the proceedings or the report of a committee or a subcommittee contrary to Standing Orders;
- (13) publishing a false or misleading account of proceedings before the House or a committee;
- (14) failing to attend before the House or a committee after being summoned to do so by the House or the committee;
- (15) intimidating, preventing or hindering a witness from giving evidence or giving evidence in full to the House or a committee (see also Example 9 s.37 Parliament of Queensland Act);
- (16) refusing to answer a question or provide information required by the House or a committee except as permitted by the House's rules or statute;
- (17) assaulting, threatening or disadvantaging a member on account of the member's conduct in the House or a committee (see also Example 2 s.37 Parliament of Queensland Act);
- (18) assaulting, threatening or disadvantaging a person on account of evidence given by that person to the House or a committee (see also Examples 9 and 10 s.37 Parliament of Queensland Act);
- (19) assaulting, obstructing or insulting a member coming to or going from the House or a committee proceeding (see also Example 1 s.37 Parliament of Queensland Act);
- (20) sending to a member a threatening letter on account of the member's conduct in the House or a committee (see also Examples 2 and 4 s.37 Parliament of Queensland Act);
- (21) sending a challenge to fight a member (see also Example 4 s.37 Parliament of Queensland Act);
- (22) wilfully disobeying an order of the House or disrupting the orderly conduct of the business of the House or a committee;
- (23) except by a substantive motion of censure, commenting or reflecting on the decisions or actions of the Chair, whether relating to actions inside the House or the character of the Chair in general;
- (24) contravening the requirements and orders imposed by operation of the Parliament of Queensland Act (see also Examples 7 and 8 s.37 Parliament of Queensland Act and s.58 Criminal Code);
- (25) a member or officer involving themselves in planning or executing a disruption of a proceeding of the Legislative Assembly or its committee; and
(For the purpose of (25), “officer” includes Parliamentary Service or Ministerial Service officers or any other permanent parliamentary precinct pass holder with privileged access to the precinct)
- (26) making public statements (either orally or in writing) inciting or encouraging disruption of the Legislative Assembly by bringing the proper proceedings of the Legislative Assembly or its committees into disrepute.

19. Standing Order 290, omit and insert—

“290. Voting

- (1) The method of election of a new Senator shall be by the open voting of the members present at the meeting.
- (2) Every member present shall vote.
- (3) The Speaker has no deliberative vote, but if the votes are equal, shall have a casting vote.
- (4) The same candidate may be again nominated, but not until after the names of other candidates previously nominated have been voted upon.
- (5) The voting shall take place as often as may be necessary until a Senator has been elected, and, if necessary, the meeting may be adjourned until a later date, when further nominations may be made and fresh votes taken.”

20. Schedule 1 Dictionary, omit definitions for "Committee Secretary". Member of the Judiciary" and "Proceedings" and insert in lieu—

" **Committee Secretary**" means a parliamentary officer that the Clerk or their delegate has appointed to attend a committee and includes an Inquiry Secretary or a person acting as Committee Secretary or Inquiry Secretary."

...

" **Member of the judiciary**" means a judge of the District Court or higher or equivalents in other jurisdictions."

...

" **Proceedings**" for Standing Order 211, 211A and 211B includes:

- (a) evidence taken by the committee by way of hearings;
- (b) written or oral submissions presented to the committee;
- (c) written briefing papers and other documents prepared for the committee by its Committee Secretary, other expert advisors or departmental advisors;
- (d) draft reports by the committee;
- (e) correspondence between the committee and witnesses, departments and Ministers; and
- (f) private deliberations of the committee and the records of those proceedings."

21. Schedule 8, omit heading and insert—

'SCHEDULE 8—CODE OF PRACTICE FOR PUBLIC SERVICE EMPLOYEES ASSISTING OR APPEARING BEFORE PORTFOLIO COMMITTEES

22. Schedule 8, after heading "Introduction", omit paragraph 1 and insert—

1. This *Code of Practice for Public Service employees assisting or appearing before Portfolio Committees* ("Code") provides guidance for public service employees dealing with portfolio committees ("committees") as either an assistant or as a witness.'

Question put—That the motion be agreed to.

Motion agreed to.